DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-1083-21**	**Applicant:**	**Mr M Upton**
Proposal:	Proposed residential development - erection of dwelling to include business facilities		
Location:	Compact Car Corner Wisbech Road Long Sutton		
Terminal Date:	15th December 2021		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 3. Plan making.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 6. Building a strong competitive economy.
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	0	0	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
SHDC INTERNAL	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The application is to site a 2-bedroom bungalow with attached office space for Compact Car Corner. This is for the benefit of the applicant and his family to be able to live on site at his business premises. An existing office and static caravan would be removed.

Site Description

Located close to a roundabout connecting the A17, B1359 and Wisbech Road, the site is occupied by a car sales lot. To the north, there is a storage business (A1 Storage Solutions), while there are agricultural buildings to the east. South of the site beyond a field, there is a house. There are further houses, a number of businesses at Long Sutton Barns, and a McDonald's restaurant on Wisbech Road's western side. Beyond the roundabout, there is a hotel, restaurant, and petrol station, and a ribbon of housing leading into Long Sutton.

The site is surrounded by 2m high metal fencing. Towards and at the rear of the site, adjacent to a raised hardstanding, there are a number of buildings including office and workshop, and a mobile home. The mobile home is located behind the larger workshop building at the rear of the site, adjacent to fencing and trees.

Recent Planning History

H11-0092-14 - Full - Change of use from wasteland to car sales area with log cabin for office use and 2 metre high palisade fencing - Granted 30 April 2014.

H11-0497-14 - Full - New vehicular access (retrospective) - Granted 9 September 2014.

H11-0498-14 - C/C - Details of layout of site, boundary treatment and external materials (conditions 3, 4 and 5 of H11-0092-14) - Approved 9 September 2014

H11-1144-17 - Full - Siting of mobile home for occupation in conjunction with Compact Car Corner (retrospective) - Refused 22 January 2018. Dismissed on appeal 15 January 2019.

Consultation Responses

Long Sutton Parish Council

No response.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

SHIDB

If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

Noise - No objections.

Contamination - Request the standard two part land contamination condition be applied at this location.

Environment Agency

Request condition.

Public

No comments received.

Supporting Information from Applicant's Agent (summarised)

Justification statement submitted with the application (private and confidential)

Planning Considerations

The main issues in this case are:
· Policy/sustainability, including whether the development is in a suitable location, having particular regard to the development plan and the character and appearance of the area;
· The likely impact upon the amenity of nearby residents;
· Highway safety;
· Other material considerations such as flood risk.

Policy/Sustainability

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.

The proposed development is outside Long Sutton settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside. Policy 1 of the 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.

Explanatory text accompanying the Local Plan indicates that there are types of development that require a countryside location either because it is the location of an existing building or use of land.

The above approach is consistent with general advice within the National Planning Policy Framework, 2021. In the context of supporting a prosperous rural economy, paragraph 84 says decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 80(a) states planning policies and decisions should avoid the development of isolated homes in the countryside unless there are special circumstances such as an essential need for a rural worker. That said, the latter is not considered applicable because the site is not isolated given the proximity of existing residential properties and other buildings.

The application is to site a 2-bedroom bungalow with attached office space for Compact Car Corner, who sell used vehicles. No objections are raised in principle to the office space given the

aforementioned. However, the residential element needs to comply with SELLP Policy 1.

In terms of the first element of Policy 1, it needs to be satisfactorily demonstrated that there is an essential need for a person to reside on site for operational, managerial and/or security reasons. The Justification Statement indicates that the application is for the benefit of the applicant and his family to live on site at his business premises (car sales business). It goes on to state that security and later working hours have maintained a successful business allowing the applicant to enjoy his family time too.

Whilst it is accepted that there is a preferred need for someone to reside on site for operational and security reasons, it is not considered essential. Someone could live nearby and have ready access to the premises. In terms of security, the site has security fencing and remote systems can now be installed and successfully operated. It has not been adequately demonstrated through provision of substantive evidence that there is an essential need for someone to live on the site.

