DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-1346-21**	**Applicant:**	**Loosegate Developments (Long Sutton) Ltd.**
Proposal:	Erection of 171 dwellings and associated works - outline approval H11-1207-17		
Location:	Land Between Seagate Road & Wisbech Road Long Sutton Spalding		
Terminal Date:	10th June 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
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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
Section 16 - Conserving and enhancing the historic 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 INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	2	0	0	5

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Reserved Matters application for the erection of 171 dwellings and associated works on land between Seagate Road and Wisbech Road, Long Sutton. Outline application ref. H11-1207-17 was for 'approximately 215 dwellings'.

The site forms part of a housing allocation in the South East Lincolnshire Local Plan (2019) (ref. Los015). The western part of the allocation fronting Seagate Road benefits from full planning permission for 9 dwellings (ref. H11-0882-21). The total number of dwellings on site would therefore be 35 less than the number indicated in the Local Plan. The rationale for approaching the development in this manner is that the smaller scheme can start on site at an earlier stage.

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.

RELEVANT HISTORY

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 March 2022)

H11-0882-21 - Full - Erection of 9 Dwellings (approved February 2022)

H11-1207-17 - Outline - Residential development of approximately 215 dwellings (approved September 2019)

REPRESENTATIONS

Long Sutton Parish Council

Requests a share of s106 funding from the application. Outlines a programme of works amounting to approximately £236,000, comprising of: provision of new and enhanced skate board park; resurfacing of Cinder Ash Park main car park; grass reinforcement grids to side of cemetery to provide additional off-road parking; new park benches at cemetery; removal of disused fence posts, repair and renovation of damaged park gates and metal fence; and enlargement and improvement of turning circle in cemetery.

Cllr Tyrrell

I notice the road goes from Seagate to Wisbech Road. When this was brought forward for outline planning we asked that you wouldn't be able to drive through from Seagate to Wisbech Road, otherwise drivers will use it as a cut through to the petrol station.

South Holland Internal Drainage Board

I note that the applicant intends to discharge surface water to a piped watercourse connecting to H13 Falls Drain (DRN199G1308) to the north-west of the site, as per the Foul & Surface Water Drainage Strategy, Doc. Ref. 22421-REP-01A Rev. A (Sidebottom Richardson Cheng Ltd., Feb 2022). There also appears to be a second surface water discharge to a watercourse in the south-west corner of the site from a filter drain as per Drawing No. 22421/02 Rev. D (Sidebottom Richardson Cheng Ltd., Feb 2022). The proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). I note the presence of watercourses which are not maintained by the Board (a riparian watercourse), one being to the west of the site, parallel to Seagate Road and the other within the northern boundary, which will be used as a swale. It is unclear if the site access will be utilising an existing culverted section of the western watercourse or if a new access culvert will be constructed. If the applicant proposes to alter a watercourse, then consent is required under Section 23 of the Land Drainage Act 1991 (and byelaw 4).

Anglian Water

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

We have reviewed the applicant's submitted surface water drainage information and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

SHDC Strategic Housing

To meet needs and adhere to local and national policy the applicant should consider amending the plans to deliver 32 as Rented housing, comprising of 10 x 1 bed houses, 12 x 2 bed houses, 8 x 3 bed houses and 2 x 4 bed houses and 13 Shared Ownership, comprising of 5 x 2 bed houses, 3 x 2 bed bungalows and 5 x 3 bed houses.

The site layout plan LDC-3699-PL-02D Proposed Site Layout Plan - Amendment 1 identifies a large proportion of the affordable dwelling in one block. 28 of the 45 affordable dwellings are located in one specific area of the site, a centre block of the site of which 28 of the 34 dwellings proposed for the centre block are affordable. It would be preferable to locate the affordable dwellings throughout out the development in small clusters.

LCC Highways/SUDS

Does not wish to restrict the grant of permission. The submitted details are all now acceptable in highway terms and surface water drainage terms for this Reserved Matters Application to be approved. The necessary highway Planning Conditions are included on the Decision Notice for the Outline Consent (H11-0076-22), so there is no need for them to be repeated for any Consent that might be granted for this Application.

Public (7 objections/comments received, summarised)

- Development will cause traffic congestion in the area
- Estate road will become a rat run
- Overlooking
- Screening that was supposed to be between site and Wisbech Road has been removed
- Query whether trees/bushes to the rear of properties fronting London Road are to be preserved
- Houses instead of bungalows now behind properties on Wisbech Road
- Proximity of new dwellings to existing dwellings will generate noise disturbance
- Increased pressure on local services and facilities
- No dog walking should be permitted to rear of existing dwellings
- Concrete bollards could be considered instead of gate in north-west corner of the site
- Trees/bushes/fencing should be planted against existing drain in interests of crime prevention
- Area is subject to flooding
- Concern regarding surface water drainage and use of existing riparian watercourse adjacent to site
- Query what local residents are gaining from the application
- Field and adjacent drain is a habitat for wildlife
- Plans do not reflect the right of access from 'The Chase' to 3 Wisbech Road
- The access road 'The Chase' is poorly defined as it approaches Wisbech Road
- Boundary between no's. 1 and 3 Wisbech Road incorrectly recorded

Planning Considerations

Principle

The site is located within the settlement boundary for Long Sutton as set out in the South East Lincolnshire Local Plan (2019) and is part of a housing allocation (ref. Los015). It also benefits from outline planning permission (ref. H11-1207-17) for 'approximately 215 dwellings'. The principle of this type of development on the application site has therefore already been established.

