DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-1047-23**	**Applicant:**	**Loosegate Developments (Long Sutton) Ltd**
Proposal:	Erection of 171 dwellings and associated works - approved under H11-1346-21. Modification of Condition 1 to allow amendments to previously approved plans		
Location:	Land Between Seagate Rd & B1359 Wisbech Rd Long Sutton Spalding		
Terminal Date:	1st May 2024		

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
28	The Natural Environment
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 5 Delivering a sufficient supply of homes
Section 11 Making effective use of land
Section 12 Achieving well designed and beautiful places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND	0	0	0	1

INTERNAL DRAINAGE BOARD				
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The proposal is a Section 73 application which varies condition 1 from the original reserved matters approval (H11-1346-21) to do the following:

-Modify plots 10,11,14,15 & 16 which had approval for two storey dwellings, to provide 5 bungalows instead.

Rre-positioning a private drive so that access to properties 96 and 108 can be improved, and changes to the rear garden of plot 109.

-Changes to approved house types and regularisation of House Types to Plot Numbers.

-Changes to landscaping and reconfirming that materials are as previously approved.

Site Description

The application site is substantial and stretches between Seagate Road (on the west) and the B1359 / Wisbech Road (to the east). The land is farmed and forms part of a wider agricultural unit. There are open field views to the south and partially to the east, frontage development to Seagate Road and Wisbech Road either side of the site and a grassed strip of land with ditches and dense hedgerow to the northern boundary, beyond which are further dwellings.

The site is under construction following outline approval and reserved matters approval.

History

H11-1207-17 - Outline. Residential development of approximately 215 dwellings. Approved 26th September 2019.

H11-1346-21 - Reserved Matters - Erection of 171 dwellings and associated works. Approved 1 September 2022.

H11-0882-21 - Full - Erection of 9 dwellings. Approved 16 February 2022

H11-0076-22 - S73 - Residential Development of approximately 215 dwellings - approved under H11-1207-17. Modification of condition 12 to allow amendments to wording relating to Flood Risk Assessment. Approved 10 March 2022.

H11-0972-22 - NMA - Erection of 171 dwellings and associated works - outline approval H11-1207-17 - approved under H11-1346-21. Amendment to position of plots 143, 144 and 172. Amendments to design of Yew, Blackthorn & Elder house types and solar panels added to all plots. Approved 3 November 2022.

H11-0923-22 - Removal of 106 agreement relating to financial viability of the development - Planning approval H11-1207-17 - Refused 19 January 2023.

H11-0349-23 - Modification of 106 Agreements relating to the removal of the affordable housing obligation from both the outline planning approval H11-1207-17 and full planning approval H11-

0882-21. Undetermined.

H11-0367-23 - Details of contamination, landscaping, boundary treatment, refuse & recycling, archaeological details, estate road & associated footways, surface water drainage scheme, travel plan, public open space including management plan and construction management including precautions to prevent mud deposit on public highway (Conditions 5, 6, 7, 8, 9, 16, 17, 18, 20, 21, 22 & 23 of H11-1207-17) - Undetermined.

H11-0935-23 - Non Material Amendment - H11-0935-23 - Erection of 171 dwellings and associated works - approved under H11-1346-21. Amendments of private drive to plots 96 & 108 and to external appearance to all plots. Approved 12 December 2023

H11-0365-23 - Details of external materials of construction of buildings and hard surfaced areas and management and maintenance schedule for areas of landscaping, incidental open space, drainage features, refuse & recycling collection points & parking courts/private drives (Conditions 2 & 5 of H11-1346-21) - Approved 1 March 2024.

H11-1122-23 - Full - Erection of 4 dwellings. Previous extant permission for 2 dwellings. Withdrawn 14 February 2024.

H11-0137-24 - Non Material Amendment - Erection of 171 dwellings and associated works - outline approval H11-1207-17 - approved under H11-1346-21. Amendment of private drives to Plots 96 & 108 to improve access to both plots. Undetermined.

Consultation Responses

Local Highway Authority and Lead Local Flood Authority

Recommendation: No objection:

This application seeks to amend only the design of five properties - 10, 11, 14, 15 and 16 - on the Consented development, so that bungalows will be provided in place of the Consented two-storey dwellings, with all other details remaining the same as Consented. This change would have no material impact upon the safe operation or the capacity of the local highway network and so no objection is raised by the highway authority to the grant of Consent for this Application.

Anglian Water
No comments on foul or surface water.

Lincolnshire Police
No objections

IDB

Response dated 5 April:

Comments as per 21st December 2023 remain.
The Amended Flood Risk Assessment submitted on 25th March 2024 does not appear to contain Appendix B Drainage Strategy.

Response dated 21st December 2023:

The site is within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.

The applicant has approached the Board to make an application for consent under Section 23, which has been
granted under reference 22_06657_C on 1st September 2022. This related to the alteration of a watercourse along the western boundary of the wider site.

Consent is required under Byelaw 3 (discharge of water into a watercourse for treated foul or

surface water).

There will be an increase in the additional impermeable area from the development as a result of this application which proposes to amend plots 10, 11, 14, 15 & 16 from two-storey dwellings to bungalows. An amended drainage strategy for the site has not been submitted to take these changes into account.

The Board have previously granted consent under Byelaw 3 for the discharge of surface water for this site based on the originally proposed impermeable area of 43,878m2 (under reference 23_07770_C on 20th April 2023), however, the additional impermeable area resulting from this application does not currently have consent from the Board.

An amended drainage strategy is required which includes revised calculations that take into account the additional contributing impermeable area to drain from the site as a result in the change of house type.

