

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-0914-25 **Applicant:** Lavish Estates Ltd
Proposal: Erection of pair of semi-detached dwellings
Location: Land Rear Of The Post Office 158 Bridge Road Sutton Bridge
Terminal Date: 19th December 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 a 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
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	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
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	2	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the erection of a pair of semi-detached dwellings. The dwellings are proposed to feature a gable end roof form with two front dormer windows.

The current proposals are very similar to previous schemes that have been granted approval within the site including permissions H18-1070-19 and H18-1174-22. These permissions appear not to have been implemented due to outstanding issues relating to contamination.

Site Description

The building comprises vacant land to the rear of 158 and 160 Bridge Road. There is a single storey bungalow to the north of the site, beyond which there is a playing field. There is also a veterinary practice to the north-east of the site. The site is accessed via a shared gravel private driveway.

The site is located within the settlement boundary of Sutton Bridge as identified within 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.

Planning History

H18-0955-01: (Outline) Erection of a bungalow - refused 16 November 2001

H18-0070-05: (Outline) Erection of pair of semi-detached houses - approved 07 March 2005

H18-0960-05: (Outline) Residential development - erection of one dwelling - refused 11 October 2005 - appeal dismissed 25 April 2006

H18-0985-07: (Full Application) Erection of semi-detached house - refused 26 September 2007

H18-0986-07: (Full Application) Erection of semi-detached house - refused 26 September 2007

H18-0517-08: (Full Application) Erection of pair of semi-detached houses - approved 01 October 2008

H18-0907-16: (Full Application) Erection of two dwelling houses - approved 06 February 2017

H18-1070-19: (Full Application) Residential development - pair of semi-detached dwellings - approved 18 February 2020

H18-1174-22: (Full Application) Erection of pair of semi-detached dwellings - previously approved under H18-1070-19 - approved 11 April 2023

H18-0713-25: (Discharge of Conditions) Details of scheme to deal with contamination or pollution of controlled waters (Part Condition 9 of H18-1174-22) - refused 25 September 2025

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

Lincolnshire County Council - Historic Environment: The proposed site is located within an area of very high industrial archaeological potential. The Lincolnshire Historic Environment Record (HER) records several heritage assets within the site boundary. In particular, the site encompasses MLI20489, the documented settlement of Sutton Bridge, and MLI92067, the former Sutton Bridge Gas Works: "Gas works were erected here in 1866 by a company of shareholders who were formed in 1864" This is corroborated by the OS Maps of 1892-1914 and 1937-1961. A current Street View image further demonstrates that a portion of an ancillary building of the Sutton Bridge Gas Works is still preserved at the western end of the plot. According to Historic England's guidance, structures associated with the industrial development of the 19th and early 20th centuries are considered non-designated heritage assets when they contribute to the understanding of local or regional history. Therefore, the Former Gas Works, Sutton Bridge hold heritage significance due to their representation of Victorian industrial infrastructure and their role in the growth of the settlement. Their extant presence contributes to the understanding of the local historical development and the broader historic environment. The proposed development will have a significant impact on any surviving original fabric of the former Gas Works. I recommend that if permission is granted, there be a condition for a mitigation strategy to effectively deal with this site. This will comprise a phased programme of mitigation work including, but not limited to, a level 2 historic building recording of the Gas Works, Sutton Bridge. This should be secured by South Holland District Council's standard conditions AR04 and is in accordance with National Planning Policy Framework paragraphs 207 and 218 and the South East Lincolnshire Local Plan (Policy 29).

South Holland Internal Drainage Board:

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

Byelaw 3 (Treated Foul Water): I note that the applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. Please note that any consent granted for the discharge of treated foul water is likely to be subject to a Treated Foul Water Development Contribution fee (TFWDC) as outlined within our Development Control Charges and Fees.

Section 23, Land Drainage Act 1991: 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).

Byelaw 10: 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 requirements in relation to flood risk if a compliance planning condition is included. We advise LPAs to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 181 (inc. footnote 63) of the NPPF and the guiding principles of the PPG.

Lincolnshire County Council - Highways and SUDS: Gas House Lane is private and we have no jurisdiction over the use of the lane, The parking is acceptable for the size of the proposed dwellings. Gas House Lane is wide enough for two-way traffic and there are existing uses down Gas house Lane. The proposal will not have an adverse impact on the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to 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. Highway informative 08 is recommended.

