SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 11 November 2020**

(Author: **David Gedney - Senior Planning Officer)**

Purpose: **To consider Planning Application H11-0936-18**

Application Number:	H11-0936-18	**Date Received:**	21 September 2018
Application Type:	OUTLINE		
Description:	Residential development - 6 affordable housing units		
Location:	St James Road Long Sutton Spalding		
Applicant:	Proctor Bros Ltd	**Agent:**	Mr Lee Russell
Ward:	Long Sutton	**Ward Councillors:**	Cllr A C Tennant Cllr J Tyrrell Cllr D J Wilkinson

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H11-0936-18

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application was deferred at the Planning Committee held on 4 September 2019.

2.0 PROPOSAL

2.1 The application was initially reported to the Planning Committee on 16 January 2019 and referred back on 4 September 2019, where it was deferred to enable the applicant to submit more detailed information on the mechanism of delivering the proposed affordable housing. A copy of the previous report is appended.

2.2 The applicant has now submitted additional information, which is summarised later in the report.

3.0 SITE DESCRIPTION

3.1 The site (some 0.28ha) is situated on the northern side of St James Road opposite Silverwood Garden Centre. It is currently grassed and has a number of trees, plus hedging, along its frontage.

3.2 A detached bungalow is situated to the north-east (no. 6) and vacant industrial premises to the south-west. It is understood that the latter has previously been used as a boat yard and a coal/haulage yard prior to that. It has also had planning permission for use as a carpentry business (ref. H11-0313-07), but it is not known whether this was implemented.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

Policy 01 - Spatial Strategy
Policy 02 - Development Management
Policy 03 - Design of New Development
Policy 04 - Approach to Flood Risk
Policy 11 - Distribution of New Housing
Policy 17- Providing a Mix of Housing
Policy 19 - Rural Exception Sites
Policy 28 - The Natural Environment
Policy 30 - Pollution
Policy 32 - Community, Health and Well-being
Policy 36 - Vehicle and Cycle Parking

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

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 2 - Achieving Sustainable development;
Section 3 - Plan Making;
Section 4 - Decision Making;
Section 5 - Delivering a Sufficient Supply of Homes;
Section 8 - Promoting healthy and safe communities;
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.

4.2 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 Site

H11-1100-15 - Outline - Residential development (4 dwellings), St James Rd, Long Sutton - Refused 20 January 2016 on sustainability and highway safety grounds.

Neighbouring Site to the West

H11-0313-07 - Full - Change of use to carpentry business - Granted.
Condition 2 - Use restricted to Class B2 (General Industrial)
Condition 3 - No manufacturing activity and loading/unloading shall be carried outside 7.30am and 5pm on Mondays to Fridays (inclusive) and 7.30am to 12 noon on Saturdays
Condition 4 - Noise from any fixed plant on or within the building shall exceed a level equivalent to 35db LA eq (15 minutes) when measured at a height of 1.5 metres at any residential facade unassociated with the site.
Condition 7 - Dust prevention measures.

6.0 REPRESENTATIONS

6.1 As previous reports, plus additional information from applicant's agent and further representations from SHDC Housing Strategy (see below).

6.2 Additional Information from Applicant's Agent (summarised)

6.3 Site Description, Surroundings & Characteristics - The application site is on the southern side of the A17, but still arguably adjacent the settlement boundary, just not immediately 'abutting'.

6.4 There is a run of linear residential development along St James Road and from the T-junction onto Browns Gate. The linear ribbon type development continues along St James Road for approximately 400 metres, and comes to an end by way of a more modern cul-de-sac private drive development of detached bungalows, namely, Bramble Close. The application site itself lends itself to becoming in-filled, as it's road frontage with development each side, and is divided off from the field behind by a small ditch. Therefore the rear boundary is delineated, aligned through with the development either side. The site is inappropriate for farming due to size and enclosure.

6.5 The application site is opposite a former nursery site which has diversified and now offers a garden centre, tea room, shop, recreational and business premises'. Therefore, the application site is surrounded by development on 3 sides, and in fact was a previously developed site itself, as can be seen on the historic map submitted. There was a former dwelling on the land which was demolished in previous years.

