

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H11-0595-20	Applicant:	Platform Housing Group
Proposal:	Proposed re-development of existing haulage yard for 40 dwellings - approved under H11-0916-16. Modification of Condition 2 to allow amendments to previously approved plans to accommodate a revised water line.		
Location:	Station Road (Former Nene Transport) Long Sutton Spalding		
Terminal Date:	12th November 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2019

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
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

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.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT**PROPOSAL**

This application is a S73 revision to a full planning permission for the redevelopment of an existing haulage yard for 40 dwellings. The scheme has recently been amended to deliver the development as 100% affordable housing.

This application proposes the redesign and realignment of certain plots as the ground conditions on site are unable to support the sewer in the position as originally planned for. The applicants have been working closely with Anglian Water to determine the best position for this. The proposal is to reuse the majority of the existing sewer but they have had to alter the position of some of the dwellings to do this and have created some new house types as a result.

The key plots impacted by this change are plots 22, 32, 33, 37, 38, 39 and 40. The remaining plot locations and layout are unchanged.

The application is supported by Shadow Analysis studies to assess the impact of the changes on neighbouring dwellings.

Fencing to plots 32 and 33 have been revised to include trellising.

No changes are proposed to the approved levels across the site.

SITE DESCRIPTION

The site is a former haulage depot and yard used by Nene Transport Ltd, accessed from Station Road. The site boundaries consist of the public highway of Station Road to the south, the rear gardens of Garnsgate Road to the west, the rear gardens of Saddlers Way to the north and the park and medical centre to the north-east and east.

There is a two storey former office building to the frontage which is to be demolished in due course.

The development is under construction.

RELEVANT PLANNING HISTORY

H11-0916-16. FULL. Proposed redevelopment of existing haulage yard for 40 dwellings. Approved. 28-03-19.

REPRESENTATIONS

Long Sutton Parish Council

No response has been received.

LCC Highways and SUDS

No objections.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed amendments to the previously approved plans do not alter the carriageway layout. The plot changes do minimally affect the layout of the footway, driveways and roadside swales but not to the extent that there would be a request from the Authority that Consent should be withheld for this planning application.

SHDC Strategic Housing

There are no proposed amendments to the property sizes or tenure, therefore no comments to make from Strategic Housing.

SHDC Environmental Health

No objection.

Anglian Water

No objections.

South Holland Drainage Board

No comment.

Neighbouring Residents

Three objections have been received as follows:

- Overlooking of dwellings and gardens and loss of light to properties in Station Road.
- Capacity of the local sewerage system.
- The visual amenity of the development.
- Increased noise and disturbance levels and the close proximity of plots 21 and 22 to current dwellings will increase these noise and disturbance levels for current residents from traffic and residents.
- The change in location of the new dwellings is a direct contravention of Article 8 of the Human Rights act 1998 in that "Everyone has the right to respect for his private and family life, his home and his correspondence and that no public authority should interfere with this."

PLANNING CONSIDERATIONS

Principle of development
Detailed layout
Affordable housing provision
Road layout and safety

Landscaping and open space
Impact on neighbouring residents
Flooding and levels
Surface water and foul drainage provision
Contamination
Human Rights

Principle of development

The site is within the settlement boundary of Long Sutton as defined in the South East Lincs Local Plan and constitutes brownfield land. In this context, and that of the presumption in favour of sustainable development enshrined in the National Planning Policy Framework (NPPF, 2019) the principle of residential development in this location is sound. The site is bounded by a medical centre and residential properties. There is also an area of public open space to the north, accessed from Dick Turpin Way.

The principle of the development of this site has been set by the host consent.

Detailed layout

The detailed layout plan shows how the site will be developed utilising the existing access from Station Road and the demolition of the existing office block. It is proposed to front dwellings onto Station Road to provide a street frontage to the development and tie it to the settlement. These dwellings will serve to reinforce the street frontage and reflect the general character and grain of development along this part of Station Road. A vehicular access road from Station Road will serve the remainder of the application site.

Within the site dwellings are generally served either directly off the estate road or off small private drives to provide a varied street scene.

The surrounding residential development is all two storey and, accordingly, the proposed development will also consist of two storey development to reflect this established character. The density of the development would be comparable to the established development in the area, and the scheme does not constitute over-development.

Similarly, the proposed mixture of detached, semi-detached and short terraces of dwellings will reflect the character and scale of development in the immediate area of the site. Finished floor levels will be set no lower than 3.70m AOD. Taken as a whole the proposal will reflect the scale of the surrounding area. The raising of the land would not result in an unacceptable degree of overlooking, and the details of drainage and run-off are to be controlled.

There is no prevailing architectural style represented in the immediate area, with much relatively new estate type development, and, therefore, the proposed designs will create their own sense of place. Small gables and porches will break up front elevations and materials will reflect those found in the area with variation introduced to create interest.

