SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 14 December 2022**

(Author: **David Gedney - Senior Planning Officer)**

Purpose: **To consider Planning Application H11-0552-22**

Application Number:	H11-0552-22	**Date Received:**	26 May 2022
Application Type:	RESERVED MATTERS		
Description:	Erection of 70 Dwellings - outline approval H11-1264-18		
Location:	Land Adjacent 36 Lime Walk Long Sutton Spalding		
Applicant:	Stinders Homes SPV1 Ltd/PJK Magpie Close Ltd.	**Agent:**	H A Architectural Services
Ward:	Long Sutton	**Ward Councillors:**	Cllr A C Tennant Cllr J Tyrrell Cllr D J Wilkinson

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H11-0552-22

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application raises issues that warrant consideration by Planning Committee.

2.0 PROPOSAL

2.1 The site has the benefit of outline planning permission for up to 70 dwellings (ref. H11-1264-18) granted 7 November 2019. The accompanying S106 Agreement dated 30 October 2019 requires an affordable housing scheme (minimum 25%) and education/healthcare facilities contributions.

2.2 Reserved matters approval is now sought for the erection of 70 dwellings. The development would be served by a new adoptable road off Lime Walk and Magpie Close. A limited number of properties would be accessed via private drives. The density would be approximately 31 dwellings to the hectare.

2.3 The proposed housing mix would be as follows:
6 x 1 bed houses
6 x 2 bed houses;
54 x 3 bed houses;
3 x 4 bed houses;
1 x 5 bed house.

2.4 The tenure mix would be as follows:
Private - 52
Shared ownership - 5 (2 x 1 bed; 3 x 3 bed)

Rented - 13 - (4 x 1 bed; 6 x 2 bed; 3 x 3 bed)

3.0 SITE DESCRIPTION

3.1 The application site (approximately 2.24ha) is agricultural land situated on the eastern side of Lime Walk. A row of trees, plus a drain, front the site.

3.2 A house (no. 36 Lime Walk) is situated to the north-west and an estate (Anfield Road/Magpie Close) to the south-west. A play area is situated to the east and residential properties off John Swain's Way to the south-east. Agricultural land is located to the north-east (allocated housing site ref. Los008) beyond a public footpath.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1 - Spatial Strategy;
Policy 2 - Development Management;
Policy 3 - Design of New Development;
Policy 4 - Approach to Flood Risk;
Policy 6 - Developer Contributions;
Policy 10 - Meeting Assessed Housing Requirements;
Policy 11 - Distribution of New Housing;
Policy 17 - Providing a Mix of Housing;
Policy 18 - Affordable Housing;
Policy 28 - The Natural Environment;
Policy 30 - Pollution;
Policy 36 - Vehicle and Cycle Parking.

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 2 - Achieving Sustainable development;
Section 4 - Decision Making;
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.

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H11-1264-18 - Outline - Proposed residential development (up to 70 dwellings) - Granted 7 November 2019.

5.2 H11-0994-22 - Full - Residential development comprising 56 dwellings (Phase 2 on land to north) - Under consideration.

6.0 REPRESENTATIONS

6.1 Long Sutton Parish Council

The Council once again are concerned due to the design that the estate will once again be sold to a housing association rather than be affordable and available for young people and first-time buyers and young families.

The Council also ask that conditions are placed on the developer to honour their responsibilities regarding any open spaces and verges. The Open Space in the adjacent estate is never maintained and no-one knows who is responsible for it. Similar problems have occurred in John Swain's Way.

The Council once again raise the objection to continual planning being approved for large developments in the town when there is no visible investment in providing better infrastructure with S106 Contributions even though all S106 Funding seems to be allocated to Education and Health with no funds available to the Parish Council to improve facilities. The Parishioners are losing out on hundreds of thousands of pounds due to SHDC not adopting Community Infrastructure Levy and this needs to be addressed.

The Parish Council request a share of any available S.106 Funds that might possibly be available from this and any future application to enable the Parish Council to carry out the renovation, improvements, rejuvenation and additions to open spaces (Cinder Ash Park and elsewhere), children of all ages play facilities and a new skate board park within Long Sutton (total funding £236,000).

6.2 LCC Highways/SUDS

Requested revisions to scheme on layout and surface water drainage grounds. Response awaited in respect of latest amended plans.