6.6 The site is within walking and certainly cycling distance of the town centre, and is no further out from the town centre than the other edge of town areas of the settlement in the north, east and westerly directions (details submitted).

6.7 There are a number of residents from this neighbourhood that walk and cycle into the town centre on a daily basis, therefore proves the location is very sustainable and suitable. There is a footpath from Cowper's Gate (the settlement boundary) which safely crosses the A17 in two parts and comes past the garage and into the built up area where the application site is positioned.

6.8 In addition to the services immediately on offer the site also has the added benefit of being on a local call connect bus route. It has mains sewer within the road frontage, and BT fibre kiosk immediately adjacent. There is street lighting outside and interestingly there is a designated local cycle route that passes nearby.

6.9 Other similar residential developments have recently been granted outside Long Sutton defined settlement limit and also at Crowland (details provided).

6.10 Uniqueness and Comparisons - This application site is very unique in its own right, and should not be compared with other general sites that are otherwise identified as 'development in the open countryside'.

6.11 Although this site is not specifically 'abutting' the defined settlement boundary of the town, it is without doubt adjacent to the settlement save the small stretch of road looping off the roundabout. Quite why this residential area has not got a settlement boundary enclosing it, yet the residential area of Little Sutton has, seems an area of dispute. It may just be that the A17 was considered the demarcation, yet the principle of including this settlement area along with the extent of Delph Road on the south side of the A17, would seem wholly appropriate. As per previous comments regarding permissions given outside of the settlement boundary line, infill was agreed at Delph Road South side.

6.12 This area at St James Road is unique in comparison with other small settlements within the district in that it does have provision of services including garden centre, shop, tea room etc, whereas other settlement areas defined in the Local Plan policy 1 spatial strategy as 'areas of development restraint' that do have a defined settlement boundary allowing some infill, actually offer little or even no services in comparison with what we have here.

6.13 Due to how this site fits within adjacent consecutive residencies and being road frontage with a defined rear boundary to the site, separated from the farmland, it again lends itself to infill development. This isn't just a stretch of general farmland between some minor housing, as can be seen in many cases throughout the district, where the landowner suddenly may deem the end of his field as infill just because a house is either side. This is a unique and appropriate site offering just that extra 'definition'.

6.14 There was recently a permission obtained in Crowland, application reference H02-0669-19, whereby councillors determined that that particular site was 'adjacent' the settlement boundary, and was therefore an appropriate site to permit. There are many examples of permitted schemes outside of the settlement boundaries (details submitted), but still none that offer the discounted housing as affordable dwellings as this proposed scheme does.

6.15 Mechanism of provision - The proposed dwellings will be offered with a Section 106 tie to 80% of open market value. A draft S106 planning obligation has been submitted between South Holland District Council, Proctors Bros Long Sutton Ltd (the owner) and DCF Builders Ltd (the buyer).

6.16 There will be an associated fee at the times when the properties are sold which will be payable to SHDC in order to validate future purchasers, to ascertain they are of low income earners, or as a direct appreciation to the country, the builder also proposes to allow employees of the NHS to be an acceptable applicant to purchase (this point requires the buyers lawyer and SHDC lawyer to insert the relevant wording into the draft, as currently this is not noted therein).

6.17 We shall ensure there is also a restrictive covenant on the deeds reflecting this requirement. There shall be a longstop marketing duration, which would allow the builder and subsequent owners to sell to registered providers or under the circumstance that rental values are also a maximum of 80% of market rates, but again upon sale of the dwelling it remains at 80% OMV.

6.18 As with other planning permissions, any committee decision in favour of this proposal would be subject to the S106 being agreed, and therefore that would be suitably worded between the builder's solicitor and SHDC's solicitor to reflect the proposal.

6.19 SHDC Housing Strategy

6.20 I've had a chance to review the additional documents. I cannot comment on the reasoning for previous schemes that have been permitted but as we now have the adopted Local Plan then my advice is based on this.

