DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-0882-21**	**Applicant:**	**Loosegate Developments (Long Sutton) Ltd**
Proposal:	Erection of 9 Dwellings		
Location:	Land At Seagate Road Long Sutton Spalding		
Terminal Date:	28th February 2022		

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
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
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 2021

Section 5 - Delivering a sufficient supply of homes
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
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments

PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	2
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
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	2
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	2	0	0	6

CASE OFFICER ASSESSMENT

Proposal

Full planning application for the erection of 9 dwellings on land at Seagate Road, Long Sutton.

The proposed scheme comprises of 7 x 4-bed and 2 x 5-bed detached dwellings fronting on to Seagate Road.

The proposal also makes provision for the first part of the estate access road for the land to the rear which, like the application site, forms part of an allocation for residential development (215 dwellings) in the South East Lincolnshire Local Plan, 2019 (ref. Los015).

Site Description

The site is agricultural land of some 1.13 hectares and sits on the eastern side of Seagate Road. To the north are a small number of detached dwellings on a cul-de-sac known as The Cherries. Established hedging lines this boundary. Further agricultural land lies to the east and frontage residential properties adjoin the site to the south. To the west of Seagate Road is further frontage residential development, access to a residential estate (Colsuan Gardens) and a concrete works. A drain runs along the site frontage.

History

H11-1207-17 - Outline - Residential development of approximately 215 dwellings (approved

September 2019)

Consultation Responses

Long Sutton Parish Council -

Objection no. 1 - The application is part of a proposed development for 200+ dwellings on the site which residents opposed with 300 objections and at the time of approval the whole site was outside of the planning boundary. - The site is in a Flood Risk 3 area. On Page 20 of the Flood Risk Assessment the map clearly shows that the Seagate Road frontage is a high- risk area and would be liable to flooding. There is also a danger that surface water will run onto the sites of existing properties due to the requirement to raise the ground level. - The access onto the Seagate Road will also cause a hazard. Residents have raised their concerns regularly with regard to speeding along the road and also with regard to the junction of Seagate Road and London Road. The junction is hard to emerge from due to parked cars which are left by customers using the local Spa shop. In addition, when emerging from this junction visibility is impaired by the parked cars and also due to the bend adjacent to 98 London Road it is hard to see vehicles travelling along London Road. The junction has been the scene of several near misses. The residents have made complaints for several years about this issue but to no avail. In addition the exit from the site onto Seagate Road is located on a blind corner and visibility is low and again to have possible minimum of 1000 vehicle movements will increase the hazards. - The junction with Seagate Road/A17 is difficult to emerge from due to the high volume of traffic using the A17. The junction is also used to access Sutton Crosses and is very precarious to cross. Again, to increase the traffic at this junction by such a large amount would impact on the safety at this junction. - The proposed public footpath (dog run) will impact on the security of properties along London Road and the Cherries. The present walkway is adjacent to proposed dwellings but is only known to locals and is not well used causing little disturbance to residents but to encourage 500 residents (as advised in the supporting documents) to use this will cause an environmental impact (dog owners do not pick up or dispose of their dog waste in the local parks so it is unlikely they will clear up along the footpath) and also impact the security and privacy of existing properties. - The Police have within their comments stated the following: By encouraging residents of the site to use a footpath at the rear of the properties goes against this advice. Proposed planting of trees and boundary fencing will provide the perfect environment for people to access the rear gardens of existing properties along London Road. The developer should begin plating along the boundary of the whole site so it is established with planting to aid security for the properties above before any development begins and the dog run idea is erased.

Objection no. 2 - The actual development will be for 215 + dwellings and the overall development including the estate through road and highways considerations should be considered. By completing the development piece meal it allows the developer to bypass these objections. The site was opposed by the local council and over 300 residents. The sewerage station which supports London Road and the vicinity along the site boundary is continually failing and over the past two years there have been several instances of convoys of tankers having to remove waste from the site on London Road and as recently as last week. In addition the sewerage also backs up on the older properties systems. The boundary of the site should be planted as soon as possible to ensure it is established before more properties are built to provide both screening and security for properties along the London Road boundary. The dog run idea included in the Outline Plan should also be removed. People already use the field to walk dogs and people have wandered into gardens to collect dogs that are running free, dog waste and dog bags are left along the route to increase this by allowing possibly 500 more people to use it as an alternative to the Sutton Bridge protected site is unacceptable. The dog run will provide a perfect route for people to enter the back gardens of the properties on London Road. People already cross the dyke and use the walkway to rear entrances even though it is private land. These measures should be implemented in the planning legislation which covers security and crime prevention. I oppose strongly to the development of this site whether in full or piece meal.
The site is also in a flood risk area and it has flooded recently affecting Seagate Road with Police signs having to be positioned for safety.

