

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H20-0839-18 **Applicant:** Mr J Cross
Proposal: Residential development
Location: Off Fishergate Sutton St James Spalding
Terminal Date: 3rd December 2018

Planning Policies

Local Plan July 2016:

SG1	General Sustainable Development
SG2	Distribution of Development
SG3	Settlement Hierarchy
SG4	Development in the Countryside
HS7	New Housing in the Open Countryside including Other Rural Settlements
SG13	Pollution and Contamination
SG14	Design and Layout of New Development
SG15	New Development: Facilities for Road Users, Pedestrians and Cyclists
SG16	Parking Standards in New Development
SG17	Protection of Residential Amenity
SG18	Landscaping of New Development

National Guidance

National Planning Policy Framework 2018

Sections 2, 4, 5, 9, 11, 12 and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

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

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for residential development, with all matters reserved for subsequent approval.

It should be noted that the vehicular access is situated on land that already has outline planning permission for frontage residential development (ref. H20-0062-18).

Site Description

The site (some 0.88ha) is located on the southern side of Fishergate on the western fringe of Sutton St James. It is currently agricultural land. A house is presently situated to the south east and a bungalow is located opposite.

Representations

Sutton St James Parish Council - Object. Outside the village settlement area and is over development of the village

LCC Highways/SUDs - No objections subject to conditions, including a frontage footway and a suitable surface water system.

SHIDB - Request drainage strategy.

Environmental Protection - Request contaminated land condition.

Housing Strategy - Should the development be permitted the current policy requires 1/3 of the development to be provided as affordable housing to meet district wide housing needs. However, given the direction of travel with the soon to be adopted emerging Local Plan, which requires 1/4 of the development to be provided as affordable housing based on viability evidence within the Whole Plan Viability study, Strategic Housing recommends that 1/4 (25%) of the development should be provided as affordable housing.

LCC Education - Request Section 106 funding for a major development.

NHS - Request Section 106 funding for a major development.

Lincolnshire Wildlife Trust - Recommend an ecological appraisal.

LCC Archaeology - No archaeological impact

Refuse - Access roadways to all residential properties should be constructed to an adoptable

standard under an agreement with Lincolnshire County Council so that they will become public highways. This will enable refuse/recycling collections to be carried out from outside individual properties without the need for communal collection points at the point where private driveways adjoin public highways. If not utilised correctly communal collection points become areas of dispute for residents of adjacent properties.

Lincolnshire Police - No objections in principle

Public - Resident objection received. The main points are summarised below:
Overdevelopment/out of character; Increase in traffic; Visibility; Highway safety issues; More suitable sites within the village.

Material Considerations

The main issues in this case are:

- Whether the proposal would represent a sustainable form of development, having regard to social, economic and environmental factors, including proximity to local services and the effect of the development upon the rural character and appearance of the rural locality;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk, drainage, contamination, archaeology and S106 contributions.

As indicated in paragraph 47 of the National Planning Policy Framework, 2018, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is located outside a defined settlement limit within the South Holland Local Plan, 2006. Local Plan Policy HS7 states that new housing development in the countryside (including Other Rural Settlements) will only be permitted where it is to meet the needs of agricultural or other rural workers or is small scale rural exception housing that complies with Policy HS9. The dwelling is not required to meet the essential needs of an agricultural or other rural worker, and would not deliver rural exception affordable housing.

However, housing policies within the South Holland Local Plan are out of date and the Authority does not currently have a 5 year supply of deliverable housing land. In accordance with advice within paragraphs 10 and 11 of the Framework, where policies for determining an application are out-of-date, there is a presumption in favour of sustainable development and planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework. The three mutually dependent dimensions to sustainable development are social, economic and environmental.

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 may also be employment opportunities associated with the construction, albeit in the short term.