6.21 I have not seen anything that provides information on the identified local need, which as per Policy 19: Rural Exception Sites is one of the criteria for permitting developments of this nature; the opportunity for specific housing need gaps to be met.

6.22 I would also add that an affordable for sale product sold at no more than 80% of open market value (OMV) is likely to meet the needs of those whose needs are already within the 2nd hand sales market. If permitted on the basis of 80% OMV to a person the council deems in housing need will also place a financial cost in officer time of assessing applicants, agreeing the sale price for initial and any resales and the ongoing monitoring of the s106 agreement - this is something the council is trying to move away from. For shared ownership, unless it is a SHDC owned scheme we do not get involved with determining the values or the eligibility of the prospective purchasers.

6.23 From a glance of the s106 agreement some of the definitions are outdated so would need a complete review and redraft should it be likely that this scheme will be permitted. I would also add that if permitted as a RES, even without the evidence of local need, there would need to be local connection to the immediate area criteria applied.

7.0 CONSIDERATIONS

7.1 Planning Considerations

The main issues in this case are:
- Whether the site is a suitable location for affordable housing;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk, drainage and contamination.

7.2 Housing Policy/Sustainability

7.3 As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

7.4 The proposed development is outside a defined settlement limit within the South East Lincolnshire Local Plan, 2019. It is therefore within an area regarded as countryside. Policy 1 of the South East Lincolnshire Local Plan (SELLP) is therefore applicable. It states that development will be permitted in the countryside 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.

7.5 Policy 19 of the SELLP specifically refers to rural exception sites. It indicates that proposals for housing on sites situated outside, but adjoining the defined settlement boundaries identified by Policy 1 will be permitted where the following criteria are met:
- the scheme would meet an identified local need for affordable housing, Starter Homes or specialist housing that cannot be met within the settlement boundaries;
- the scale of the development would be in-keeping with the role and function of the settlement; and
- pre-application engagement with the local community has been undertaken to the satisfaction of the Local Planning Authority.

7.6 Policy 19 also stipulates that where it is demonstrated that a proportion of market housing is necessary to cross-subsidise the specific identified housing need, the housing market proportion will be 50% or less. The housing need to be met will be secured by legal agreement to ensure that the need can be met in perpetuity and available for members of the immediate community.

7.7 The above policies are consistent with advice within the National Planning Policy Framework, 2019. Paragraph 77 indicates that local planning authorities should support opportunities to bring forward rural exception sites that provide affordable housing to meet identified local needs. Paragraph 78 indicates that sustainable rural housing should be promoted. However, any development should be consistent with paragraphs 7 to 11, which indicate that there should be a presumption in favour of sustainable development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework as a whole. The three threads to sustainable development are economic, social and environmental.

7.8 Assessing the proposal against the above policies and advice, it is not essential for a rural worker such as that specified by the applicant to reside on this particular site, which is some distance from the applicant's main operational centres.

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

7.10 A Social Role - The proposal would make a contribution to the supply of affordable housing required to meet the needs of present and future generations. However, the site is well removed from the centre of Long Sutton and is located on the opposite side of the A17. It is not located on a main public transport route. It fronts a section of St James Road where there are no footways and street lighting is poor. There is no continuous footway link into Long Sutton. Consequently, occupiers of the proposed dwellings would have to walk along St James Road and cross the busy A17 to access the services and facilities within the town. The additional information submitted by the applicant's agent has been taken into account; however, it is still considered that the location is not sustainable in the context of national and local guidance.

7.11 The applicant's agent has referred to other sites outside Long Sutton Settlement Limit and also elsewhere that have received approval. However, each site is different and each application should be assessed on its own merits.

7.12 An Environmental Role - Due to the site's distance from local services and facilities and the difficulty of having to negotiate the A17 future occupiers would be likely to have a high dependence on the use of motor vehicles which, no matter the distance of travel involved, would be contrary to one of the core planning principles of the Framework to make the fullest use of public transport. Moreover, the reliance on the motor car would increase carbon emissions, contrary to the requirements of the environmental role of planning.

