

SUSTAINABLE RESIDENTIAL DEVELOPMENT

LAND OFF WITHINGTON STREET

SUTTON BRIDGE

For



DESIGN AND ACCESS STATEMENT

JANUARY 2019



Introduction

1. This statement has been prepared in support of an Outline Planning application to South Holland District Council for the erection of up to 70 residential dwellings, landscaping and access on land off Withington Street, Sutton Bridge. The application follows a committee decision to grant planning permission (subject to entering into the necessary Section 106 Agreement) for land immediately to the west of this site – (Application for outline planning permission for up to 60 dwellings on land accessed off Nightingale Way – Planning reference H18-0435-18)
2. The outline planning application leaves all matters reserved for subsequent approval with the exception of access.

National Planning Policy Framework 2018

3. The new National Planning Policy Framework was recently introduced in July 2018. Paragraph 2 of the document sets out that Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions.

4. Sustainable development is defined within Section 2 of the new NPPF. Specifically, it states “
“At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”

The proposal seeks to fill an identified housing need. Emerging policy and recent planning history demonstrates that Sutton Bridge is a highly sustainable location. The development is located on fallow land not being used for agricultural purposes. Assessed at a high level the development therefore meets the objectives of sustainable development.

5. Paragraph 8 of NPPF sets out three overarching objectives for achieving sustainable development, which are interdependent and need to be pursued in mutually supportive ways. They are set out below.

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The proposed development is located in a sustainable location. Emerging policy has identified that Sutton Bridge as a “Main Service Centre” and has a housing requirement of 260 units over the plan period. At present the Council cannot demonstrate a 5 year housing land supply. Whilst the site is located in open countryside the simple fact cannot be ignored that major development has been permitted immediately to the west of the site and this application will provide a natural expansion of Sutton Bridge with the cumulative effect of both development sites potentially providing 50% of the identified housing requirement for the town. Whether the proposal is considered to be the “right type” and in the “right place” is a matter for the decision maker to determine but we would argue that the objectives of paragraph 8a) are met. Paragraph 8b)’s main thrust appears to be directed towards creating healthy communities by providing the correct range of design of housing. The accompanying Design and Access Statement (DAS) demonstrates that the requirements of Policy 14 in the emerging local plan are broadly met. Therefore, the objectives of paragraph 8c) are also clearly met. The development is located on unused fallow land and therefore in our opinion the proposed development will make the best use of the land. The site has little ecological value and no identified historic assets will be affected. The tests in paragraph 8 are met.

6. Paragraph 11 sets out the presumption in favour of sustainable development. For decision making and requires that applications are assessed as follows

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

Whether a local Plan is considered up to date or not is assessed within paragraph 213 which states

“However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

At present the council cannot demonstrate a 5 year housing land supply and therefore the 2006 adopted South Holland Local Plan cannot be considered up to date.

7. Paragraph 38 of NPPF requires that Local Authorities should approach decisions “to development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

8. Paragraphs 59-73 are key to this planning application and address the delivery of housing supply. The thrust is made clear in paragraph 59.

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

As previously discussed, the emerging Local Plan identifies a housing requirement of 260 new homes for Sutton Bridge over the plan period. Whilst it is acknowledged that the emerging local plan seeks to accommodate the housing requirement elsewhere in Sutton Bridge this application argues that circumstances have recently changed by virtue of the Council granting outline planning permission for major development on land off Nightingale Way. It is argued that this application now becomes a logical location for further expansion and will provide a strong edge of town boundary, whilst leaving the potential for further major expansion in the Council’s preferred location.

9. The requirements for an appropriate housing mix and identified affordable housing requirement (NPPF paragraphs 60-63) are discussed within the supporting DAS. The application can accommodate the identified housing need in all respects.
10. Paragraph 67 indicates that *“Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment.”* This is currently being addressed within the emerging local plan and the site continues to be promoted.
11. Paragraph 74 makes clear that Planning Authorities should demonstrate **“A five year supply of deliverable housing sites”**
12. Paragraph 109 indicates that development should only be refused on highway grounds if *“if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* The Transport Statement submitted as part of this application demonstrates that there are no adverse impacts on the local highway network.
13. Paragraph 117 states that *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’”*
Whilst it is acknowledged that the site is not considered to be previously developed the land is currently fallow and serves no purpose. Given recent planning history it is a logical location for further distribution of housing. This view is further supported by paragraph 118 (d) which states that planning policies and decision making should *“ promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively”* Furthermore Paragraph goes on to say *“Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs”*

14. Paragraph 121 requires that Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. It is a matter of fact through the development of the emerging local plan that there is an identified housing need for Sutton Bridge and this application can assist in meeting the demand.
15. Paragraph 131 directs Planning Authorities to attach “great weight” to applications which *“help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”* Whilst it is accepted that this planning application is in outline only with all design matters reserved for future consideration the supporting illustrative material demonstrate how the development could raise the standard of design in the area.
17. Paragraph 170 requires decision making to consider how proposals contribute and enhance the natural and local environment. It requires
- *“protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
 - *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”*

Whilst it is accepted that the development is located in open countryside the area has no specific landscape designation and the site has no real value to biodiversity. The proposal uses fallow land and the supporting landscape visual assessment demonstrates that the development will not have a negative impact on the wider landscape setting.

