

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0346-25 **Applicant:** Mr F White

Proposal: Installation of container units and framed buildings to form retail unit - Retrospective

Location: Long Sutton Emporium Vicarage Lane Long Sutton

Terminal Date: 27th June 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
07	Improving South East Lincolnshire's Employment Land Portfolio
24	The Retail Hierarchy
27	Additional Retail Provision
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 6 - Building a strong, competitive economy
Section 7 - Ensuring the vitality of town centres
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

National Guidance

Representations:

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

WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
RESIDENTS	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the installation of container units and framed buildings to form a retail unit (Annie's). The application is retrospective.

Site Description

The application site comprises land at Long Sutton Emporium, Vicarage Lane. The site is located to the east of the main retail building at Long Sutton Emporium and to the west of Wisbech Road. To the north of the site, there is a roundabout which connects the A17, B1359 and Wisbech Road. To the north of the roundabout, there is a hotel, restaurant, a petrol station and a ribbon of housing development leaving towards Long Sutton.

The site is outside of any defined settlement boundaries, as identified by the South East Lincolnshire Local Plan 2011-2036 and accompanying policies map. The site is not allocated for development, and it is within the countryside in planning policy terms.

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

Planning History

H11-1111-92: (Full Application) Change of use of part of existing farm building to farm/garden/retail sales area incl. demolition of agric. store - refused 11 December 1992

H11-0791-93: (Full Application) Change of use of part of existing farm building to farm /garden/retail sales area, and demolish agricultural store - not determined

H11-0155-00: (Full Application) Change of use to landscape business use (production, display & storage) - approved 19 September 2000

H11-1039-05: (Discharge of Conditions) Details of landscaping (Condition 2 of H11/0155/00) - approved 30 August 2005

H11-0912-21: (Advertisement) Display of advertising signs upon existing premises - retrospective - approved 22 October 2021

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 - Highways and SUDS: No objections. The proposal would not have an impact on the public highway or surface water flood risk.

Conservation Officer: No objections. The proposal should bear no material impact upon the appreciation of the nearby Grade II listed milestone.

Environmental Protection: No comments regarding land contamination or environmental protection.

South Holland Internal Drainage Board: I cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. 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. I note that the applicant has installed four container units alongside a framed unit as shown in drawing No. 108 P01 (Dated: March 2025) within 9 metres of the aforementioned Board Maintained watercourse. These works required prior written consent from the Board under Byelaw 10 of the Board's Byelaws and Land Drainage Act 1991. Unfortunately, I am not aware of the applicant applying for consent under Byelaw 10 nor can I see that the Board have granted Land Drainage Consent for these works. In light of the above, the Board requests that the applicant contacts this office to make an application for these works at their earliest convenience. To avoid conflict between the planning process and the Board's regulatory regime, we recommend to all applicants that the required consent is sought prior to the determination of this planning application.

Long Sutton Parish Council: No response received.

Cllr A C Tennant: No response received.

Cllr J Tyrell: No response received.

Cllr D J Wilkinson: No response received.

Long Sutton & District Civic Society: No response received.

Ecology Officer: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received. The response sets out the following:

-Received planning application letter today. As per usual a bit late as structure already in place and open for business. Gradually feeling that we are living in the middle of an industrial estate and not a residential area.

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. A

Neighbourhood Plan has been designated for Long Sutton, however, a draft version of the plan has not yet been issued.

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

- Principle of Development;
- Design and Visual Impact;
- Heritage Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Flood Risk; and
- Biodiversity Net Gain.

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.

In this case, the site comprises land within the countryside, outside of any settlement boundary. Section D of Policy 1 sets out that development within the countryside will 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. Within the supporting policy text, paragraph 3.2.16 states that "Some land uses may also require a countryside location because of their functionality".

Although the site is within the countryside in policy terms, the site is considered to be within the curtilage of Long Sutton Emporium, which is an established retail unit with a cafe. The proposal seeks consent for an additional 195sqm of covered sales area. With the inclusion of the storage space, the proposed floor area covers approximately 231sqm of internal floorspace. Goods such as general hardware and DIY tools are sold within the retail unit, including products from local businesses.

Policy 24 (The Retail Hierarchy) sets out that retail and other main town centre uses should be located in accordance with the policy hierarchy, which includes the following:

- Subregional centres (Boston and Spalding);
- The District Centre of Holbeach and Local Centres such as Crowland, Donington, Kirton, Long Sutton and Sutton Bridge;
- Outside the Retail Hierarchy; and
- New Local Centres within Sustainable Urban Extensions.