A condition seeking the full landscaping details has been suggested, however given the size and length of gardens it is not likely that landscaping would provide sufficient boundaries to deal with concerns of overlooking and noise, however these matters are discussed below.

Affordable housing provision

There is no change to the affordable housing provision.

Road layout and safety

There has been no change to the road layout or number of dwellings. The highway and pedestrian safety of the site would not be compromised.

Landscaping and open space

There is no change to the landscaping and open space matters.

Impact on neighbouring residents

Coming specifically to the alterations proposed, the plot distances to the neighbouring properties outside the site are as follows:

Plot 17 (approved) - 21.2m to the dwelling to the north
Plot 17 (proposed) - 21.2m to the dwelling to the north - unchanged

Plot 18 (approved) - 14.1m to the dwelling to the north west (side gable)
Plot 18 (proposed) - 14.1m to the dwelling to the north west (side gable) - unchanged

Plot 19 (approved) - 25.6m to the dwelling to the north
Plot 19 (proposed) - 25.6m to the dwelling to the north - unchanged

Plot 20 (approved) - 26.5m to the dwelling to the north
Plot 20 (proposed) - 26.5m to the dwelling to the north - unchanged

Plot 21 (approved) - 23.4m to the dwelling to the north
Plot 21 (proposed) - 23.4m to the dwelling to the north - unchanged

Plot 22 (approved) - 24.4m to the dwelling to the west
Plot 22 (proposed) - 21.1m to the dwelling to the north west - same dwelling as approved measurement.
Trellising added to fencing.

Plot 23 (approved) - 12.9m to the dwelling to the south west
Plot 23 (proposed) - 12.9m to the dwelling to the south west - unchanged
Trellising added to fencing.

Plot 32 (approved) - 8.3m to the dwelling to the west (side gable to rear)
Plot 32 (proposed) - 7.9m to the dwelling to the west (side gable to rear)

Plot 33 (approved) - 24.8m to the dwelling to the north west
Plot 33 (proposed) - 24.4m to the dwelling to the north west
Trellising added to fencing (part)

Plot 40 (approved) - 7.9m to the dwelling to the south west (side gable to side gable) Semi detached.
Plot 40 (proposed) - 5.4m to the dwelling to the south west (side gable to side gable) Detached.
Trellising added to fencing.

Plots 37, 38, 39 - These dwellings are within the site and do not have direct boundaries with neighbouring dwellings that would be impacted.

It is considered that the revisions on the whole are acceptable as would have no greater material impact on adjoining residents than the approved scheme (plots 17, 18, 19, 20, 21, 23).

Plot 22 would be closer to the adjoining dwelling outside the site but would maintain a separation distance of 21.1m which is considered to be a sufficient distance to maintain privacy and not impact upon daylight and sunlight. Notwithstanding this, trellising is to be added to the adjoining fencing to maintain the feeling of privacy.

Plot 32 would be closer to the adjoining dwelling outside the site but would maintain a separation distance of 7.9m to the dwelling to the west (side gable to rear), which is considered to be a sufficient distance to maintain privacy and not impact upon daylight and sunlight.

Plot 33 would be closer to the adjoining dwelling outside the site but would maintain a separation distance of 24.4m to the dwelling to the north west. Notwithstanding this, trellising is to be added to the part of the adjoining fencing to maintain the feeling of privacy.

The plot that would have the greatest impact on the adjoining dwelling is Plot 40, which would be significantly closer to the existing dwelling at No. 2 Station Road, a detached dwelling with habitable room windows in the rear elevations of the main dwelling and the two storey outshut.

This plot (40) has been revised since submission to set the dwelling closer to Station Road, and

reducing the rear garden area. This would have the result of reducing the impact on light and overshadowing to No. 2 to a level that would not be so unacceptable to merit a refusal. The privacy of the dwelling at No. 2 would be improved by the trellising added to the adjacent fencing.

Flooding and levels

Finished floor levels are set by the host planning permission by condition, to be no lower than 3.70m AOD on flood risk grounds and the relevant statutory undertakers are satisfied that these matters are controlled sufficiently via the plans and conditions.

Surface water and foul drainage provision

There is no change to the surface water drainage arrangements.

The foul drainage will be revised to show only the small length of diversion and lateral chamber will be constructed to connect into the existing foul sewer.

Anglian Water have raised no objections to the revisions.

Contamination

The EHO has suggested conditions to identify and remedy any contamination on the site as a result of the former uses. A ground investigation report considers the potential for contamination having regard to the current and historic land uses on the site. The report forms part of the approved documents within the host permission.

Other matters

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.

Conclusion

In the light of the above it is considered that the application is acceptable and the development would accord with the above policies.

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.

RECOMMENDATION

The recommendation is for a delegated approval, subject to a Deed of Variation of the existing S106 to ensure the provision of the affordable housing.

Note: This application was referred to Chairman's Panel on 16 October 2020, where it was agreed the decision could be delegated to officers.