Sutton Bridge Parish Council: At a meeting on 28th October 2025 Sutton Bridge Parish Council resolved to make no comment on the application.

Ecology Officer: There has been sufficient evidence provided to determine this application; however, the BNG assessment and metric will need to be updated before the BNG pre-commencement condition can be discharged. For example, the area identified as vegetated garden should be classed as ruderal/ephemeral 2 land, with some artificial unvegetated/unsealed surface and mixed scrub recorded to the north of the site. Based on guidance from pages 56 and 58 of the BNG User Guide, planting new trees cannot be recorded within the domestic curtilage of a private garden, and the entirety of this area should be recorded as "vegetated garden" post -development. However, if boundary hedges are to be planted as per the proposed habitats in the BNG site plans, then these can be included in the hedgerow creation tab in the metric for this application. With these alterations, 10% net gain wouldn't be achieved onsite and a deficit of 0.0967 habitat area units will need to be secured off-site to meet mandatory 10% BNG. Lastly, 3 integrated bird nesting bricks should be incorporated, and 2 integrated bat boxes should be installed (1 on each of the dwellings) to accord with the requirements of the Local Plan.

Environmental Protection: 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.

Initially, the application form indicated that the site was owned entirely by the applicant and as such, Ownership Certificate A was completed. This was queried with the applicant's agent as previously a different ownership certificate was completed for a previous application and the red line boundary covers a shared access drive.

The applicant's agent subsequently reviewed this matter and confirmed that the applicant does not own the shared driveway and as such, the incorrect ownership certificate was completed. As it is unclear who owns the shared driveway, the agent published a notice in the Spalding Voice under Article 13 of the Town and Council Planning Act (1990) on 06 November 2025. This notice

advertised the application to members of the public. Whilst this should have been done prior to the submission of the application, the Local Planning Authority consider that it can be accepted that the application has been advertised by the applicant appropriately. An amended ownership certificate (Certificate C) was submitted, and a period of re-consultation took place from 26 November 2025 to 17 December 2025.

During the initial consultation period 3 representations from members of the public were received. The following key matters were raised within the responses:

- The constant, unobstructed access to the back of the vets via Gas House Lane needs to be made available at all times for services.
- Land behind the vets is owned separately (title number LL386697) and this land must not be used for an additional parking as a result of this planning application.
- As immediate neighbour, an objection to an earlier application was submitted which resulted in dormer windows being inserted instead of windows which would have directly looked into 160 Bridge Road. Can you confirm please that the same provision will apply to the new proposals?
- There are strong objections to the development. The site used to be part of a back garden which provided for privacy.
- The boundary fence/hedging/wall between the site and a neighbouring property is jointly owned according to deeds. Confirmation is sought that this will not be removed.
- The site is higher than neighbouring land, which means the dwellings will shadow neighbouring land.
- Being on an incline, there is a build-up of rain water at this end of the lane, which could worsen with heavy rain seemingly common.
- The noise of building work will disturb neighbouring occupants.
- Access to Gas House Land must be maintained in case of the need for emergency vehicles to access the lane, or for delivery vehicles.
- Gas House Lane was meant to be access only, whereas the plans refer to this as a driveway.
- There are contamination concerns with the development as the site previously operated as a gas works.

None of the public representations submitted within the initial round of consultation raised concerns with the ownership status of the site, other than to indicate that land 'behind the vets' is owned by another party. This land is not considered to be within the application site.

During the second round of consultation, 2 responses were received from members of the public. One of the responses was received from a previous respondent and raised similar matters as the previous response. The other response was from a new respondent. The following key issues were raised within the response:

- Increasing pressure on drainage systems risks causing long-term issues for current residents.
- The development poses a safety risk as the site was previously used as a gas works and contamination risks need to be appropriately managed.
- Loss of privacy and overlooking concerns.
- Negative impact on property values.
- The application appears to assume the developers have ownership or a right of access to the lane leading to the site. This is incorrect. This lane is privately owned by the longest standing residents, including my father, who has not granted permission for it to be used for construction traffic or access to new housing. Without the legal right of access, the development should not proceed.

Whilst one of the public representations received during the second round of consultation has set out that the shared access is owned by residents, the LPA has not received any further information regarding this matter. National Planning Practice Guidance sets out the following:

"The planning system entitles anyone to apply for permission to develop any plot of land, irrespective of ownership. However, an applicant is required to notify owners of the land or buildings to which the application relates, as well as any agricultural tenants, in accordance with article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. When making an application, an applicant is required to sign a certificate confirming the ownership of the land to which the application relates and that the relevant notices have been served."