A Social Role - the proposal would help to provide the supply of housing required to meet the needs of present and future generations. Also, Sutton St James is defined as a Group Centre in the South Holland Local Plan, 2006 and a Minor Service Centre in the South East Lincolnshire Local Plan 2011-2036 (Publication Version March 2017). It has local services and facilities such as a junior school, shop, post office, butchers, fish and chip shop, garage/petrol filling station and community centre. It is on a public transport route. The site is considered to be reasonably accessible to these services.

An Environmental Role - The proposal extends into the open countryside beyond existing development on the fringe of the village. It is also out of character with existing frontage development within the vicinity. Consequently, it would erode the present rural feeling on the edge of the settlement, to the detriment of the prevailing rural character of the area.

The proposal is therefore contrary to Saved Policies SG4 and SG14 of the South Holland Local Plan, 2006. These policies are consistent with advice within the Framework. For example, paragraph 127 indicates that development should be sympathetic to local character. Paragraph 170 stresses that planning decisions should recognise the intrinsic character of the countryside.

The South East Lincolnshire Local Plan 2011-2036 (Publication Version, March 2017) defines Sutton St James as a low tier settlement, or "Minor Service Centre", with a settlement boundary. It essentially provides minimal opportunity for infill development only. The Plan has recently undergone an examination in public and aims to provide a 5 year supply of deliverable housing sites. Paragraphs 48 and 49 of the Framework indicate that local planning authorities may give weight to relevant policies in emerging plans if they are at an advanced stage but not yet formally adopted.

The proposal is not infill and the site falls outside the above settlement boundary. If permitted, it would encourage further applications of a similar nature, which would then be hard to resist and would cumulatively harm the aims and objectives of both the Framework and emerging local plan to ensure that new development is sustainable and protects the character and appearance of the area and countryside.

Residential Amenity

A building plot(s) and a house are located to the south -east and a bungalow opposite. It is considered that the site could be developed without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise and disturbance, etc. This is subject to appropriate boundary screening.

Highway Safety

The County Highways Authority has raised no objections on highway safety grounds subject to conditions, including a surface water drainage scheme and a frontage footway.

Other Material Considerations

Flood Risk - The site is within Flood Zone 3 of the Environment Agency's Flood Maps. They 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. In this respect, other than the access, the site is within an area of no hazard. Consequently, the proposal satisfies the sequential test. In terms of the exceptions test, 300mm FFLs are recommended if permission is forthcoming.

Drainage - This matter could be addressed by means of conditions if permission was forthcoming.

Contamination - Environmental Protection has requested a contaminated land condition due to the previous use of the site.

Ecology - Although the site is agricultural land it is bordered by drains. The Lincolnshire Wildlife Trust has therefore requested an ecological survey if permission is forthcoming.

S106 Contributions - LCC Education and NHS have requested Section 106 funding for a major development should planning permission be forthcoming.

Conclusion

It is recognised that the proposal is deliverable and would help to provide the supply of housing required to meet the needs of present and future generations. It would also contribute towards the local economy and create employment opportunities associated with the construction, albeit in the short term. However, the benefits are outweighed by the harm that the proposal would cause in terms of environmental factors, including the development's effect upon the character and appearance of the fringe of the village and the rural locality.

The site is not therefore considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the rural character of the area. It is therefore contrary to Policies SG1, SG2, SG4 and SG14 of the South Holland Local Plan and Paragraphs 7, 8 and 127 of the National Planning Policy Framework, 2018. Paragraph 127 indicates that planning decisions should add to the overall quality of an area and be sympathetic to local character.

Moreover, the site is outside Sutton St James Settlement Boundary as defined within the South East Lincolnshire Local Plan 2011-2036 (Publication Version, March 2017). The latter defines Sutton St James as a low tier settlement or "Minor Service Centre" and essentially provides minimal opportunity for infill development only. The Plan has recently undergone an examination in public and aims to provide a 5 year supply of deliverable housing sites. Paragraphs 48 and 49 of the Framework indicate that local planning authorities may give weight to relevant policies in emerging plans if they are at an advanced stage but not yet formally adopted.