6.3 South Holland Internal Drainage Board

The applicant proposes to discharge surface water to a watercourse at 2l/s. I am pleased to see that the applicant has aimed to reduce the discharge to greenfield rate. Regardless of the proposed discharge rate, this proposal will require consent under Byelaw 3.

Note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Note the presence of a Board Maintained and owned watercourse (K16 Lutton Eau) adjacent to the western site boundary. The plans indicate that the proposal has changed from a culvert to a bridge. Depending on the details of the proposed bridge consent will be required either under Section 23 of the Land Drainage Act 1991 (and byelaw 4) or under Byelaw 10.

All works within 9 metres of the aforementioned Board Maintained and owned watercourse (eg, access road, drainage infrastructure, land raising, landscaping, attenuation pond, etc) require consent under Byelaw 10.

As Land Drainage Consent is required, the Board strongly recommends that this is sought from the Board prior to determination of this planning application.

Response awaited in respect of latest amended plans.

6.4 Housing Strategy

Response awaited concerning latest amended plans. (Previously required a tenure split of 70% Affordable Rented and 30% Intermediate - Shared ownership equates to 13 affordable rented and 5 shared ownership. To meet the needs and adhere to local and national policy, and meet S106 contribution, the applicant should consider the delivery of an affordable housing mix of 18 affordable dwellings as set out below. 13 affordable rented dwellings 4 x 1 bed house 6 x 2 bed house 3 x 3 bed house 5 Intermediate Shared ownership dwellings 3 x 2 bed house 2 x 2 bed house.)

6.5 Anglian Water

We have reviewed the applicant's submitted foul drainage strategy drawing and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage.

6.6 Lincolnshire Police

No objections.

6.7 Public

Objections/concerns from nearby residents (summarised):
- Poor quality design that would adversely affect neighbours with no suitable screening. Contrary to development plan policy and advice within the Framework
- Overlooking/lack of privacy
- Noise/disturbance
- Pollution from vehicles
- Road that joins the site from Anfield Road should be blocked off to prevent it becoming a circular rat-run by persons that already drive up and down Anfield Road repeatedly and way too fast on both bikes and cars
- Can access be moved to centre of site?
- Walkway alongside John Swain's Way should be fenced off and access denied. Already used as a drugs den. Only walkway should be via the public footpath along northern boundary to the play area
- Poor landscaping scheme
- Issues initially raised concerning validation. Phase 2 to north-east does not have outline permission. Unregistered strip of land between phases 1 and 2 so applicant has no right to provide access across it.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 The principle of residential development (up to 70 dwellings) on the site has been established by virtue of the outline planning permission (ref: H11-1264-18). This application is therefore to assess the reserved matters, namely:
i) detailed drawings of the estate layout to a scale of not less than 1:500 and including road and plot layouts;
ii) detailed drawings to a scale of not less than 1:100 showing the siting, design and external appearance of each building, including a schedule of the materials to be used for external walls and roof;
iii) details of landscaping and tree planting.
iv) the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.

7.3 It should be noted that a separate condition compliance application will need to be submitted to discharge other matters that are not reserved such as foul drainage, surface water run-off, contamination and highway construction.

7.4 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.

7.5 Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 8 states that the planning system should ensure that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places. Paragraph 126 stresses that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

7.6 The development consists of 70 houses served by a new adoptable road off Lime Walk and Magpie Close. A limited number of properties would be accessed via private drives. The

scheme includes a central area of open space, plus tree planting. A maintenance company would be established with a schedule of maintenance for the open space, landscaping, private driveways, etc.

7.7 The proposed scheme includes a mixture of dwelling types, including 1, 2, 3, 4 and 5 bedroom accommodation. It incorporates 8 no. dwelling types across the layout. The properties would be constructed in either TBS Mystique (buff) or Holmfirth (red) bricks with Sandtoft Calderdale Edge tiles (grey) on the roofs and white uPVC windows.

7.8 There is a general mix of residential properties along Lime Walk and the general locality. The site is partially screened by a row of existing trees along the Lime Walk highway verge and the tree to be removed to accommodate the access is in a poor state of health. The design, layout and house types reflect existing development off Anfield Road and Magpie Close to the south. The proposal is considered acceptable, on balance, and would not materially harm the character or appearance of the street scene or locality. The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 on visual amenity grounds.

