

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H18-0120-19 **Applicant:** Loyd Homes Ltd
Proposal: Sustainable development of up to 70 dwellings
Location: Land North: Withington Street Sutton Bridge Spalding
Terminal Date: 6th July 2019

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
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC	0	0	0	1

ENVIRONMENT OFFICER				
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	6
RESIDENTS	12	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is an outline application for a development of up to 70 dwellings on Land North of Withington Street. This application solely seeks to address matters related to access. Appearance, landscaping, layout and scale would be addressed at the reserved matters stage. The current usage of the site is agricultural but is described by the applicant as a fallow field.

The entirety of the site is within Flood Zone 3 on the Environment Agency Flood Maps. On the 2115 South Holland Strategic Flood Risk Mapping, the site is a "Danger for All" area for hazard and finished floor levels will have to be a minimum of 1 metre above ground level, with the majority of the site requiring levels at 2 metres. The submitted Flood Risk Assessment proposes finished floor levels of 1 metre with all dwellings two-storey in design. The sole vehicle means of access to the site would be off Withington Street, with pedestrian access via Allenby's Chase, Chestnut Terrace and Granville Terrace.

Site Description

The proposal is outside of the defined settlement limits, to the north of Sutton Bridge, and in planning terminology is defined as being located in the open countryside.

History

H18-0409-89

Residential development (Outline) - Approved - 02 November 1990

H18-0598-89

Residential development (Outline) - Approved - 19 September 1990

H18-0895-94

Residential development (Outline) - Approved - 05 September 1996

H18-0696-99

Residential Development (renewal of H18/0895/94) - Non-determined - 07 June 2011

H18-1269-99

Residential development (renewal of H18/0979/96) - Non-determine - 07 June 2011

H18-1168-16

Residential development - comprising 2 detached dwellings and 8 semi-detached dwellings - Approved 12 May 2017.

H18-0602-17

Residential development - erection of 6 dwellings - Refused - 06 October 2017.

South East Lincolnshire Local Plan - Sub018

A similar sized area on this site was rejected as proposed future housing under the adopted South East Lincolnshire Local Plan. The reasons for refusal state:

"Flood risk is considered to be one of the most important concerns in identifying land for development in Sutton Bridge, and this site is one of the more sequentially preferable ones given that just over half the site is identified as having predicted depths of 0.5m-1.0m, with a third being 1.0m-2.0m. In comparison, the SFRA shows that three quarters of the selected site has predicted depths of 0.5m-1.0m, with approx. 20% of the site exposed to predicted depths of 1.0m-2.0m."

"Secondly, highway access is a common issue that has been raised by the Highways Authority in relation to sites in Sutton Bridge. This was therefore also a consideration when selecting which sites to allocate in the settlement. Given the comments received from the Highways Authority for Sub018, it appears that the highways arrangement for the selected sites will be more straight-forward."

Consultation Responses

Member of public comments

Loss of view (Minimal planning weight)
Existing low water pressure (Minimal planning weight)
Proposal boundary is incorrect and claims land not in ownership of applicant. (Minimal planning weight)
Noise from construction (Minimal planning weight)
Noise from traffic (Minimal planning weight)
Loss of dog walking area (Minimal planning weight)
Flooding from run-off.
Access road at Withington Street is too narrow and parking is under-provided already.
Access for refuse lorries / emergency service vehicles.
No room at the school.
Oversubscribed at the doctors.
Pressure on police.
Lack of job opportunities in Sutton Bridge.
Surface water drainage

Police

General advice on designing out crime.

NHS England

The contribution requested for the development is £46,200.00 (£660 x 70 dwellings).

Historic Environment Officer

No archaeological impact.

South Holland Internal Drainage Board

No objections - Satisfy yourselves that this proposal is in line with the drainage hierarchy (as per best practice) and is viable in this location.

Strategic Development Officer

Primary School contributions £0, secondary £220,889, sixth-form £36,855, totalling £257,744.

Housing Strategy Officer

Strategic Housing recommends that 1/4 (25%) of the development should be provided as affordable housing. Strategic Housing would recommend that a mix of property types and sizes are provided for the affordable housing contribution, comprising of approximately 25% as one beds, 40% as two beds, 30% as three beds and 5% as four beds.

Considered preferable for the affordable housing to be secured through a s106 agreement. The s106 agreement should include an agreed affordable housing scheme detailing the tenure split, property types and sizes, plot numbers, internal floor areas, design standards and the phasing of the affordable housing units, although I appreciate the detail may not be known at outline application stage. It would be preferable for the homes to be built to the 'Nationally Described Space Standards'. Ideally the affordable housing should be spread proportionately across the scheme to enable a mixed and sustainable community.