7.13 The site is essentially a gap between existing frontage development along the north-western side of St James Road. The proposal doesn't technically meet the definition of infill which is normally regarded as one or two dwellings in an otherwise continuously built-up frontage. Nevertheless, it is considered that the site could be developed without materially harming the character/appearance of the rural locality. This is subject to retention of the existing frontage trees and hedging, as far as possible.

7.14 Residential Amenity

7.15 It is considered that the site could be satisfactorily developed without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

7.16 Commercial premises are situated to the south-west. Given this fact, 1.8 metre high close boarded fencing is recommended along the western boundary to protect the amenity of future occupiers if permission was forthcoming. The property on plot 1 should have no noise sensitive windows on its south-western elevation.

7.17 Highway Issues

7.18 The County Highways Authority objected to the previous application for 4 market housing on highway safety grounds, but has not objected in this case.

7.19 Other Matters

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

7.21 In this respect, the site is within an area designated as "Danger for Some". There are alternative sites appropriate for the proposed development that are reasonably available, more sustainable and which are located in areas with a lower risk of flooding. The proposal therefore fails to satisfy the sequential test.

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

7.23 Contamination - Environmental Protection has requested that a note be applied to any planning permission relating to unexpected contamination.

7.24 **Additional Considerations**

7.25 Public Sector Equality Duty

7.26 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.

7.27 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.28 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.

7.29 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.30 Human Rights

7.31 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).

7.32 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.

7.33 Conclusion

7.34 Although the proposal is deliverable and would help to provide the supply of affordable housing required to meet the needs of present and future generations this factor is outweighed by the harm that the proposal would cause in terms of other social and environmental factors. Notwithstanding information submitted by the applicant's agent it is still considered that the site is poorly related to the existing settlement of Long Sutton, being on the opposite side of the A17, and is some distance from existing services and facilities within the settlement. Future occupiers would have to negotiate St James Road, which has no footway and is poorly lit, and also the heavily trafficked A17 to access most local services on foot or by cycle. As a consequence, future occupiers would be likely to have a high dependence on the use of motor vehicles, which would increase carbon emissions, contrary to the requirements of the environmental role of planning.

7.35 The site is not therefore considered to be a suitable site for affordable housing with particular regards to the principles of sustainable development. It is contrary to Policies 1 and 19 of the South East Lincolnshire Local Plan and Paragraphs 7, 8 and 11 of the National Planning Policy Framework, 2019.

8.0 RECOMMENDATIONS

8.1 **Refuse Permission for the reasons outlined in Section 9.0 of this report**

9.0 REASONS FOR REFUSAL

1. Although the proposal is deliverable and would help to provide the supply of affordable housing required to meet the needs of present and future generations this factor is outweighed by the harm that the proposal would cause in terms of other social and environmental factors. The site is poorly related to the existing settlement of Long Sutton, being on the opposite side of the A17, and is some distance from existing services and facilities within the settlement. Future occupiers would have to negotiate St James Road, which has no footway and is poorly lit, and also the heavily trafficked A17 to access local services on foot or by cycle. As a consequence, future occupiers would be likely to have a high dependence on the use of motor vehicles, which would increase carbon emissions, contrary to the requirements of the environmental role of planning.

   The site is not therefore considered to be a suitable site for affordable housing with particular regards to the principles of sustainable development. It is contrary to Policies 1 and 19 of the South East Lincolnshire Local Plan and Paragraphs 7, 8 and 11 of the National Planning Policy Framework, 2019.

2. The site is located within an area identified as "Danger for Some" within the South Holland Strategic Flood Risk Assessment (2017), which is used as a basis to apply the sequential test in terms of flood risk. There are alternative sites appropriate for the proposed development that are reasonably available, more sustainable and which are located in areas with a lower risk of flooding. The proposal therefore conflicts with advice within paragraphs 155 to 161 of the National Planning Policy Framework, 2019.