It is considered that the applicant has taken the necessary steps to advertise the application and the Certificate C ownership is considered to be appropriate in this case as the applicant does not know the names and addresses of any other owners of the shared access. Furthermore, the applicants

agent has provided additional information to show that the ownership of the site is not registered and no changes are proposed to the shared access in any case.

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;
- Flood Risk and Drainage;
- Heritage Impact;
- Biodiversity Net Gain and
- Contamination.

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 a Main Service Centre. Policy 1 sets out that within this type of settlement, development will be permitted 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. As the proposal is for a minor residential development, the scale of the development is acceptable in principle. Furthermore, permission has previously been granted for 2 dwellings within the site under various permissions, mostly recently under permission H18-1070-19 and H18-1174-22. Whilst no longer extant, these permissions represent material considerations in the determination of the current application.

Whilst the principle of development is acceptable, it is still necessary to assess the proposed development against other relevant material considerations, as set out below.

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 development 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 accords with the provisions of Section 12 of the NPPF, 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.

The area includes both single and two-storey properties. Most of the nearest dwellings to the site comprise two-storey buildings set near the road frontage on Bridge Road, with rear gardens to the north. There is a single storey bungalow to the north of the site, beyond which is Princes Street playing field. There is a single storey building to the north-east of the site which appears to be used as a veterinary clinic. To the south-east of the site, on the opposite side of Gas House Lane, there is a row of terraced cottages which front onto Bridge Road.

The dwellings are proposed to face towards Gas House Lane to the east, and the dwellings would be set back from Gas House Lane by approximately 6.5m. Parking spaces are proposed at the front of the dwellings and there would space for rear gardens within the western portion of the site. The scale and appearance of the dwellings appears to match the most recent permission H18-1174-22.

Whilst the dwellings and the plot sizes of the proposed development would be smaller than the nearest dwellings, it is not considered that the proposal would result in an overly cramped form of development. For example, the rear gardens are proposed to measure 11.5m in length which is generally considered to be a suitable length to allow for a suitable relationship with neighbouring properties, in this case, with 160 Bridge Road.

As the proposal is for a back land development, it is important that the dwellings are of a suitable scale and proportion compared with the nearest dwellings. The dwellings might be partially visible from the street scene on Bridge Road; however, it is likely that the visibility would only be through Gas House Lane, rather than directly from the south-west.

As set out later within this assessment, for flood risk mitigation purposes, the dwellings are proposed to feature two storeys, with a finished floor level (FFL) one metre above the existing ground level. The dwellings are proposed to comprise dormer bungalows in this instance. The dwellings are proposed to measure 7.5m in height up to the proposed ridgeline from the ground level. Whilst this would be taller than the bungalow to the north of the site, the scale of the dwellings is considered to be comparable to the dwellings to the south of the site. As such, it is not considered that the dwellings would be out of keeping with the scale of the nearest dwellings or visually prominent within the area. Therefore, in terms of the scale, appearance and siting of the dwellings, it is considered that the proposal represents a suitable form of back land development in this case. Furthermore, it is not considered that the development would materially harm the character or appearance of the locality.

The proposed materials are not yet specified on the elevation plans. According to the application form, the proposed materials including brickwork, tiles and uPVC. Whilst these materials might be appropriate for the area given the surrounding material palette, it would be necessary to secure further details of the proposed materials via a condition to ensure they are of an appropriate quality, appearance and finish.

As such, the visual impact of the proposals is considered to be acceptable in accordance with Policies 2 and 3 of the Local Plan, and Sections 12 and 16 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; 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 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 site currently comprises vacant land, the boundaries of which connect to the gardens of the neighbouring plots. As set out previously, the distance between the rear elevation of the dwellings and the rear garden boundaries would be 11.5m. As such, it is not considered that there would be an unacceptable degree of overlooking with the rear garden of 160 Bridge Road, which is located to the west of the site. There would also not be an unacceptable degree of overshadowing of No. 160 due to the scale and positioning of the proposed dwellings.