Part C of the policy sets out that the vitality and viability of centres in the retail hierarchy will be maintained and enhanced. Proposals for retail use outside the Primary Shopping Areas as identified on the Policies Map, or for other main town centre uses, outside the town centre boundaries and where not provided for under Policy 27, will be required to demonstrate their suitability through a sequential test in line with the NPPF.

Policy 27 (Additional Retail Provision), Part C sets out the following:

"Individual local shops, leisure uses and services and small neighbourhood clusters of them which meet the day-to-day needs of nearby residents, without the need to use a car, will be protected. Proposed new shops in such circumstances, will be limited to a maximum 100 sqm (net) floor

space, unless a qualitative need to remedy a geographical deficiency in the distribution of food shopping can be demonstrated, in which case units up to 500 sqm (net) floor space will be permitted. Extensions which would take existing local shops up to these sizes to improve their viability will be permitted, subject to the same demonstration of geographical deficiency for proposals over 100 sqm."

In this case, it is considered that Policy 24 is more relevant to the proposals as the development does not meet the criteria set out within Part C of Policy 27. For example, although there are various commercial businesses around the site and it could therefore be considered as a neighbourhood cluster, the site is not easily accessible without a car.

Therefore, in terms of Policy 24, it is necessary for the proposal to pass a retail sequential test in line with the NPPF. Section 7 of the NPPF (Ensuring the vitality of town centres) sets out how local planning authorities should apply the retail sequential test to planning applications. For example, Paragraph 91 of the NPPF sets out that "only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered". National Planning Practice Guidance sets out further information in relation to how the sequential test should be applied. For example, the following matters need to be considered in decision making (011 Reference ID: 2b-011-20190722):

- "with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.
- is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- if there are no suitable sequentially preferable locations, the sequential test is passed."

The application is accompanied by a supporting statement which sets out how the applicant considers that the sequential test is addressed in this case. This statement seeks to address the above referenced criteria. For example, alternative sites within Long Sutton have been considered, given that this is the nearest settlement to the site. According to the supporting statement, an online search of potential alternative sites has been undertaken and a discussion with a local agent has taken place. The statement summarises that two properties are for sale within the town centre, however, "neither have sufficient onsite or allocated parking for such a proposal, nor are they appropriate without extensive remodelling that would make them unviable in the context of the proposal". The details of the properties are not provided, however, the statement sets out that due to the bulky nature of some of the goods that are sold within the retail unit, the applicant considers that customers prefer to drive to hardware stores for ease of moving heavy goods. Whilst this might be the case for some customers, it is not considered essential for a hardware store to have a dedicated car park. This seems evident given that Parkway, a hardware store in Long Sutton does not have a dedicated car park. Notwithstanding this, it is considered that there are other benefits associated with locating the proposed retail unit Annie's next to Long Sutton Emporium. For example, the Emporium already benefits from an existing customer base and the proposed retail unit offers additional space for local businesses.

The local planning authority has also reviewed available online properties and has found the following properties for sale within Long Sutton:

- 48 Market Place (Gifts and More) - this property is considered to be too small to accommodate the proposed retail unit.
- 21 Market Place (Parkway) - this property is considered to be too large given that it is spread over three floors and the amount of space that is available would exceed the retail unit's needs.

It is also considered that there are not any edge-of-centre locations which could accommodate the use instead. It is therefore considered that the sequential test is passed.

In terms of the suitability of the use within the site and the surrounding site context, whilst the site is not within Long Sutton, there are various commercial businesses located near to the site. For example, there is the retail unit of Long Sutton Emporium which is located to the west of the retail unit within the site. To the north, there is a McDonald's restaurant, a holiday park and a caravan dealership. Further to the north on the opposite side of the A17, there is a diner, a Starbucks, a

petrol station and a hotel. To the north-east of the site there is a storage container business. The site would therefore not be within an isolated location within the countryside and the site is easily accessible within the local road network, including the A17 which is located to the north of the site.

The Long Sutton Emporium site is an established mixed shopping and service centre comprising a mixture of small local businesses. According to social media pages, the building hosts over 65 stalls and small businesses. The Emporium is also home to a cafe, which provides a space for local food and drink businesses to operate. The proposed retail unit would therefore add to the offering of retail within the wider site and would support local businesses.

As referenced previously there is a hardware store, Parkway, located in the town centre of Long Sutton. There are however no other hardware stores within Long Sutton. The nearest national retailers for hardware and DIY are located approximately 8 miles away in Wisbech, or 13 miles away in Kings Lynn or Spalding. The proposed hardware retail unit therefore potentially serves a local need

The proposed retail unit has been placed on an area of concrete hardstanding within the curtilage of a larger retail unit. The NPPF generally encourages the re-use of previously developed land (for example Paragraphs 89 and 124). This weighs in favour of the proposals.

