DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H11-0939-20**	**Applicant:**	**I M N Properties Ltd.**
Proposal:	Substitution of dwelling types on plots 7 & 8, plus revised garages to include garage for Plot 9		
Location:	Land Adj 44 Bridge Road Long Sutton Spalding		
Terminal Date:	23rd December 2020		

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
11	Distribution of New Housing
17	Providing a Mix of Housing
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 11, 12, 14 and 15

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	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission was allowed on appeal for residential development (9 dwellings), including means of access, in September 2018 (ref: H11-0399-17). Reserved matters approval was subsequently given for 6 no. 3 bed semi-detached houses, 2 no. 3 bed detached houses and 1 no. 4 bed house served off a private roadway (ref. H11-0488-19).

The 6 no. 3 bed semi-detached houses on the northern section of the site have been constructed, along with the estate road. The latter is within the current site as outlined in red. Plot 9 is also under construction. This application is essentially to revise the house types on plots 7 and 8, plus revised garaging for plots 7, 8 and 9.

Site Description

The site is located to the rear of two semi-detached bungalows (nos. 44 and 46 Bridge Road). It is situated between Bridge Road Industrial Estate to the west and Colin Parker (Masonry) Ltd to the east. The latter are a manufacturer and trade suppliers of fireplaces, granite kitchen worktops, memorials and other associated marble products. Existing business on the industrial estate to the west include Bush Tyres and Wrights & Holbeach Asphalt Ltd, plus small electrical and engineering firms.

Policies/Constraints

The site is outside a defined settlement limit within the South East Lincolnshire Local Plan, 2019 and is designated as a proposed main employment area.

Site History

H11-0072-14 - Outline- Light industrial development - Granted 27 March 2014.

H11-0399-17 - Outline - Proposed residential development (9 dwellings) - Refused 22 September 2017. Allowed on appeal on 5 September 2018.

H11-0488-19 - RM - Proposed development of 9 dwellings - outline approval H11-0399-17 - Approved 9 August 2019.

H11-0808-19 - C/C - Details of estate roads, footpaths and private drives, landscaping, disposal of sewage and storage and disposal of refuse (Conditions 8, 9, 10, 11 &12 of H11-0399-17) - Approved 8 October 2019.

H11-0334-20 - Full - Residential Development (Erection of 6 Dwellings) - Withdrawn 12 October 2020

Consultation Responses

Long Sutton Parish Council - No response.

LCC Highways - Does not wish to restrict the grant of permission.

SHIDB - Request drainage strategy. Consent required under the Land Drainage Act 1991 to discharge to a watercourse.

Environmental Protection - Request unexpected contamination note/condition.

Public - A resident has requested installation of 7 swift nest bricks.

Material Considerations

The main issues in this case are:

- Principle/sustainability;
- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flooding and drainage.

Housing Policy

In accordance with Section 38(6) of the Town and Country Planning Act, as amended by the 2004 Act, the determination must be made in accordance with the development plan, unless material considerations indicate otherwise.

The site is located outside Long Sutton Settlement Boundary as defined in the South East Lincolnshire Local Plan, 2019 (SELLP). It therefore lies within the countryside. Any application for additional residential development should therefore be assessed against Policy 1 (Spatial Strategy). This policy directs new development within the settlement boundaries of Sub- Regional Centres, followed by Main Service Centres, Minor Service Centres and Other Service Centres. It indicates that development in the Countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

It is debateable whether the proposal complies with current housing policy in locational terms. Notwithstanding this fact, outline planning permission has previously been granted for 9 dwellings on appeal (H11-0399-17). Reserved matters approval was subsequently given for 9 dwellings (ref. H11-0488-19) and this is solely a modification of plots 7 and 8, plus garaging on plot 9. Consequently, the fallback position is a material planning consideration that outweighs any housing policy objection in this case.

Character/appearance

The proposal is solely a modification of house types on plots 7 and 8, plus alterations to garaging in respect of plots 7, 8 and 9. It is considered that the proposed alterations would not have a harmful effect upon the character/appearance of the overall development or locality.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Amenity

The original outline application (ref. H11-0072-14) was refused on grounds that the site is sandwiched between industrial premises. Bridge Road Industrial Estate is situated to the west, including Bush Tyres and Wrights & Holbeach Asphalt Ltd, plus small electrical and engineering firms. A parking area for Tears Recovery and Colin Parker (Masonry) Ltd are situated to the east. The latter are a manufacturer and trade supplier of fireplaces, granite kitchen worktops, memorials and other associated marble products. However, the Inspector took the view that there is a sufficient separation between the site and the industrial uses for any noise to fall to within acceptable limits and boundary treatments could be used to further reduce any impact to a minimum.

The dwellings the subject of this permission do not adjoin the existing bungalows fronting the site. It is considered that the amenity of nearby residents would not be materially harmed in terms of overlooking, overshadowing, overbearing effect, noise and disturbance, etc.

The proposal therefore satisfactorily complies with Policies 2, 3 and 30 of the South East

Lincolnshire Local Plan, 2019 in terms of amenity.

Highway safety

The development would be served by a private driveway as previously approved. LCC Highways has raised no objections on highway safety grounds. The proposal has satisfactory parking provision and a refuse collection point would be provided at the site's entrance.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety/parking.

Flood risk/drainage

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken.

The Environment Agency's Flood Maps 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

The SFRA indicates that the site is within an area identified as "Danger for Some". However, there are not reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the National Planning Policy Framework) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the NPPF and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

It is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding. The exceptions test should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The NPPF and the PPG set out two elements to the Exceptions Test.

First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, the site is close to Long Sutton, which is one of the largest settlements within the district. Development is needed in this area to sustain the existing community. Moreover, the proposal triggers affordable housing provision of three properties on the overall site, which is not presently the case. The proposal would provide wider sustainability benefits to the community that outweigh flood risk.

Concerning the second element, finished floor levels should be set 500mm above existing ground level. Flood resilient construction should also be incorporated within the development up to 300mm above finished floor level and future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

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.

Planning Balance

The proposed revisions to plots 7, 8 and 9 would not have a significant effect upon the character/appearance of the locality or amenity of nearby residents. The proposal satisfactorily accords with Policies 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan, 2019. Whilst there may be some conflict with Policy 1 of the SELLP this is outweighed by other material considerations; namely, the fallback position.

Conclusion

The planning balance is in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.