The western part of the allocation fronting Seagate Road benefits from full planning permission for 9 dwellings (ref. H11-0882-21). Taking into account the 171 dwellings proposed in this Reserved Matters application, the total number of dwellings on site would be 35 less than the 215 permitted by the outline consent. The rationale for approaching the development in this manner is that the smaller scheme can start on site at an earlier stage and the site as a whole will be developed in phases in any event.

Design and layout

Nineteen house types are proposed, as a combination of detached, semi-detached, short terraces and cluster houses. This would deliver sufficient variety in the context of the size of the scheme. In terms of scale, a number of bungalows are included, but the majority of properties would be 2 storey, with a small number of 2.5 storey. This would be in keeping with the scale of existing development in the vicinity.

In terms of materials, the plot schedule indicated on the proposed site plan specifies red brick and either red or dark roof tiles. The exact types are not stipulated with the reason given that availability can change and it would be preferable to deal with this closer to the time of ordering. A materials schedule condition would therefore be included if permission were to be forthcoming. Whilst there are nineteen house types, different elevational treatments for each particular type also add visual interest and variety. The proposed dwellings will not be out of keeping in character terms with the front 9 plots or development in the wider area, which is varied in nature.

In respect of levels, the submitted flood risk assessment recommends that the finished floor levels of 1 storey dwellings be a minimum of 1.0m above existing ground level and that the 2 storey dwellings be at a minimum of 3.7m AOD. The drainage strategy indicates that levels would generally be raised between 0.7m - 1.0m above existing ground level for the two storey dwellings. It is not considered that the raising of floor levels of the proposed properties by this extent would have a material adverse visual impact in the wider street scene.

Taking all of the above into account, it is concluded that the design, layout and density of the scheme satisfactorily 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; and 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.

Landscaping and open space

Substantial areas marked as open space are shown on the proposed site plan (amounting to some 1.5ha) however, in reality, these spaces will be multifunctional, being attenuation basins that form part of the overall surface water drainage strategy for the development. This level of open space exceeds the 0.31ha required by Policy 32 of the Local Plan.

The landscaping proposals are considered to include acceptable species and be of an appropriate layout.

Highway matters and parking provision

Concerns have been raised that the development would cause traffic congestion in the area and that the estate road will become a rat run.

In terms of the former, the site is a housing allocation in the Local Plan and highway capacity was considered as part of the Local Plan process. No objections were raised by the Highway Authority at that stage.

The Highway Authority have been consulted on this application and have had input into the revisions made during the course of considering the application. They have confirmed that the details are all acceptable in highway terms. On that basis, there is not a defendable reason for refusal on highway grounds and the proposal satisfactorily accords with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.

In terms of the internal road arrangements, there would be a combination of adoptable estate road and a smaller number of private drives. There is therefore a need to provide collection points for refuse/recycling and these points are indicated on the layout plan where relevant. Details of the management/maintenance of these points can be secured by condition.

The arrangements of the private drives comply with the Council's guidance note entitled 'Private Drives - Waste Vehicle Collection Service'.

In terms of parking arrangements, Appendix 6 of the Local Plan sets out parking standards for residential dwellings and states that 2 vehicle parking spaces are required for dwellings with up to 3 bedrooms and 3 vehicle parking spaces are required for dwellings with 4 or more bedrooms. The proposed vehicle parking arrangements are in accordance with Appendix 6.

Residential amenity

It is not considered that the proposed development would have a material adverse impact on the amenity of any properties off-site. Plots 96 to 102 are bungalows and would be a minimum of 27m away from any existing dwelling to the rear. Finished floor levels of bungalows are required to be raised by 1m due to flood risk. As this part of the site is relatively flat, it would mean that a 2.8m high boundary treatment would be required to the rear of these properties to prevent overlooking. Given that there is a 13m separation distance to the boundary of properties to the north, a boundary treatment of such height would not have a material overbearing impact. Plots 125 to 130 and 132 face to the rear of existing dwellings but there is in excess of 30m separation distance to the rear of any property and at least 20m to the boundary of any other dwelling from the front elevation, with estate road being sited in between. Plots 132 and 143 are at the side of / off-set from no. 3 Wisbech Road. Plots 178 and 179 adjacent to no. 13 Wisbech Road are both bungalows and floor levels will need to be raised by 1m again for flood risk. The drainage strategy also indicates that Plot 180 (to the north-west of 13 Wisbech Road) would be raised by that extent. Suitable boundary treatment can be provided in these locations without having an overbearing impact given the size of the curtilage of the adjacent dwellings. At the south-western corner of the site, there is at least a 28m separation distance from first floor to the rear of dwellings fronting Seagate Road and at least 9m to the boundary. This is sufficient in planning terms to avoid a material overlooking or overbearing impact, again subject to appropriate boundary treatment being in place.