Cllr Wilkinson - This site has a history of flooding during heavy rainfall. This has in turn caused flooding issues on Seagate Road. It is crucial that the drainage system is adequate for proposed and future development on this site. Residents need reassurance that this will be undertaken and maintained. I request officers consult and work with SHIDB to ensure that drainage is and will remain adequate.

Cllr Tyrrell - The road entering the site from station road was voted at the outline planning stage that this will not be continued to Wisbech road and become a rat run. Also the area mainly to the left in front of plot 1 gets flooded, so before any plans are approved we need to satisfy ourselves that all flooding issues are resolved.

SHDC Environmental Protection (contaminated land) - I request the standard contaminated land condition at this location.

SHDC Strategic Housing - The Outline permission benefits from a s106 Agreement that secures 25% of the total development as affordable housing. For a scheme of 215 this equates to 54 affordable dwellings. The s106 Agreement includes a mechanism for agreeing the affordable housing scheme prior to commencement of the development, and has trigger mechanisms for when the affordable housing should commence and be completed. The agreement also states that the affordable housing should be evenly integrated and indistinguishable from the market dwellings. The applicant does not propose any of the 9 dwellings in this Reserved Matters applicant to comprise any of the affordable housing; stating within the planning documentation that the affordable housing will be provided in future phases. To ensure that the obligations within the s106 Agreement are met it would be preferable for the developer to submit details of how the affordable housing will be delivered on the remaining phases of the development.

South Holland Drainage Board - Highlights the consents that may be necessary depending on works required.

Environment Agency - No objection subject to development being carried out in accordance with measures set out in the submitted flood risk assessment.

LCC Historic Environment Officer - No archaeological impact.

LCC Highways/SUDS - No objection subject to standard Construction Management Plan and Method Statement and highway/utility informatives. The development proposed in this Application is for just nine dwellings that are to be constructed along the Seagate Road frontage of a much larger parcel of land that has previously been granted Outline Consent for residential development. Each of the proposed dwelling would have its own turning area so that residents and visitors would not have to reverse off or onto the public highway. There is no new footway proposed to be provided on the east side of Seagate, along the frontage of the site but there is an existing footway along the west side of Seagate Road and it is not considered to be unsafe or unreasonable for residents of the dwellings hereby proposed to cross Seagate Road at their driveway in order to access their homes by means of the existing footway. It is not proposed either, to provide a new kerb along the frontage of the site. This will permit surface water run-off from Seagate Road carriageway to discharge over the highway verge into the existing roadside watercourse as it does at present. The proposed development therefore does not alter the existing highway drainage infrastructure. Subject to compliance with the requested Construction Management Plan and Method Statement, the development hereby proposed would not be expected to have an unacceptable impact upon highway safety and there is therefore no cause to prevent or restrict the grant of consent on highway grounds. It is for the Applicants to satisfy themselves that the development proposed in this Application does not compromise their ability to complete the development of the wider site.

LCC Education - At 9 dwellings, the application falls below the point that the County Council would make an education request; as such, we have no comments on this application from an education perspective.

NHS - Evidence backed financial contribution request of £5,940 towards a new purpose built health centre/primary care facility or extension to existing facility in Long Sutton, Sutton Bridge or Holbeach.

Public (8 objections/comments received, summarised) -
- Concern re highway safety; suitability of road
- Site at risk of flooding; concerns re drainage
- Loss of agricultural land
- Impact on infrastructure/services; lack of facilities
- Recommends the installation of 3 swift nest bricks per building
- Provides opportunity to prevent unwanted access to the rear of The Cherries and promote its use by wildlife
- Proposal now different to original plan; query regarding whether there is an overall approach to

development of the site
- Boundary of site should be planted and screened before development takes place; fencing on boundaries required to ensure security
- Query whether gate proposed at north-west is for use by general public or for access to Plot 1

Planning Considerations

Principle

The site is located within Long Sutton's settlement boundary and forms part of a housing allocation in the South East Lincolnshire Local Plan (March 2019) - Los015. Policy 11 gives a broad indication that the overall site would be suitable for 215 dwellings.

The application site also forms part of a larger site that benefits from outline planning permission for 215 dwellings (ref. H11-1207-17).

The principle of residential development on the site has therefore already been established.

Layout, Scale and Appearance

The proposed scheme comprises of 7 x 4-bed and 2 x 5-bed detached dwellings fronting on to Seagate Road. The layout is in keeping with existing development in the vicinity in terms of the siting of dwellings and plot sizes. In terms of visual appearance, each of the 9 plots would accommodate a different house type, although would generally be in keeping with one another and existing development in the vicinity. The exact materials of construction are to be confirmed by condition. The scale is in keeping with other residential properties in the area, which are predominantly also large and detached. The proposed scheme would provide minimal variety in terms of the no. of bedrooms per dwelling but clearly there is scope within the wider scheme to accommodate a variety of house sizes and the development as proposed would create an attractive frontage to Seagate Road.