Reference has been made to planning permission H11-0420-18 for mixed use development comprising static caravans, cottages, fishing lake, site office, workshop, and caravan sales. However, this permission does not relate to permanent residential dwellings and is therefore not directly relevant to this application.

SELLP Policy 1 also indicates that development will be permitted in the countryside if it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. The relevant criteria are discussed below:

Economic Role - The proposal would provide facilities for the applicant's business and make a contribution towards the economy. Future occupants may also support local services and facilities. There may also be employment opportunities associated with the construction, albeit in the short term. Therefore, the benefits of the development carry only very modest weight in favour of the proposal.

Community/Social - Whilst the development would have personal benefits for the applicant and help deter potential crime and anti-social behaviour, the proposed development is for a single dwelling. It would make only a very marginal difference to housing supply within the district and the Authority currently has a land supply exceeding 5 years (8.5yrs). Therefore, the benefits of the development carry only very modest weight in favour of the proposal.

Moreover, whilst the site is not isolated, it is physically divorced from the settlement of Long Sutton by virtue of being on the wrong side of the busy A17, which is the major arterial route through South Lincolnshire. It is not readily accessible to existing local services and facilities other than by a motor vehicle. In locational terms therefore, it is not considered to be appropriate for housing.

An Environmental Role - When the previous appeal was considered for a mobile home the Inspector concluded that, "given the site's location close to other homes and businesses, the mobile home's siting, and the existing backdrop of the car sales and static caravan sales business, the development does not harm the character and appearance of the area." The same can be said in relation to the current proposal.

Concluding, therefore, whilst the office element may be acceptable there is not considered to be a necessity for a dwelling in this location. Whilst the proposal would have some economic and social benefits and would not materially harm the character or appearance of the area, these matters are outweighed by the fact that the site is not in a suitable location as regards the development plan, being on the wrong side of the A17 from Long Sutton. Therefore, the adverse impacts would significantly and demonstrably outweigh the benefits and so the proposal would not represent sustainable development.

The proposal is therefore contrary to Policy 1 of the SELLP, 2019 and advice within the Framework, 2021.

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing

and future users.

There are no immediate residential properties and the site is within an area that has relatively high ambient noise levels due to traffic noise from the A17 and Wisbech Road. Given the separation distances and the site's location it is considered that the amenity of residents within the area would not be materially harmed in terms of overlooking, lack of privacy, noise and disturbance, etc. The proposal is therefore in accordance with Policies 2 and 3 of the SELLP in this respect.

Highway safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage.

Vehicular access would be off Wisbech Road via an existing access. Sufficient parking spaces would be available for use on the site. LCC Highways has raised no objections on highway safety grounds. The proposal is therefore in accordance with Policies 2, 3 and 36 of the SELLP in this respect.

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.

The hazard mapping within the SFRA shows the site to have allow probability of flooding. The site is therefore considered satisfactory on flood risk grounds, subject to the mitigation measures recommended by the Environment Agency.

The proposal is therefore in accordance with Policies 2 and 4 of the SELLP and advice within the Framework in this respect.

Planning Balance

Whilst the office element may be acceptable there is not considered to be a necessity for a dwelling in this location. Whilst the proposal would have some economic and social benefits and would not materially harm the character or appearance of the area, these matters are outweighed by the fact that the site is not in a suitable location as regards the development plan, being on the wrong side of the A17 from Long Sutton. Therefore, the adverse impacts would significantly and demonstrably outweigh the benefits and so the proposal would not represent sustainable development.

The proposal is therefore contrary to Policy 1 of the South East Lincolnshire Local Plan (SELLP), 2019 and advice within the National Planning Policy Framework, 2021. SELLP Policy 1 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.

Conclusion

The planning balance is not in favour of the proposal. It is therefore recommended that the application be refused under delegated powers.

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.