18. Overall the development complies with the policies as set out within NPPF.

The Development Plan and policies applicable to this Application

19. Section 38(6) of the Planning and Compulsory Purchase Act provides that where a determination is to be made, that determination shall be in accordance with the development plan unless material considerations indicate otherwise. It is implicit that the development plan is taken 'as a whole'. Therefore, it is possible for there to be a breach of development plan policy as well as compliance with other development plan policy, and the nature and extent of the breach (major or minor) is to be weighed in the planning balance by the decision maker.
20. In this instance the development comprises the Saved Policies of the 2006 Local Plan. The emerging policies set out within the South East Lincs Local Plan are also a material planning consideration but the weight attributed to them is limited due to the fact that the plan does not form part of the adopted development plan.
21. The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan.
Those policies listed below are considered relevant to this application.

Policy SG1 - General Sustainable Development
Policy SG2 - Distribution of Development
Policy SG3 - Settlement Hierarchy
Policy SG4 - Development in the Countryside
Policy SG6 - Community Infrastructure and Impact Assessment
Policy SG11- Sustainable Urban Drainage Systems (SUDS)
Policy SG12 - Sewerage and Development
Policy SG13- Pollution and Contamination
Policy SG14 -Design and Layout of New Development
Policy SG15 -New Development: Facilities for Road Users, Pedestrians and
Policy SG16- Parking Standards in New Development
Policy SG17- Protection of Residential Amenity
Policy SG18- Landscaping of New Development
Policy HS7 - New Housing in the Open Countryside including Other Rural Settlements
Policy HS8- Affordable Housing
Policy HS11 - Open Space in New Residential Developments

22. The following matters are considered to be material planning considerations to the application:-
- Principle of Development
 - Sustainability Assessment of Proposal
 - Impact upon the character and appearance of the area
 - Landscape Impact and Trees
 - Impact upon Residential Amenity
 - Site Access, Highways and Parking Considerations
 - Flood Risk and Drainage

- Ecology
- S106 Requirements

We address each in turn.

Principle of Development

23. It is accepted that the site is located outside of the defined settlement limit of Sutton Bridge as outlined in the adopted South Holland Local Plan. In normal circumstances it is therefore accepted that under the provisions of Policy HS7 the usual recommendation would be to refuse. However, the council currently have a shortfall in the five year supply of housing land. In such circumstances, where the Council's adopted policies for the supply of housing cannot be considered up-to-date, Paragraph 11 of the National Planning Policy Framework sets out a clear presumption in favour of sustainable development. This means approving development proposals that accord with the development plan without delay.

Sustainability Assessment of Proposal

24. Sustainability in the context of NPPF is discussed elsewhere in this document. At a local level the location of the application site abuts the designated settlement boundary of the emerging plan and adheres to the saved policies. It also abut another major residential development to the west which has recently received a resolution to grant Outline Planning Permission subject to entering into a S106 Agreement. It is clear on reviewing the guidance in the National Planning Policy Framework that, as the Council does not have a five year supply of housing land, the development should be supported.
25. The frontage of the application site abuts the development limits and the site as a whole is surrounded and well connected with the built form. Sutton Bridge accords with the aspects of the National Planning Policy Framework that look to consider the sustainability of the development in relation to environmental, social and economic roles of sustainability. The lack of a five year land supply for housing means that development should not be restricted.
26. The village has a number of convenience stores, a post office, a doctor's surgery, public houses, food outlets and other shops/business premises. In NPPF terms the proposal could be considered to promote sustainable development in a rural area.
27. The application site is very well connected to the village and development recently approved under application H18-0435-18. The site sits comfortable against the current development area with ideal access onto Bridge Road and out onto wider infrastructure.
28. Sustainability in terms of transport issues, vehicular access, footpath links and such like are discussed in detail within the accompanying Transport Statement and are therefore not repeated here. Suffice to say that the site is sustainably located and it is possible for residents on the estate to walk to all facilities within the village.

Impact upon the character and appearance of the area

29. The application is submitted in outline form only and therefore detailed design matters are reserved for future approval. However, the supporting DAS and illustrative material clearly demonstrate how the proposal could accord with the requirements set out within Policy SG14 of the Local Plan.

