DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-1070-22**	**Applicant:**	**Colin Parker Masonry Ltd**
Proposal:	Residential Development - Indicative layout for 9 Dwellings		
Location:	Colin Parker Masonry Ltd 58 Bridge Road Long Sutton		
Terminal Date:	2nd February 2023		

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS	0	0	0	1

SUPPORT				
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	0	0	0	3

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for residential development (9 plots), with all matters reserved for subsequent approval, on land at Colin Parker Masonry LTD, 58 Bridge Road, Long Sutton.

The application is accompanied by an indicative layout plan which shows a private drive serving 7 plots.

Site Description

The site is located within the settlement boundary of Long Sutton and the applicant, Colin Parker Masonry Ltd., occupy the existing buildings on the site and the remainder is rented to Tiers Recovery for the storage of recovery vehicles. This part of Long Sutton is characterised by a mixture of residential, commercial, and industrial buildings. The building occupied by `Colin Parker Masonry Ltd.` will be demolished to facilitate the proposal.

Relevant History

H11-0056-22- FULL- Approved at 17-03-22- Construction of internal divisions, elevational alterations including new doors, re-cladding building and partial demolition of attached buildings.

Consultation Responses

Long Sutton Parish Council

No objection.

Environment Agency

The Environment Agency has no objection subject to the development being carried out in accordance with the mitigation measures detailed in the submitted flood risk assessment.

South Holland IDB

Notes the works which may require Land Drainage Consent from the Board.

Lincolnshire Police

No objections.

Sue Armour, Environmental Protection Officer

Requests that the standard land contamination conditions be applied at this location.

NHS

No comment as the development is under 10 dwellings.

LCC Education

From the data provided from Lincolnshire County Council, a local school contribution will be sought for one student in secondary school (£25,503). Suggests the s.106 monies are paid at the halfway point in the development to allow timely investment by the County Council whilst not adversely affecting the developer's viability.

Local Highway and Lead Local Flood Authority

No objection subject to compliance with the Condition and Informatives requested.

The Agent has confirmed that it is his client's intention that the access road remains as a Private Road i.e. that the road is not to be adopted as a highway that is maintainable at the public expense. The Agent advised that his client will be engaging a private company to collect domestic waste, rather than having waste collected by the local authority. The proposed development is to be accessed from Bridge Road, which was, before the opening of the Long Sutton By-pass, the A17.

This road does therefore have the capacity to accommodate the additional vehicle movement of the proposed development. The access is on a straight section of Bridge Road that has a wide verge. These features will provide drivers entering the highway at this point with adequate visibility of any vehicles that may be approaching from either direction to be able to move off safely from the junction, into the highway. Whilst there is no existing footway on the site side of this part of Bridge Road, there is a footway on the opposite side of Bridge Road that will allow safe pedestrian movements between the proposed dwellings and the centre of Long Sutton. Suitable provision will need to be made for 'dropped kerb' wheelchair and perambulator crossing points on either side of Bridge Road at the site entrance. The development is for fewer than ten dwellings and is therefore classified as a minor development - for which responsibility for approval of surface water highway drainage rests with the Local Planning Authority.

The Agent has advised that his client's intention would be to utilise a permeable pavement carriageway construction for the management of surface water run-off. Subject to the design of this being satisfactory, this would be a sustainable form of drainage for the site. Bridge Road does still carry significant volumes of both private and commercial traffic so it is requested that the standard Construction Management Plan and Method Statement Condition is included in any Consent that may be granted for this Application, to reduce the
development's impact upon the safety and free-passage of the public along Bridge Road during the construction phase of the development.

Public Comments (3 no. received)

- Concern re drainage
- Potential for overlooking and potential restriction of daylight
- Concern over market saleability in future

Planning Considerations

The main issues in this case are:
- Policy/principle;
- Flood Risk
- Character and Appearance
- Residential Amenity
- Highway Safety and Parking Provision

Principle

The site is situated within the settlement boundary of Long Sutton according to inset map no.7 in the South East Lincolnshire Local Plan, 2019 (SELLP).

Policy 1 of the SELLP sets out the spatial strategy for new development across the district. A settlement hierarchy has been established in order to steer development to the most sustainable locations. Long Sutton is classed as a Main Service Centre and, as such, 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.

Under Policy 7 of the SELLP, the site is identified as an allocated employment area (reference LO002) and its use is restricted to B1, B2 and B8 uses.

The above policies are consistent with advice within the National Planning Policy Framework, 2021. Section 6 supports sustainable economic growth in rural areas. It stresses that planning policies and decisions should place significant weight on the need to support economic growth taking into account local business needs.

The provisions of Policy 7 are considered to take precedence over the fact the site is located within a settlement boundary, therefore the proposal is unacceptable in principle. No strong justification (such as a failed marketing exercise or business viability / case) has been provided as to why the loss of the employment site is acceptable.