Finished floor levels of properties would be around 0.5m-1.0m higher than existing ground levels on the site and the surrounding area more generally. Existing ground levels are generally higher at the northern and southern ends of the site which means that floor levels would be raised less than other parts of the site. Full details of existing and proposed floor and ground levels can be secured by condition, but it is not anticipated that the raising of levels by this extent would have a material visual impact on the wider street scene given the relationship between properties.

The proposal also makes provision for the first part of the estate access road for the land to the rear which, like the application site, forms part of an allocation for residential development (215 dwellings) in the South East Lincolnshire Local Plan, 2019 (ref. Los015). The remainder of the site will be subject to an application(s) for further phases of development and this is not an unusual approach for a site of this size. The rationale behind bringing forward this first phase of 9 units is explained later below.

The proposal presented now for this part of the site is clearly different to that indicated at outline stage, however any layout/block plan submitted at outline stage is not binding on any future reserved matters application (unless indeed consent is sought for layout at outline stage). Furthermore, this particular application is a full planning application and therefore any requirements of the outline permission are not binding here.

Taking the above into account, it is concluded that the layout, scale and appearance of the scheme accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

Highway Safety and Parking

Concern has been raised regarding highway safety, capacity and the appropriateness of dwellings being accessed from Seagate Road by virtue of some of the proposed dwellings being in close proximity to a bend in the road. There is also currently no footway on the eastern side of Seagate Road and one is not proposed. However, the Highway Authority have been consulted on the

application and have not objected on highway grounds, commenting that:
"Each of the proposed dwellings would have its own turning area so that residents and visitors would not have to reverse off or onto the public highway. There is no new footway proposed to be provided on the east side of Seagate, along the frontage of the site but there is an existing footway along the west side of Seagate Road and it is not considered to be unsafe or unreasonable for residents of the dwellings hereby proposed to cross Seagate Road at their driveway in order to access their homes by means of the existing footway".

The Highway Authority raised no objection to the potential for a through road from Seagate Road to Wisbech Road at outline stage and no condition preventing this was imposed on the outline consent.

The proposal is therefore considered to be in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.

With regard to parking provision, Appendix 6 of the Local Plan sets out minimum parking standards for new developments. This sets out a requirement for 3 vehicle parking spaces with the curtilage for dwellings with 4 or more bedrooms. This number of vehicles can satisfactorily be accommodated within the curtilage of each dwelling.

Residential Amenity

It is not considered that the proposed development would have a material adverse impact in terms of overlooking, loss of light or overshadowing.

The relationship with dwellings to the western side of Seagate Road is tantamount to a normal frontage relationship. The land to the east is currently in agricultural use but will, in time, form part of a wider residential scheme. Given the length of the rear gardens (min. 14m) it is not anticipated that there will be a material amenity issue when properties are built to the rear. The side elevation of plot 9 is approx. 9.5m from the size elevation of no. 83 Seagate Road, which is an acceptable distance, and being to the north will mean no overshadowing impact. Furthermore, there are no side facing windows proposed to the southern elevation, therefore there will be no overlooking in that regard. The north/north-eastern elevation of Plot 1 is approx. 10.5m from the outer most part of the conservatory to no. 2 The Cherries, approx. 15m to the closest part of no. 1 The Cherries and approx. 22m to the closest part of no. 3 The Cherries. The latter two are, however, set at an angle, therefore no adverse amenity impact is anticipated in terms of overlooking, loss of light or overshadowing. The rear elevation of the conservatory to no. 2 The Cherries would face directly towards a part of Plot 1 with a lower eaves and ridge height (approx. 2.9m and 5.2m respectively) and there are no windows on the north/north-eastern elevation of Plot 1 with the exception of a glazed roof to a link corridor which would be well above eye height.

Notwithstanding the above, consideration must also be had to the impact that raising finished floor levels and/or external ground levels might have on neighbouring amenity. The submitted flood risk assessment requires finished floor levels of at least 3.7m AOD. Existing properties most likely to be affected are no. 83 Seagate Road and no. 2 The Cherries due to the proximity to proposed dwellings. Based on the levels indicated in the existing site plan, floor levels to Plot 1 would need to be raised by approx. 500-600mm. Given the height of the dwelling and lack of overlooking windows, it is not considered that it would have a material amenity impact on the dwelling to the north by virtue of raising floor levels. Furthermore, given the separation distance between no. 83 Seagate Road and Plot 9, no adverse impact is anticipated in this regard. Notwithstanding this, full details of existing and proposed floor and ground levels (including cross-sections where relevant) can be secured by condition, as can boundary treatment details.