Background papers:- Planning Application Working File

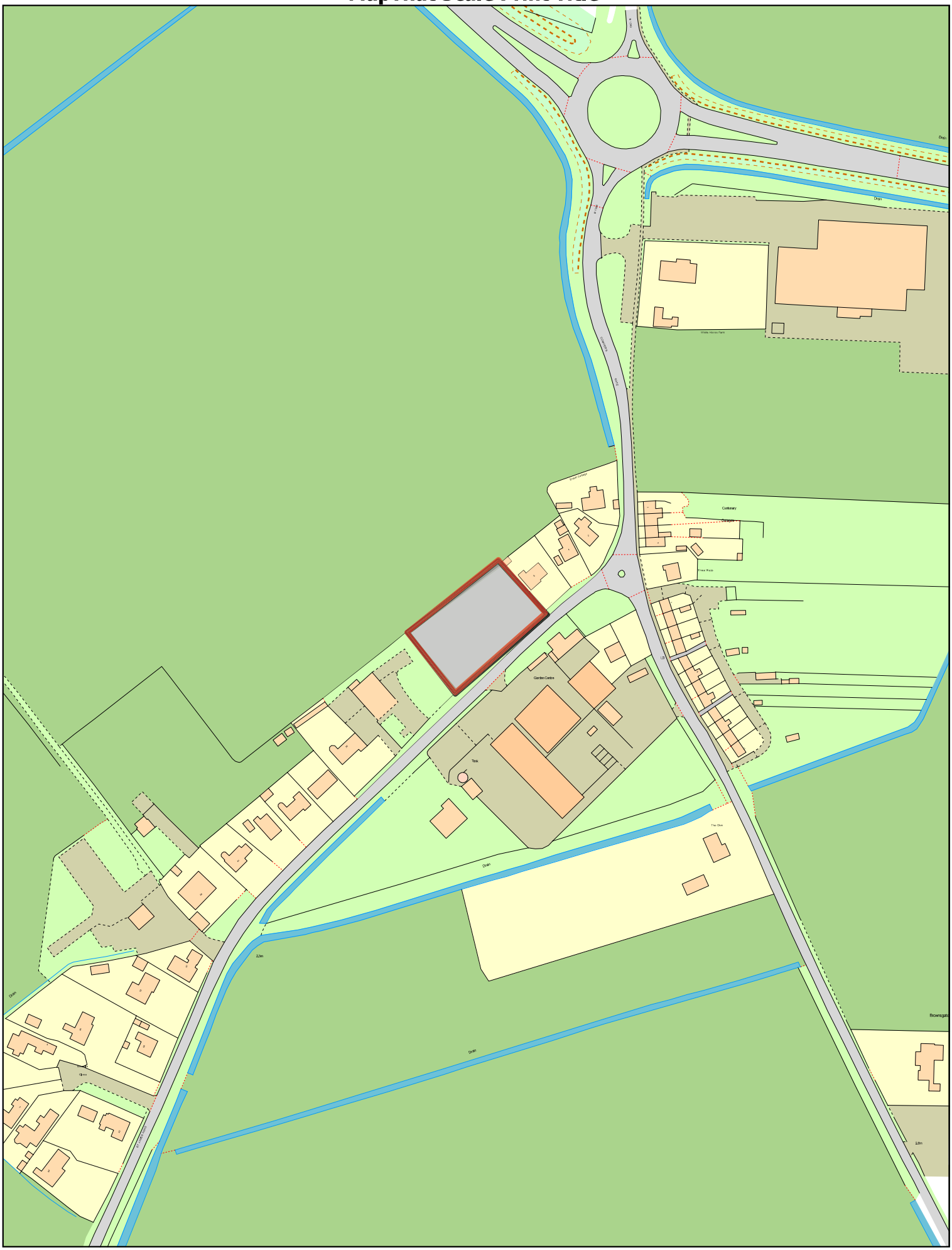
Lead Contact Officer

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Appendices attached to this report:

Appendix A	Plan A
Appendix B	Committee Report 4 September 2019

MapThat Scale Print Title



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