7.9 In terms of topography, the existing ground levels on the site generally vary between 2.4-2.5m aOD within the western section of the site to 2.8m aOD along the eastern boundary approximately. Finished floor levels would be set between 3.45m and 3.9m aOD with ground levels 150mm below this point. A condition on the outline planning permission stipulates that finished floor levels should be set no lower than 3.4m aOD for flood risk reasons. This is similar to the existing estate to the south.

7.10 Dwellings on plots 1, 45, 46, 61 and 62 are close to the south-western boundary but have a blank gable end facing south-west. Other properties along this boundary have upper windows on their rear elevations. However, they are set further back. Fencing presently exists on the common boundary.

7.11 An existing house (no. 36 Lime Walk) is situated to the north-west of the site. The proposed two and a half storey 4 bed house on plot 3 has a blank gable facing north-east towards no. 36. The two and a half storey 3 bed house on plot 14 has bedroom windows and rooflights on its rear elevation. Fencing would be provided along the north- eastern boundary adjoining the gardens. Overlooking of no. 36 Lime Walk would either be oblique or at an acceptable distance.

7.12 In terms of overbearing effect/overshadowing, some of the properties are situated adjacent the south-western boundary close to neighbouring development (eg, Plots 1, 45, 46, 61 and 62). However, they are situated to the north-east. Whilst they would be some blockage of sunlight during early morning it is not considered to be such as to justify refusal.

7.13 It is accepted that residents off Anfield Road and Magpie Close would suffer some additional disturbance, especially during the construction stage, plus some additional traffic. The first would be on a temporary basis. Concerning the latter, it is likely that occupants of the new dwellings would mainly use the access off Lime Walk since it is a more direct route.

7.14 In terms of the relationship to neighbouring development, therefore, it is considered that the proposal would not materially harm the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 on amenity grounds. They 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.

7.15 In terms of highway considerations, 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. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

7.16 The principle of 70 dwellings upon this site has already been established by virtue of the outline planning permission (ref. H11-1264-18). Access would be off Lime Walk via a bridge over the frontage drain and also via the adjacent estate (Magpie Close) to the south. A note attached to the outline permission indicated that "a vehicular connection to the adjacent development is desirable in terms of providing route options but is not essential to make the proposed development acceptable in planning terms. A pedestrian connection between the two adjacent developments would also be desirable." It also indicated that "access to the site from Lime Walk will require the construction of a bridge over the existing watercourse. This bridge will be adoptable by the Highway Authority."

7.17 The road would be constructed to adoptable standards, other than small sections of private drive which have been reduced in length in accordance with SHDC guidance and refuse collection points have been provided. On site parking facilities have been provided in accordance with the requirements of Appendix 6. LCC Highways have not objected in principle, but have requested revisions to the road layout and associated surface water drainage. Amended plans have been received relating to this matter and their formal response is awaited.

7.18 Flood risk was addressed at the outline stage. Essentially, the site is within Flood Zone 3 of the Environment Agency's flood zone maps and within an area designated as "Danger for Most" within the South East Lincolnshire Strategic Flood risk Assessment. The sequential test therefore needs to be applied. In this case, such a test has already been undertaken because it is an allocated housing site (ref. Los026).

7.19 In terms of the exceptions test, the Environment Agency previously recommended at the outline stage that finished floor levels be set no lower than 3.4m aOD. This was imposed as a condition on the outline approval and the scheme complies in this respect because finished floor levels would be set between 3.45m and 3.9m aOD.

7.20 Foul water would be discharged via gravity to a proposed foul water pumping station adjacent Magpie Close. Foul water would then be pumped to an existing foul sewer manhole in the adjacent turning head in Magpie Close. Anglian Water has indicated that the impacts on the public foul sewerage network are acceptable at this stage. They have a statutory duty under the Water Industry Act to provide, improve and maintain/clean sewers. A separate condition compliance application needs to be submitted to formally discharge these details.

7.21 A SUDS scheme would be utilised to dispose of surface water in accordance with Government advice relating to a development of this scale. This would include swales, a shallow attenuation basin, porous paving on the private drives and an outfall to the frontage drain. A separate condition compliance application needs to be submitted to formally discharge these details.