It is accepted that the site is brownfield, but this matter is not considered to outweigh the provisions of Policy 7. Furthermore, the Council is capable of demonstrating a 5-year housing land supply (5.9 years as at 31st March 2022).

It is also acknowledged that residential properties have recently been constructed to the west (ref. H11-0399-17), however the outline consent was granted prior to the current Local Plan being adopted and was therefore considered in a different context.

As the proposed site area is greater than 0.5ha it is classed as a major application and technically triggers a requirement for 25% affordable housing as per the NPPF, 2021. However, developer contributions have not been explored further in this application in view of the clear issue of principle.

Flood Risk

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, 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 can be applied if appropriate.

The site is located within Environment Agency Flood Zone 3. As the site lies within Flood Zones 3, a sequential test should be undertaken.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) indicates that the site is at worse case situated in a danger for some area for the 1% fluvial and 0.5% tidal event probability in 2115, with potential for flood depths up to 0.5m.

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. Although the application site is not a housing allocation within the Local Plan (only suitable sites capable of accommodating 10+ dwellings have been allocated), the site does lie within the settlement boundary for Long Sutton. In general, there is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards housing supply (and maintaining the 5-year supply of deliverable sites) in the district. As such, one could argue that, should the site be

acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

When looking at the first part of the Exception Test, whilst the development would provide some wider sustainability benefits to the community through a contribution (albeit small) towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities. However, it can be argued that the exception test is failed given that the site is allocated employment land and the proposal would result in its loss.

In terms of the second part of the Exception Test Setting finished floor levels at 500mm above existing ground level would mitigate against the risk identified and should ensure that the development is safe for its lifetime. Raising floor levels by this extent would not have a detrimental impact on the appearance of the property or adversely affect residential amenity providing a sympathetic scheme is brought forward.

In terms of drainage, the proposal is for surface water to be disposed of via sustainable drainage system. No foul drainage details have been submitted so would need to be conditioned alongside full surface water drainage details if permission were to be granted.

Comments have been raised in regards to flooding as neighbouring dwellings to the site suffer flooding from the main road occasionally. As this is a Local Highways matter, this concern does not impact the determination of the application.

Given that the site is within an allocated employment site, it is not considered to be in accordance with Policy 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Character and Appearance

The form of development likely to be accommodated within the site is comparable to other sites that have been developed in recent times.

However, the exact layout and appearance of the dwellings would be determined at Reserved Matters. It would be considered that an appropriate form of development is capable of being achieved.

Therefore, at this stage the proposal would therefore comply with Policies 2 and 3 in the SELLP, 2019 in terms of character and appearance.

Residential amenity

Paragraph 127 of the National Planning Policy Framework (2019) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

Taking into account the indicative details of the proposals, it is considered that 9 dwellings could be accommodated on the site without an uncontentious relationship between the proposed plots and the existing dwellinghouses at no. 7, 9 and 11 Lowery Close.

The dwellings could be sufficiently spaced out and each plot would benefit from a reasonable sized garden to the rear of the dwelling. Comments received have been favourable of the proposed development on this site in general, but have raised concerns in terms of overlooking. However, the proposal is in its outline form and further details should be considered to conclude the extent to which the scheme would ensure good levels of amenity and would address any overlooking issues.

Raising floor levels by around 500mm would not adversely affect residential amenity of surrounding properties, given that the closest neighbouring properties to the west also have raised floor levels at 500mm and suitable boundary treatments could be put in place to prevent overlooking.

There is also an active business adjacent to the site, with the closest of the proposed properties on the indicative layout situated approx. 14.3m away from the 2m high acoustic fence to the east of the proposed site. SHDC's Environmental Protection Officer has raised no objection to the development, but requests that the recommendations of the submitted acoustic assessment are

conditioned.

Taking the above into account, the proposed development are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Highway safety and parking provision

Following the Highway Authorities initial comments and requests, an amended block plan has provided further details. The agent has confirmed that the access road would remain a private road and will not be adopted by the highway. The client will be engaging a private company to collect domestic waste, rather than collected by the Local Authority, in order to comply with the Council's 'Private Drives - Waste Vehicle Collection Service - Guidance Note'.

The proposal is therefore considered to be in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access arrangements and vehicle levels will be acceptable at this stage.

Other Considerations

Details of boundary treatment will be secured by means of a condition compliance application.

Planning Balance

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

Under Policy 7 of the SELLP, the site is identified as an allocated employment area (reference LO002) and its use is restricted to B1, B2 and B8 uses.

Whilst the proposal would appear to be acceptable on highway, character and amenity grounds, the provisions of Policy 7 are considered to take precedence over the fact the site is located within a settlement boundary, therefore the proposal is unacceptable in principle. No strong justification (such as a failed marketing exercise or business viability / case) has been provided as to why the loss of the employment site is acceptable.

Conclusion

For the reasons set out above, this application is not considered to comply with Policy 7 in the SELLP, 2019 and not considered to show compliance

Based on the reasons outlined above, the recommendation is therefore for a delegated refusal.

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.