N.B. Full details of boundary treatment (including cross-sections where relevant) will be secured by condition.

Given the orientation of and separation distance from the new dwellings to existing properties, it is not anticipated that there would be a material loss of light to any property.

In terms of external space, the gardens provided are comparable in terms of size to those on other new developments in the district and to have a smaller garden is essentially personal choice.

Overall, there are not considered to be any significant or demonstrable adverse impacts relating to residential amenity that would warrant refusal of this proposal. The proposal is considered to accord with Policies 2, 3 and 30 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.

Condition 12 of the outline application required the following measures in the FRA to be implemented:

- Finished floor levels of the proposed development will be set no lower than 3.7m AOD, maximum of 800mm above existing ground level.
- Flood resilient and resistance measures will be incorporated into the development.
- The development will be two storey.

Subsequent to that application, the developer submitted a s73 to replace that FRA as the flood depths indicated in the South East Lincolnshire Strategic Flood Risk Assessment (2017) are not such that the development has to comprise of solely two storey dwellings. Single storey dwellings can be included, provided that finished floor levels are raised by 1m.

The approved revised Flood Risk Assessment identifies that the finished floor levels of single storey dwellings should be raised a minimum of 1.0m above existing ground level and that the 2 storey dwellings be at a minimum of 3.7m AOD. The drainage strategy indicates that the proposed floor levels are in accordance with these requirements. The Environment Agency have no objection to the application on flood risk grounds subject to the development being carried out in accordance with these measures specified in the revised Flood Risk Assessment.

In terms of surface water drainage, the strategy is to discharge surface water to the IDB maintained system at the north-west of the site due to poor infiltration potential precluding an adequate infiltration strategy. This is the next preferable solution when considering the drainage hierarchy. Three attenuation basins are located within the site to attenuate all surface water prior to outfalling to the drain. South Holland Drainage Board and the Lead Local Flood Authority have no objections to the proposed surface water drainage strategy.

In terms of foul water disposal, connection would be made to the Anglian Water mains system. No objection has been raised by this consultee.

Given the above, it is considered that the proposed drainage scheme and flood mitigation measures accord with Policies 2, 3 and 4 of the Local Plan which require proposals to provide appropriate means of drainage and flood defence.

Viability and developer contributions

The outline application is subject to a s106 agreement which requires the provision of a minimum of 25% affordable housing on-site, plus the full education and NHS contributions that were requested.

The applicant is not seeking to challenge the requested contributions on viability grounds at this stage.

Affordable housing provision

Policy 18 of the Local Plan requires the provision of about 25% affordable housing on-site on market schemes in South Holland. As it was agreed that the adjoining 9-unit scheme would not

include any affordable housing units to assist in facilitating delivery of the first phase of the development, the full affordable housing contribution required is now to be based on the 171 units proposed in the application, plus the 9 previously approved. 45 affordable units are therefore required.

The proposed tenure split has been clarified during the course of the application and is in accordance with that requested by SHDC's Strategic Housing Officer, namely:
- 32 x affordable rent (10 x 1 bed, 12 x 2 bed, 8 x 3 bed and 2 x 4 bed houses)
- 13 x shared ownership (5 x 2 bed houses, 3 x 2 bed bungalows and 5 x 3 bed houses)

Other considerations

The site is allocated for housing in the Local Plan and issues such as infrastructure capacity, number of amenities located in the village and increase in pollution from new residents were considered through the plan making process. The s106 tied to the outline application secured contributions towards both the NHS and Education Authority.

The watercourse along the northern boundary will be improved to act as a swale and, as part of this, any existing vegetation and trees along here will be removed.

Any plans indicating landscaping or house types that were submitted in support of the outline application are only treated as indicative and not binding on any future application.

A condition will be added for gates to be installed to the rear of Plots 96 and 102 to prevent walking to the rear of these dwellings. As part of the separate full application, a gate will already be installed at the side of Plot 1. No planting or fencing may go right up to the drain because access for maintenance must be retained.

The development is required to be carried out in accordance with the approved Preliminary Ecological Appraisal as per Condition 13 of the outline consent.

The track serving no's 5 and 7 Wisbech Road will be retained and therefore access will remain to the rear of no. 3 also. The access track is now more clearly defined on the site plan.

The boundary between no's. 1 and 3 Wisbech Road lies outside of the application site and is therefore not a matter for this planning application.

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 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 affordable housing/developer contribution 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.

Conclusion

In light of the above considerations, the proposal is considered to be in general accordance with Policies 1, 2, 3, 4, 6, 18 and 32 of the South East Lincolnshire Local Plan (2019), as well as guidance in the National Planning Policy Framework (2021).

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.

RECOMMENDATION

That the application be approved under delegated powers.

N.B. The application was presented to Chairman's Panel on 19th August 2022 and members were content for the application to be dealt with under delegated powers.