7.22 Other Matters

7.23 Access can be gained to an existing play area to the south-west via footways alongside the highway and also to the play area to the south-east off John Swain's Way via the existing public footpath to the north-east of the site. There is therefore no necessity for a footway link within the south-eastern corner. Residents off John Swain's Way have objected to such a link.

7.24 S106 Contributions

7.25 Outline planning permission (ref. H11-1264-18) was granted subject to a S106 planning obligation requiring a minimum of 25% as affordable housing.

7.26 The applicant originally proposed an off-site affordable housing contribution based on informal advice from a planning officer. However, the scheme has now been revised to include rented and shared ownership properties (total 18). A formal response is awaited from Housing Strategy in terms of whether the details are acceptable.

7.27 Education/healthcare facilities contributions will be dealt with separately under the terms of the S106 planning obligation, which indicates the following:

7.28 Education Contribution - means a sum that shall be calculated per dwelling in line with the Education Formula as set out in Annex B to this Deed which arises out of the need to provide Primary Places, Secondary Places and Sixth-Form Places the contribution of which shall be used towards the provision of a 0.5FE extension to 2.5FE at Long Sutton Primary, two additional science laboratories at Long Sutton Secondary and one additional mathematics classroom at University Academy Holbeach.

7.29 Health Care Contribution - means sum of £660 per Dwelling which shall be subject to any increases in accordance with the Health Care contribution formula as set out at Annex C to this Deed to be used for the purpose of improving healthcare facilities at Long Sutton Medical Centre primarily through upgrading existing clinical rooms and redeveloping areas to provide more clinical space to accommodate theadditional staffing requirements.

7.30 Planning Balance

7.31 This application is for the approval of "reserved matters". The principle of 70 dwellings has already been established by virtue of the outline planning permission (ref. ref. H11-1264-18). The design, layout and house types reflect existing development off Anfield Road and Magpie Close to the south. The proposal is considered acceptable, on balance, and would not materially harm the character or appearance of the locality or amenity of neighbouring residents, subject to boundary screening. A mixed tenure has been provided, included rented and shared ownership. Access arrangements are considered acceptable in principle and car parking is generally in accordance with Appendix 6. Preliminary drainage details have been provided. However, a separate condition compliance application needs to be submitted to formally discharge this matter.

7.32 On balance, therefore, the proposal satisfactory complies with the reserved matters.

7.33 Conclusion

7.34 In light of the above considerations, the proposal is considered, on balance, to be in accordance with Policies 2, 3, 4 and 36 of the South East Lincolnshire Local Plan, 2019, amongst others as well as guidance in the National Planning Policy Framework, 2021. There are no material considerations in this case that indicate against the proposal and outweigh factors in favour of the scheme and the policies referred to above.

7.35 **Additional Considerations**

7.36 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.

7.37 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.

8.0 RECOMMENDATIONS

8.1 **Authorised to grant approval subject to:**
a) conditions outlined within Section 9 of this report, and
b) any issues/concerns raised by i) the Local Highway and Lead Local Flood Authority and ii) SHDC Housing Strategy being satisfactorily addressed.

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
4149/100 Rev. P4
4149/101 Rev. P12
4149/103 Rev. P1
4149/110 Rev. P4
4149/1000
4149/2000
4149/3000
4149/4000
4149/5000
4149/6000
4149/7000
4149/8000
8939-102-001 Rev. B
1:200 Cross-Section
Email from H A Architectural Services dated 13 September 2022 concerning ground levels

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Notwithstanding the submitted plans, the closeboarded fencing to be erected along the north-eastern boundary of the rear gardens of plots 3 and 14 shall be 2 metres in height, with its base at garden level (ie, 3.3m aOD). It shall be constructed in its entirety before the development is first brought into use and shall thereafter be retained.

Reason: To ensure a satisfactory development and to prevent overlooking, in the interests of the amenity of nearby residents.
This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019 and with national guidance contained in Section 12 of the National Planning Policy Framework 2021.

3. The rooflight on the rear elevation of the dwelling on plot 14 shall not be installed below 1.7 metres above the floor of the room in which it is located and shall be retained as such thereafter.

Reason: To define the terms of the permission and to protect the privacy of neighbouring residents.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4. There shall be no pedestrian link alongside plot 45 to the play area to the east.