Landscape Impact

30. Issues of Landscape Impact are addressed in detail within the supporting Landscape Visual Assessment. The LVA considers the proposal in the context of Policies SG4, SG14, SG18 and HS11 and concludes that the development can be successfully accommodated. In particular the following is noted:-
“Given the above assessment, it is considered that the existing land uses and adjacent road corridors have significantly affected the character of the site and its immediate setting, effectively separating it from the wider rural landscapes to the north and west.”
31. The illustrative site layout and landscape strategy demonstrate how the requirements of Policy HS11 and the South Holland Supplementary Planning Guidance on Public Open Space can be achieved. Most notably 14% of the gross site area will be set out for public open space and the design of the open space will form an integral part of the overall scheme as well as relating well to existing open space provision surrounding the school.

Impact on Residential Amenity

32. Policies within the emerging local plan require that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. As indicated elsewhere in this document National Planning Policy Framework states that all schemes should be “well located and designed”
33. The proposal is in outline and accordingly all design matters are reserved for future approval. However, the supporting illustrative material demonstrate that the layout, house types and landscaping of the development can be designed to minimise impact on the existing residents such that the impacts would not give rise to an unacceptable loss of amenity in planning terms. Suitable distance between dwellings and existing development can also be achieved, so that loss of daylight and overlooking to the existing residents would be minimised. The requirements of Policy SG14 can therefore be met, most notably that

“New development should be designed to ensure that it makes a positive contribution to the architectural and visual quality of its surroundings. It should normally respect the vernacular architecture of the area in which it is located although high quality contemporary design will be supported in appropriate contexts”

The requirements set out within Policy SG17 can also be met, notably

Planning permission will be granted for development which would not cause material harm to residential amenity.

“In considering proposals the following criteria will be taken into account:-

- 1) the extent of any overlooking or loss of privacy;*
- 2) the extent of any overbearing or overshadowing effect;”*

34. The illustrative site plans demonstrate good levels of amenity for the future residents thus ensuring that the requirements of Policy SG 14 sub-paragraphs 4), 5) and 7) can all be achieved.

Site Access and Highways

35. Policy SG15 of the South Holland District Council Local Plan requires vehicular access into and out of the site to be safe, an assessment made as to whether the existing local roads can accommodate the impact of the proposal, whether adequate parking and turning spaces exist within the site and that the needs of pedestrian and cyclists have been met. These matters are all addressed in detail within the supporting Transport Statement.
36. Policy SG16 requires that appropriate levels of Car and Cycle Parking can be accommodated on site. Parking Standards are set at maximum standards and require that 2 spaces are provided for dwellings of 3 bedrooms or less and 3 spaces for dwellings with 4 or more bedrooms. Emerging Policy set out within Policy 31 and Appendix 4 require that **minimum** parking provision is achieved – the illustrative layout submitted demonstrates how these minimum standards can be achieved.

Flood Risk and Drainage

37. Policy SG9 has been deleted from the 2006 Local Plan and therefore there is no current adopted policy in relation to flood risk. Policy 5 of the Emerging Local Plan states

“Major development shall be located in areas at the lowest hazard or probability of flooding and shall not, in itself, increase flood risk. Where the development would be for uses defined as Essential Infrastructure, Highly Vulnerable or More Vulnerable, it will be a requirement to show why the need for the development is exceptional where the hazard or probability of flooding of the sequentially-selected areas is constrained. Development will be permitted following the satisfactory completion of the Sequential and Exception Test and through the submission of a site-specific Flood Risk Assessment that demonstrates appropriate flood risk mitigation measures for the protection of occupants. Mitigation for the identified flood risk, including appropriate allowances for climate change, required by such development to make it safe will be provided and maintained for the lifetime of the development. “

Although the policy does not form part of the adopted development plan clearly the requirement is within the spirit of NPPF, particularly Paragraphs 148-150.

38. The issue of flood risk is addressed in full within the accompanying Flood Risk Assessment (FRA). The FRA does however note that an Exception Test must be passed. The Sequential Test has demonstrated that it is not possible or consistent with wider sustainability objectives for the development to be located in zones with a lower probability of flooding. Therefore, the Exception Test must be applied and for this to be passed:

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risks, informed by the Strategic Flood Risk Assessment; and
- A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking into account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.

Both parts of this test must be satisfied in order for the development to be considered appropriate in terms of flood risk. There must be robust evidence in support of every part of the test. The FRA demonstrates that the development will be safe for its lifetime and it will not increase flood risk elsewhere. This document addresses the first issue.