158 Bridge Road features a relatively small garden and this would remain unchanged as a result of the current proposals. The rear elevation of No. 158 would face mostly towards the side elevation of one of the proposed dwellings, rather than directly onto the proposed rear gardens of the dwellings. No windows are proposed on the side elevation and it is considered that on balance, there would not be an unacceptable degree of overlooking between No. 158 and the proposed dwellings. Whilst there would be some loss of outlook from part of the rear elevation of No. 158 at the first floor level, the remainder of the elevation is set further to the south and as such the separation distance is greater. As such, the loss of some outlook from one of the first-floor windows on the rear elevation of No. 158 is not considered to result in an adverse loss of amenity.

Due to the scale and siting of the dwellings, it is not considered that the proposed dwellings would result in an unacceptable degree of overshadowing or overlooking with the bungalow to the north of the site. For example, no windows are proposed on the northern side elevation of the dwellings and as such, no windows would face towards to the north.

The site levels are not confirmed within the submitted plans; however, according to the submitted Flood Risk Assessment, the site is relatively flat with levels ranging between 3.9m OD and 4m OD.

The rear elevations of the proposed dwellings include rooflights at the first-floor level and openings at the ground floor level which connect to dining / kitchen areas. These openings connect to a patio area which would need to be set on raised ground. There are no openings on the northern elevation facing No. 1 Gas House Lane, which features a conservatory on its southern elevation. The proposed dwellings would be located approximately 1.6m from the northern and southern boundaries. As the floor levels are proposed to be set 1m above the ground level, a raised patio area would be created as a result. The site plan initially proposed a 2.5m high close boarded timber fence with a 0.5m trellis above on the southern, western and northern site boundaries of the site to provide screening between the site and neighbouring properties. Reference to this fencing has been removed within an amended site plan as it is considered that the fencing would be very tall for a relatively small site, leading to a potentially overbearing impact. As such, it is considered appropriate to secure further details of boundary treatments through a planning condition as alternative boundary treatments are required.

It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc. This is subject to conditions relating to boundary screening and the southernmost roof light being raised to alleviate overlooking at close range.

One of the public representations raised concerns with the potential for disturbance to be caused during the construction phase of the development. This phase would only be temporary and due to the small-scale nature of the proposals, it is not considered necessary to include a condition requiring the submission of a construction management plan as there is separate legislation which covers construction activities.

Therefore, the proposed development would not result in an unacceptable impact on the residential amenity of neighbouring dwellings or future occupants. As such, the proposal is considered to accord with the provisions of 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 sets out 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 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

Access to the site is proposed via Gas House Lane, which is a private unadopted road taken from Bridge Road to the south. 2 parking spaces are proposed at the front of each of the dwellings, next to Gas House Lane. Lincolnshire County Council's (LCC) Highways Team have not raised objections to the proposals in terms of highway safety.

Some of the public representations have raised concerns with the potential for occupants to block access along Gas House Lane in future. The submitted plans show that there is sufficient room for parking on land not within Gas House Lane and as such, there should be no need for occupants to block Gas House Lane with vehicles. If Gas House Lane becomes blocked, then it is considered that this would be a civil matter due to its status as private land.

Therefore, the proposal would be acceptable in terms of highway safety and would therefore accord with Local Plan Policies 2, 3 and 36, and Section 9 of the NPPF.

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.

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 proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. As the site lies within Flood Zone 3 and would comprise a more vulnerable use, the proposed development is required to pass the sequential and exception tests. The application is accompanied by a Flood Risk Assessment (FRA), which contains sections relating to how the applicant considers that the proposed development passes the sequential and exception tests.

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. Notwithstanding this, National Planning Practice Guidance (NPPG) sets out that the sequential test should be applied proportionately, and the search area should always be appropriate to the nature and scale of the proposal (Paragraph 027a Reference ID:7-027a-20220825). The NPPG also sets out the following:

Paragraph 27: *"In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied."*

Paragraph 27a: *"For a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements."*

In this case, the submitted Flood Risk Assessment (FRA) does not contain a site search exercise and as such, the FRA is considered to be insufficiently detailed. Notwithstanding this, it is recognised that the vast majority of the surrounding area around Sutton Bridge is located within Flood Zone 3. Furthermore, if it can be demonstrated that future occupiers can remain safe and that flood risk would not increase elsewhere as a result of the proposals, the sequential test need not be applied.