It is not considered that the proposed retail unit would significantly undermine the nearest town centre which in this case is Long Sutton. The development would provide some economic and community benefits by providing a space for local businesses to market and sell their products. These benefits weigh in favour of the proposals. The principle of development is therefore acceptable, as the proposed use comprises an appropriate form of development for the location which would be in accordance with the overall principles of the spatial strategy. As such, the proposed development accords with Policies 1 and 24 of the Local Plan and Paragraphs 89 and 91 of the NPPF.

Design and Visual Impact

Policy 2 of the Local Plan similarly 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 accords with the provisions of Section 12 of the NPPF as 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 proposal seeks consent to retain a dark grey log cabin and four containers which are located behind the log cabin. The cabin and four containers function as sales space. A frame is located between the containers and the log cabin and there is cladding on the side elevations and the roof. The cladding is painted black on the front elevation and this matches the colour of the lower part of Long Sutton Emporium. Two smaller containers are located to the rear, and these containers serve as storage space. A metal cladded roof covers the open space between the two storage containers and the rear of the structure. The containers are painted olive green.

The Long Sutton Emporium building has a rural character, having originally been converted from an agricultural building. The building features metal cladding and a gable end roof form, and it is much larger than the proposed retail unit. The proposed metal facades of the containers have a similar character to the main building, particular given that the containers have been painted olive green. The containers are also set on slightly lower ground than Wisbech Road which helps reduce their visual prominence within the street scene. The retail unit is also set behind perimeter fencing, which provides a sense of enclosure around the site. The containers have therefore not projected significantly into an open area.

The combination of the containers to form the retail unit has resulted in a relatively disjointed appearance given that the roof heights of the containers are set at different heights. Most of the containers feature flat roofs, however the containers towards the front of the unit feature slightly sloping roofs. Notwithstanding this, the visual impact of the containers is considered to be acceptable on balance. For example, the unit is smaller and therefore subservient to Long Sutton Emporium which forms the backdrop to the unit when viewed from the nearest street scene along Wisbech Road. Therefore, it is considered that the proposed development has an acceptable

impact on the character and appearance of the area and therefore accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Heritage Impact

There is a grade II listed milestone to the north of the site, to the north of Vicarage Lane and to the west of Wisbech Road. The site is not within a Conservation Area and there are no other listed buildings around the site. Policy 29, Part A sets out that proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building. The council's conservation officer has not raised any objections to the proposals and has set out that the proposal should bear no material impact upon the appreciation of the milestone.

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 sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The nearest dwelling to the site is 59 Vicarage Lane, which is located to the west of the site. Belvedere, is located approximately 70m to the south-east, on the opposite side of Wisbech Road. 69 Wisbech Road is approximately 95m to the south of the site.

It is likely that the retail unit has resulted in an increase in customers visiting the site since it became operational and if consent is granted this would continue. The proposed use itself is not expected to generate significant levels of noise and it is considered that the comings and goings to the site could be controlled via a condition restricting the opening hours of the unit. It is therefore considered that the retail unit would not have an adverse impact on the nearest dwellings. As such, the proposed development accords 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 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.

The retail unit is not expected to significantly increase traffic movements to and from the site. Lincolnshire County Council's Highways and SUDS team have not set out any objections to the proposals, nor have they requested any conditions. There is an existing car park within the site which can serve the retail unit. The proposal would therefore 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.

Flood Risk

The site is within Flood Zone 3 as identified by the Environment Agency's flood risk maps. Policy 4

of the Local Plan sets out that development within Flood Zone 3 will be permitted in instances where specific criteria is met.

Within the South East Lincolnshire Strategic Flood Risk Assessment, 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 within the hazard areas 'Danger to Some' and 'low hazard'. The SFRA recommends that for 'less vulnerable' uses in with 'Danger to Some' hazard areas, the finished floor levels of developments should be raised as high as practical (minimum 300mm above the existing ground level).

It is considered that the proposed use falls under the 'less vulnerable' category of development as defined by Annex 3 of the NPPF. The development is therefore not required to pass the exception test, however, the development is required to pass the sequential test in accordance with Paragraph 172 of the NPPF.

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. In this case, it is recognised that the club house is proposed to be used in conjunction with Long Sutton Emporium given that the two units share an access and car park. The surrounding area is also within Flood Zone 3 and there is no land within the wider site which is in a lower risk flood zone. As such, it is considered that the sequential test is passed in this case.

The proposed development would not pose an increase in risk to people. It is therefore considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in this regard.

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 be 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. When taking the above into account, the development in this instance the application is exempt from the statutory 10% Biodiversity Net Gain requirements.

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, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework when viewed as a whole. 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 accord with Policies 1, 2, 3, 4, 24, 29, 30 and 36 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.