Environmental Protection Officer

Requests an unexpected contamination informative.

County Highways & SUDS Officer

Requests informatives regarding adoptable road standards, footways and surface water drainage. Concerns are expressed in earlier correspondence as to the ability of large vehicles to manoeuvre, use of private driveways as public footpaths and the ability to adequately address surface water drainage matters.

Sutton Bridge Parish Council

Supports the proposal subject to increased number of vehicular access points, surface water drainage details and contributions to a pavilion and sports ground facility.

Lincolnshire Wildlife Trust

Commented on the ecological appraisal and states that the recommendations for protected species, existing vegetation and lighting schemes should be included in any final development.

Anglian Water

Seeks protection of Anglian Water assets in and around the development. Comments that wastewater capacity is available, potential impact on public sewers and that surface water disposal should be addressed by a sustainable drainage system.

Environment Agency

Requests condition that finished floor levels are set no lower than 1 metre above ground level, development is two storeys in height and demountable door defences are provided for all ground floor doors.

Planning Considerations

Principle of development

Affordable housing provision

Addressing flood risk

Flooding from run-off

Protected Species Report

Access road at Withington Street is too narrow and parking is under-provided already and access for refuse lorries / emergency service vehicles.

No room at the school.

Oversubscribed at the doctors.

Pressure on police.
Lack of job opportunities in Sutton Bridge
Appearance, landscaping, layout and scale
Summary

Principle of development

Since the application was submitted, the South East Lincolnshire Local Plan (2019) (SELLP) has been adopted. However, this does not materially change the policy status of the site as it remains outside of any settlement boundary and is therefore still classed as being in the countryside. Policy 1 of the SELLP states that development in the countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. It is not considered that the application has demonstrated that development is essential in this location or meets a defined housing need.

Since submission of the application, as of 31 March 2019 the Council has identified a 5-year housing land supply, and is able to demonstrate a supply of deliverable sites equivalent to 6.07 years through the latest Housing Land Supply Assessment. The assessment covers the five-year period 2019/20 to 2023/24 and has been prepared in accordance with the revised National Planning Policy Framework and Planning Practice Guidance.

Open market housing is not a development type that requires a countryside location. This is particularly the case in this instance where the council has a 5 year housing land supply and a recently adopted up-to-date development plan with a spatial strategy setting out how the housing needs for the area will be met.

The proposed development would set a harmful precedent by positioning residential dwellings in a countryside location outside the main built-up area of the village, that has not been allocated as a development site. This would have an adverse impact on the character of the area and would set a harmful precedent for further development outside the settlement boundary.

The proposal is contrary to policies 2 and 3 of the SELLP which amongst other things require proposals to have regard to the character and appearance of an area and stipulate that proposals which fail to maximise opportunities to improve the character and quality of an area will not be acceptable. The proposal would also conflict with Paragraph 170 of the Framework which requires planning decisions to recognise the intrinsic character and beauty of the countryside.

Affordable housing provision

The thrust of the Design & Access Statement addresses housing provision in the context of a lack of a five year housing land supply as a justification for the proposal. Section 15 of the application form shows that 17 of the proposed 70 dwellings would be for affordable housing. This is below the minimum level of 25% set by SELLP for affordable housing provision. A minimum of 18 affordable dwellings would need to be provided to achieve this baseline amount. No justification has been brought forward at the outline stage to justify the shortfall in affordable housing provision.

Even if the proposal could boast on or above 25% affordability at the reserved matters stage, this is a normal expectation that would not override pre-existing policy concerns.

Addressing flood risk

On the 2115 South Holland Strategic Flood Risk Mapping, the site is a "Danger for All" area for hazard and finished floor levels will have to be a minimum of 1 metre above ground level, with the majority of the site requiring levels at 2 metres. The submitted Flood Risk Assessment proposes finished floor levels of 1 metre with all dwellings two-storey in design. This would not adequately flood risk in areas where the maximum predicted flood depth is in excess of 1 metre.

It is also considered that the need to significantly raise finished floor levels, or have no habitable rooms at ground floor level, would lead to taller buildings that would lead to an overlooking / overshadowing aspect and be out of character with the existing adjacent housing stock that was not subject to the imperative for increased floor levels at the time of construction.