   Reason: To ensure a satisfactory development in the interest of the amenities of the locality. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

   This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

6. Note: This consent is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 accompanying outline planning permission ref. H11-1264-18 and can only be implemented as a consequence of meeting the provisions of that Agreement

7. Note: The applicant is reminded that Conditions 6, 7 and 12 of outline planning permission ref. H11-1264-18 must be discharged through a separate condition compliance application as these are not Reserved Matters.

Background papers:- Planning Application Working File

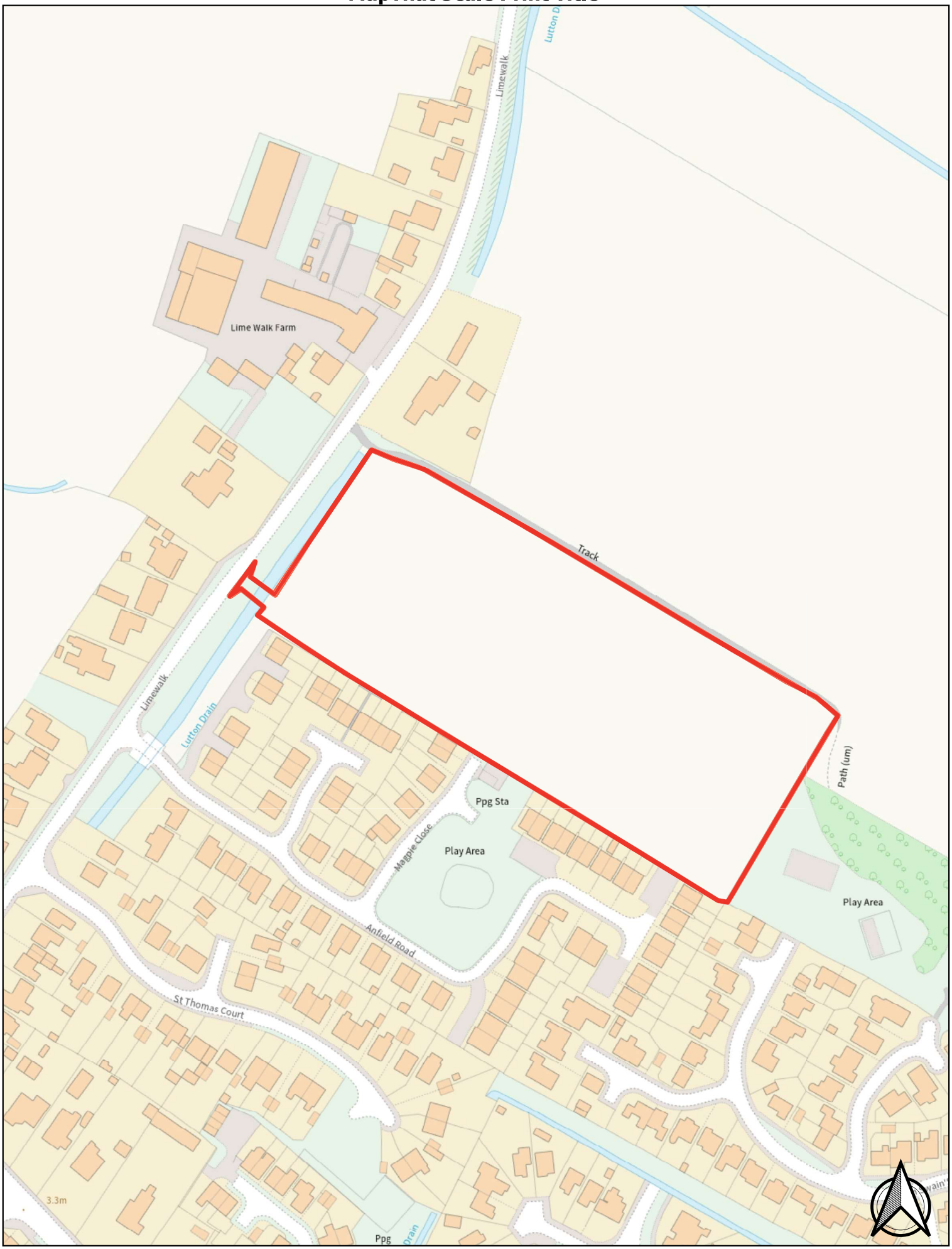
Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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MAP SCALE 1:2000
CREATED DATE: 30/11/2022
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