39. The supporting statements submitted as part of the approved application H18-0435-18 set out the following arguments for passing Exception Test

“When comparing 2115 floor mapping, this site falls within the same category flood depths as 75% of the (proposed) allocation site, and is more suitable than the remaining 25% of the (proposed) allocation site which sits an additional 0.5m lower, therefore sequentially this site would be more preferable.”

“From reviewing the SHLAA information and preferred allocation site justifications etc it is strongly believed that this application site was not actually considered fully on its own. It should not have been presented or have been overlapped in review with other adjoining sites (Sub018). Neighbouring assessed sites were/are not as suitable and would have impacted on this site’s merits due to their accessibility, their size, their drainage issues and their increased flood risk issues. When given sole consideration this application site should have been promoted as a suitable allocation site.....”

40. In reaching a positive recommendation for application H18-0425-18 the case officer noted the following:-

- *“A Flood Risk Assessment and Drainage Strategy have been provided, which show the site is safe from flooding and that there will be no impact on other land uses or land users. The proposal will incorporate a sustainable drainage system, which will ensure surface water run-off is limited to Greenfield run-off rates.”*
- *Although the site lies within Flood Zone 3, the hazard mapping for the area in the updated South Holland Strategic Flood Risk Assessment shows that the site is sequentially preferable than other sites being promoted in the emerging Local Plan.*
- *The Environment Agency has no objection on the basis that a conditions are imposed. This is considered acceptable.*

41. Comparing this application site to the approved development under application H18-0435-18 the following points should be noted:-

- The FRA submitted as part of application H18-0435-18 quotes that the existing topography of the site **“The level of most of the field is between 3.30m and 3.50m OD, and the lowest level in the centre of the field is 3.26m OD and highest levels of approximately 3.70m OD.”**
 - The maps in the updated SFRA and the maps supplied by the Environment Agency predict flood depths of up to 1.0 metre if a breach were to occur in a 1 in 200 year event in 2115. It is also likely that the EA will undertake further bank raising within the next 100 years to ensure that there is a continuing 1 in 200 year defence to Long Sutton and Sutton Bridge.
42. A comparison of the application site’s topography with the approved development off Nightingale Way reveals identical topography. A low point on the field is recorded as **3.32m AOD** and the highest recorded level recorded as **4.05m AOD** on the eastern boundary. The median level across the site ranges from **3.35m – 3.49m AOD**.
43. If the arguments set out within the FRA and supporting statement for application H18-0435-18 are accepted (which must have been the case) then it follows that the same must be true of this application site. As noted in paragraph 39. Of this statement the site sits 0.5m higher than the 25% of the proposed allocation site and therefore we contend that this application site is also sequentially preferable to the proposed allocation site.
44. It should be noted that the Environment Agency, IDB and Anglian Water have all been consulted as part of a pre-development enquiry process. All parties have confirmed that they have no objection to the development proposals. Anglian Water have confirmed connection points available for both foul and storm drainage.
45. It is therefore argued that on balance there are no significant adverse impacts relating to flood risk or drainage that warrant refusal of this application in the context of presumption in favour of sustainable development.

Ecology

46. A Preliminary Ecology Assessment is submitted as part of this application, revealing no ecological constraints to prevent development.

Section 106 Requirement

47. The extent of developer contributions are not as yet known but it is expected (and indeed accepted by the applicant) that a Section 106 agreement will be required to cover affordable housing requirements, education contributions, public open space contributions, as well as NHS. An appropriate S106 Agreement will be prepared and entered into should the application be supported.

Conclusions

Does the Application Comply with the Development Plan?

- 48. Overall it is our contention that the proposal complies with the development plan.
- 49. An element which might suggest that this is not the case is the identification of the site as being in the open countryside within the saved Local Plan. However, as we have indicated the NPPF is clear that such aged policies should not attract full weight. Emerging policy and the recent approved application off Nightingale Way suggests that the site is sustainably located and appropriate for development.

What if the Application Does Not Comply with the Development Plan?

- 50. In our view the LPA cannot reasonably argue that this is the case. However, were it to do so then in the absence of an up to date local plan paragraph 11 (d) of the NPPF requires that there is a presumption in favour of granting outline planning permission unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. The key benefit in this case is the delivery of housing. The site is in a single ownership and there are no fundamental physical or other constraints to its development. There are no legal constraints on its development. It can make a very real contribution to housing in an identified “Main Service Centre.”
- 51. As part of the overall housing supply, the application proposes potentially 17 much-needed affordable units.
- 52. The application is accompanied by a full assessment of design, landscape impact, ecology, flood risk, drainage and transportation. A considerable amount of thought and effort has gone into the proposal to address the impacts of the development and to ensure that these are not adverse, or where there are impacts they can be appropriately mitigated.
- 53. The presumption in favour of sustainable development applies in this case and outline planning permission should be granted.