With specific regard to the relationship between the proposed dwellings, the orientation of dwellings and positioning of fenestration is such that there should be no material overshadowing, overlooking or daylight issues to habitable spaces.

In terms of external space, size of rear of gardens are comparable/larger than those of existing dwellings in the vicinity and notably larger than the average new build property in the district.

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

Flood Risk and Drainage

The site forms part of a housing allocation in the Local Plan and is therefore a sequentially preferable site in flood risk terms.

In terms of finished floor levels, the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) identifies flood hazard in 2115 as a combination of 'danger for some' and 'danger for most' and flood depth in 2115 between 0.25m and 1.0m. The submitted flood risk assessment concludes that the highest estimated flood level at the site would be 3.7m OD, and this was previously agreed as part of the outline consent. The Environment Agency have no objection to the application subject to a condition that finished floor levels are to be set no lower than 3.7m AOD and that dwellings shall have at least 2 storeys.

In terms of drainage, the proposal is for surface water to be discharged to the existing watercourse along the site frontage and for connection to be made to the existing Anglian Water network for foul water disposal. The IDB have raised no objection to the surface water drainage proposal subject to the relevant consents being sought and Anglian Water are obliged to accept foul flows from new developments.

Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Developer contributions

This site forms part of a wider allocation for residential development that would attract a requirement for developer contributions given the no. of dwellings concerned. Policy 6 of the Local Plan states that: "The Local Planning
Authorities will not accept any proposals that artificially reduce capacity or floorspace to circumvent the proper operation of this policy." The supporting text (para 3.7.5) goes on to say: "Where it is proposed to phase developments, sub-divide sites or where recent subdivision has taken place, or where there is a reasonable prospect of adjoining land being developed in tandem, the whole site will be considered for the purpose of determining whether the scheme meets the site and/or floorspace thresholds identified by Policy 6." This application site must therefore be considered in the context of the remainder of the allocation.

No developer contributions are proposed at this stage, with the following rationale being provided: *"The client wishes to gain permission for the front 9 dwellings which will create a gateway to the rest of the site which will form part of a separate full planning application. The provision of the front 9 is being dealt with via a full planning application which is not a 'major' and doesn't have any adopted highway, therefore the requirements for report/agreements etc are far less and the planning permission should be far quicker to obtain. This speediness of the permission is key as it will allow the client to begin works onsite and to deliver the front 9 while the 'major' application for the remainder of the site can go through the planning process and various section agreements. This is financially and pragmatically the best way for the client to deliver the site... We are aware that there was a S106 for the outline for affordable housing and also that the current application for 9no dwelling will trigger the requirement for affordable housing due to floor area. The dwellings provided in the front 9 do not lend themselves to be affordable but the client is more than happy to provide the affordable homes from the front 9 in the remainder of the site (which will be applied for shortly under a new application). The affordable housing amount will be based on the front 9 and the remainder of the site which the current sketch plan shows a total of 185 dwellings."*

As these 9 dwellings effectively form part of a wider development, the applicant has entered into a s106 agreement which requires the delivery of 25% affordable housing on the adjoining site taking into the 9 no. dwellings.

Other Considerations

A condition can be added requiring the installation of 3 swift nest bricks per building.

Whilst developing agricultural land is clearly less favourable than previously developed land, the application site does form part of a wider housing allocation and the implications of the loss of such land was considered through the Sustainability Appraisal at plan making stage. The impact on existing infrastructure/services and facilities available were also considered at that stage.

Boundary treatments will be the subject of a separate condition compliance application. The

standard practice is for boundary treatments to be installed prior to the occupation of dwellings, rather than prior to commencement of development.

A gate is to be installed at the north-western corner of the site to prevent public access along the easement on the northern side of the site.

The wider development will be expected to deliver an overall net gain in biodiversity.

Planning Balance

The principle of residential development on this site has already been established by virtue of the housing allocation in the Local Plan and the outline consent. It is not considered that the proposal would materially harm the character or appearance of the locality or amenity of nearby residents, and flood risk and drainage matters are considered to have been appropriately addressed. Notwithstanding the concerns that have been raised relating to highway matters, it is not considered that there is a justifiable reason to withhold permission on these grounds.

Overall, it is considered that the planning balance is in favour of the proposal.

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.

Conclusion

In light of the above considerations, the proposal is considered to be in general accordance with

Policies 1, 2, 3, 4, 6, 10, 11, 18 and 32 of the South East Lincolnshire Local Plan (2019), as well as guidance in the National Planning Policy Framework (2021).