Flooding from run-off

This is a matter that would be addressed via the surface water details informative requested by the County Highways & SUDS Officer. Anglian Water has stated in the Foul Water and Utilities Report that they consider the proposed method of surface water drainage via SUDS (mains sewer) to be acceptable. Foul water disposal would be addressed by means of a mains sewer.

Protected Species Report

This report is a preliminary ecological assessment prepared by Turnstone Ecology. The development site is dominated by a fallow arable field that supports ruderal and rough grassland including common grass, ruderal and arable weed species. There are ponds or SSSIs within the vicinity of the site.

Parking provision on Withington Street and width of road

The lack of multiple vehicular entrances to a site of this size is concerning. Whilst the access road at Withington Street is wide, it is often subject to parking on both sides of the road, as off street parking on this road is limited. The summary of protected species on this report shows the potential presence of foraging bats, badgers, birds and reptiles, however, more specificity would be given at the reserved matters stage.

No room at local schools

This is a matter that would be addressed by contributions from a Section 106 agreement. The Strategic Development Officer has requested the following contributions - Primary School contributions £0, secondary £220,889, sixth-form £36,855, totalling £257,744.

Oversubscribed at doctors

This is a matter that would be addressed by contributions from a Section 106 agreement. NHS England has requested the following contributions - The contribution requested for the development is £46,200.00 (£660 x 70 dwellings).

Pressure on police

This is a matter that would be addressed by contributions from a Section 106 agreement, and by the development following design codes supported by the police on designing out crime.

Lack of job opportunities in Sutton Bridge

Sutton Bridge is well served by the A17 and it is no longer the case that a large amount of a population work in the same settlement in which they live.

Appearance, landscaping, layout and scale

Whilst not forming part of the proposal, the indicative layout does give rise to a number of concerns. The need to significantly raise floor levels would lead to a significant overlooking impact on existing that sit adjacent to the site. Whilst in terms of density the design is comparable to that of the adjacent housing stock, the height of the new dwellings would present as visually discordant and therefore be detrimental to the built character of the area as a whole.

Summary

The concerns of Local Planning Authority primarily relate to adherence with local and national policy, as well as the need to address flood risk and the design concerns that would bring. Within Policy 1 of the SELLP, criterion D concerns the countryside and the need to demonstrate that it meets sustainable development needs of the area in terms of the economic, community or environmental benefits. The statements given in support of the proposal relate to outline approval of an adjacent development on land off Nightingale Way under reference H18-0435-18. However, this decision was made in the context of the 2006 South Holland Local Plan and the lack of a five year housing land supply.

Since this decision the Local planning Authority adopted the SELLP on 09 March 2019 and as of 31 March 2019 can guarantee a five year housing land supply. This and subsequent appeal decisions

are considered to support the stance of Development Management in their recommendation. Examples of similar decisions upheld at appeal, admittedly for smaller scale development adjacent to defined settlement limits can be found under references APP/A2525/W/18/3212261 and APP/A2525W/19/3220553.

The agent has considered to have brought forward a weak economic, community or environmental benefit argument within their supporting information to justify development of this site.

With regard to Policy 2 of the SELLP, at this stage of the planning process, criterion 4 is considered to be of primary importance. This criterion concerns sustainable development in relation to access and vehicle generation levels. It is considered that siting the solely means of vehicular access of Withington Street will not only generate manoeuvrability concerns for emergency and refuse vehicles but also increase traffic and parking concerns in area where off street parking is limited.

Policy 3 has a number of criteria where the submitted proposal would generate concerns. The indicative layout would require the prominent location of refuse collection points to the detriment of the built character. In additions, the need to significantly raise floor levels to address flood risk matters would lead to overlooking / overshadowing concerns as well as visually jarring development, immediately adjacent existing housing stock.

Policy 4 relates to flood risk and the applicant has not brought forward a substantive argument as to why the proposal cannot be sited in an area at a reduced risk of flooding. Part of the development site is subject to flood levels of up to 2 metres on the 2115 South Holland Strategic Flood Risk Mapping, yet the submitted Flood Risk Assessment only proposes a maximum finished floor level of 1 metre across the entirety of the site.

Conclusion

Taking into account the above, the site is not considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the countryside character of the area. In addition, the need to address flood risk would lead to significantly raised dwellings that would contribute to overlooking and a visually discordant development that is out of keeping with the character of the surrounding area. It is therefore contrary to Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) as well as Paragraphs 7, 8 and 127 of the National Planning Policy Framework (2019).

The recommendation is therefore one of refusal.

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 to refuse permission 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 to refuse permission 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 to refuse permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.