Any discharge should be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Long Sutton Parish Council

Should not increase number of 171 dwellings or downgrading of dwellings to approved specifications.
Re-iterate previous comments.

Screening by trees should be planted to replace trees and hedges removed from dyke boundary.
Issues of security to properties on London Road since trees, hedges removed because they are more easily seen from Wisbech Road. This should be done under security and police legislation.
There have been arrests.
Regarding flooding, proposed through road, security issues on boundary of London Road, loss of habitat.
No dog walking on path as in initial proposals.
Support all residents objections

Cllr J Tyrrell
When this went for planning I ask that the road between Seagate Road and Wisbech Road could not be used as a short cut, I would still like to see bollards half way as suggested that night. I believe now as I did then this will course a problem in the future if not

Planning Considerations

The main issue in relation to the consideration of this application are:

-the effect of the substitution of bungalows to plots 10,11,14,15 & 16
-the effect of changes to the alteration of the private drive and the impact on plots, 96, 108 and 109.
-the effect on changes to house types and regularisation of plot numbers
-the effects of changes to landscaping.

Substitution of bungalows on plots 10,11,14,15 & 16

Plots 10,11,14, 15 & 16 seek to change from 2 storey dwellings to bungalows. In terms of overall heights of the dwellings, moving from 2 storey dwellings to single storey dwellings will mean that there is less impact on neighbouring properties and the street scene. From this perspective the changes will be an improvement in this regard.

In terms of house types, these have changed as a result of the house type substitution. The change to house types are as follows:

Plot 10 had a house type of The Tulip Type 21 which is changing to The Pine Type 34
Plot 11 had a house type of The Foxtail type 15 which is changing to The Pine Type 34
Plot 14 had a house type of The Mulberry Type 19A to The Blackthorn Bungalow Type 3
Plot 15 had a house type of The Tulip Type 22B which is changing to to The Blackthorn Type 3
Plot 16 had a house type of The Cedar Type 6A to The Blackthorn Type 3

The Blackthorn (Type 3) Bungalow is a 3 bedroom bungalow with integral garage
The Pine (Type 34) is a 3 bedroom bungalow with front projecting hip and a detached garage

The Lead Local Flood Authority and Local Highway Authority raises no objections to the proposals. The IDB have stated that Consent is required under Byelaw 3 (discharge of water into a watercourse for treated foul or surface water). They state there will be an increase in the additional impermeable area from the development as a result of amendments to Plots 10,11,14 & 15 being bungalows because the roof area is larger, increasing from 1046.5m² to 1357.5m². The Board have previously granted consent under Byelaw 3 for the discharge of surface water for this site based on the originally proposed impermeable area of 43,878m2 (under reference 23_07770_C on 20th April 2023), however, the additional impermeable area resulting from this application does not currently have consent from the Board. As the increase is minor, and will necessitate a revised application to the Board, an informative attached to the decision is appropriate in this instance. The change is not likely to be severe enough to result in a demonstrable effect which significantly increases flood risk.

The design of the Blackthorn and Pine and considered satisfactory and have no significant adverse impact on the street scene or neighbouring properties. The changes to the roofs of the bungalow increases surface water to some extent, but the IDB have not raised an objection. An informative is suggested. As a result it is not considered that either the change to single storey bungalows or the change in house types would be contrary to policies 2, 3 and 4 of the SELLP.

Changes to the alteration of the private drive

In relation to re-positioning a private drive, improvements are required so that access to properties 96 and 108. It has a knock on effect of improving the rear garden of plot 109. A small amount of space has been taken from the adjoining amenity space to enable a straighter drive, but the overall amount is marginal. The current private drive arrangement is presenting issues on site for the installation of fencing, slabs and general buildability on site.

In the approved plan, as per permission H11-1346-21, a private drive is shown which curves around the back of plot 109 and allows access to plots 96 and 108.

In this current amended plan, the private drive runs parallel to the northern flank boundary to plot 109 before it curves around the back of that plot, allowing the same access to plot 108 but a longer and straighter turning head allowing better access to plot 96. The materials are exactly the same as previously approved. Plot 109 would have a slightly better, longer and straighter garden, and generally access is improved. The drive straightens this portion of the adjacent private amenity space but the amount lost is de minimus.

There are no changes to the general position of the plots, no loss of landscaping and a slightly increased garden for plot 109, with a slight change to the amenity space but just in this particular location.

In design terms the changes are minimal and have no significant material impact on the street scene or other design aspects of the overall scheme. There are no conflicts with policies 2 or 3 of the SELLP.

This aspect of the proposal is considered acceptable.

Changes to the Landscaping

The landscaping of the Public Open Space is changed very slightly due to the straightening of the private drive in the vicinity of plots 96, 108 and 109. Making the driveway straighter shaves off a small portion of the Public Open Space. It is not considered that this would make a material difference to the enjoyment of the space and is a logical adjustment to make sure the private drive functions adequately. There is no significant impact on the street scene as a result of this change. The materials remain as previous approved and this has been reconfirmed by email. It is considered that the change is acceptable.

Changes to House Types on the rest of the Site

The plot schedule approvals were spread over more than one permission and non material amendment, and it was difficult to track what had been approved according to what consent. This

submission now has a complete set of updated house types that is on one plot schedule. These now accord with the house types as built/are being built. This also fits in with the amended house types for plots 10,11,14, 15 & 16

The Acer House type was added as this was previously named The Lime - Type 29 to regularise this type. It is a 3 bedroom semi-detached two storey property with contrasting lintels. This house type relates to plot 150. The design is considered satisfactory.

Conclusion

The proposed changes have no significant impact on the street scene or neighbouring properties and an amended decision notice regularises the Plot Schedule and House Types. The proposal is considered acceptable and recommended for approval.

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.