In terms of the exception 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."*

The submitted FRA sets out recommended flood risk mitigation for the proposed dwelling. This mitigation includes the recommendation that the finished floor levels of the dwelling should be approximately 150mm above existing road levels (3.50m AOD). Therefore the minimum finished floor level for the house should be 3.65m AOD. The proposed levels are considered to be acceptable in flood risk terms.

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. In this case, the site is a 'Danger to All' hazard rating area and as such, it has been necessary to consult the Environment Agency (EA). The EA have not raised objections to the proposals in this case; however, a condition has been recommended to ensure that the flood risk mitigation measures outlined within the submitted FRA are complied with.

According to the application form, the proposed means surface water drainage is via a sustainable drainage system. Further details of the proposed drainage strategy would need to be secured via conditions as it is unclear if a sustainable means of drainage is feasible, such as soakaways are feasible. A sustainable drainage strategy would be encouraged, and an alternative drainage strategy would only be permitted if it was demonstrated that a sustainable drainage strategy was infeasible. For example, if the ground conditions were not suitable for soakaway infiltration.

The submitted application form indicates that the proposed means of foul drainage is unknown. As such, it would also be necessary to secure further details of this via a condition.

Therefore, it is considered that the exception and sequential tests are passed, and that the proposal accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk.

Heritage Impact

Section 16 of the NPPF contains guidance as to how local planning authorities should assess proposals that could affect designated and non-designated heritage. For example, Paragraph 207 of the NPPF sets out the following:

"Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Paragraph 216 of the NPPF sets out the following:

"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."

Paragraph 218 of the NPPF sets out the following:

"Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the record evidence of our past should not be a factor in deciding whether such loss should be permitted."

Policy 29 of the Local Plan sets out the following:

"Where a development proposal would affect the significance of a heritage asset (whether

designated or non-designated), including any contribution made to its setting, it should be informed by proportionate historic environment assessments and evaluations (such as heritage impact assessments, desk-based appraisals, field evaluation and historic building reports)"

As set out previously, LCC's Historic Environment Team consider that the area is of high industrial archaeological potential. The team have requested that a level 2 historic building recording of the site is secured via a condition. However, as there are no structures remaining within the site, this condition is not considered to be necessary. The team have not other requested conditions to secure archaeological trenching of the site. As such, whilst there might have been structures within the site which were of heritage significance, these structures are no longer within the site, and there are no designated heritage assets on or around the site such as listed buildings. As such, it is not considered necessary to include any conditions requiring the investigation of the site for purpose of recording heritage assets.

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 (BNG) 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.

In this case, the application is accompanied by a Biodiversity Net Gain metric calculation. This sets out that the development can deliver 19.61% in net gain. However, as set out previously, the council's ecology officer considers that the metric contains some inaccuracies and that the metric would need to be updated before any future BNG condition could be discharged. As such, the officer considers that BNG would only be achievable through the delivery of off-site units. This can be secured through conditions which have been agreed with the applicant's agent.

The council's ecology officer has also asked for bat and birding nesting boxes to be incorporated to accord with Policy 28 of the Local Plan, which seeks to secure biodiversity enhancements. As such, a condition would be considered appropriate to secure the implementation of these measures.

It is not considered that the proposed development is likely to affect protected species and no concerns have been raised by the council's ecology officer regarding potential protected species within the site.

Contamination

Policy 30 of the Local Plan requires proposal not to be permitted if they would result in an unacceptable adverse impact upon the health and safety of the public or on land quality.

The application is accompanied by a phase 1 contamination assessment. The council's environmental protection team have not provided a consultation response in this instance. The

submitted assessment concludes that remediation work will be required to ensure contamination risks are appropriately addressed and mitigation. Additional information can be secured through relevant planning conditions.

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 of two dwellings within the site represents a suitable level of development that can be accommodated within the site, which is within the defined settlement boundary of Sutton Bridge. The proposed dwellings would make a small contribution to the area's housing land supply, which can be given moderate weight in favour of the proposals.

The dwellings are acceptable in terms of their design and appearance and the development would not materially harm the amenity of neighbouring residents, subject to conditions. No objections have been raised by LCC's Highways Team in terms of highway safety. Various conditions are recommended to secure further details of the development to ensure the development is appropriately mitigated for, such as securing BNG and further information relating to how contamination will be managed.

Therefore, the proposed development accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal 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 the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 10, 11, 17, 28, 29, 30 and 36 (including Appendix 6) of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration 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.