

Agenda Item 12

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 1 March 2017

(Author: Susan Chan - Planning Officer)

Purpose: To consider Planning Application H18-1167-16

Application Number: H18-1167-16

Date Received: 16 November 2016

Application Type: OUTLINE

Description: Residential development - erection of 6 detached dwellings

Location: Land East: Chestnut Terrace Sutton Bridge Spalding

Applicant: Mr Peter Crawley

Agent: Maxey Grounds & Co

Ward: Sutton Bridge

Ward Councillors: Cllr C J T H Brewis
Cllr M D Booth

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H18-1167-16>

1.0 REASON FOR COMMITTEE CONSIDERATION

- 1.1 Resident objections received merit Committee consideration and access involves land owned by South Holland District Council.

2.0 PROPOSAL

- 2.1 This application seeks outline planning permission for residential development to the rear of 30-48 (evens) Chestnut Terrace, Sutton Bridge. The application is in outline form only, with all matters reserved. The submitted plans show an illustrative layout of six new detached dwellings in an angular/T-shaped cul de sac layout, each with a driveway and spacious gardens. The site will be accessed from the northern end of Chestnut Terrace and run adjacent to 48 Chestnut Terrace. As the site exceeds 0.5 hectares it is classed as a major application.

3.0 SITE DESCRIPTION

- 3.1 The site is located within the settlement limit of Sutton Bridge in the South Holland Local Plan 2006 to the rear of Chestnut Terrace. The site is located to adjacent playing fields to the south and east. A children's nursery is located to the south east amongst the fields. To north is open countryside, some of which is in the applicant's ownership. The site is not allocated or within the proposed settlement limit in the emerging South East Lincolnshire Local Plan.
- 3.2 The site is reasonably well screened on the western boundary (to the rear of 30-48 Chestnut Terrace), and the eastern boundary (adjacent to the nursery) with mature landscaping. The screening to the south is perhaps more sparsely planted in comparison. Properties along Chestnut Terrace enjoy long linear gardens between the rear of the dwellings and the boundary to the application site. The application site is currently vacant. The land was previously in arable production but is now maintained cut grassland.

- 3.3 The access is proposed to come off Chestnut Terrace. At present Chestnut Terrace is a dead end, the proposal intends to open up this enclosure to form an access into the application site.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South Holland District Local Plan, July 2006

The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan. In the context of those saved policies referred to below, it is considered that the Local Plan was adopted in general accordance with the Planning and Compulsory Purchase Act 2004 (albeit under the transitional arrangements). Those policies referred to below are considered to accord with the thrust of guidance set out in the National Planning Policy Framework, and in the context of paragraph 215 of the NPPF should therefore continue to be given substantial weight in the decision making process.

Policy SG1 - General Sustainable Development
Policy SG2 - Distribution of Development
Policy SG3 - Settlement Hierarchy
Policy SG14 - Design and Layout of New Development
Policy SG15 - New Development: Facilities For Road Users, Pedestrians And Cyclists
Policy SG16 - Parking Standards in New Development
Policy SG17 - Protection of Residential Amenity
Policy SG18 - Landscaping of New Development
Policy HS3 - New Housing Allocation

- 4.2 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), March 2012

Paragraph 14 - The presumption in favour of sustainable development
Paragraph 17 - Core planning principles
Section 6 - Delivery a wide choice of high quality homes
Section 7 - Requiring good design
Section 10 - Meeting the challenge of climate change, flooding and coastal change

Planning Practice Guidance (PPG), 2014

5.0 RELEVANT PLANNING HISTORY

- 5.1 No relevant planning history.

6.0 REPRESENTATIONS

6.1 Sutton Bridge Parish Council

Raises comments:

- Chestnut Terrace is privately owned, permission needed from all residents in order for the access to be made available. Access road would need to be improved to adoptable standards;
- No turning area provided for emergency vehicles;
- Gravel road surface is unacceptable;
- FRA misleading and incorrect - the site is not covered by South Holland main drain and Lawyers Pumping Station;
- Finished floor levels above ground would overlook the children's nursery.

6.2 Phil Scarlett representing Sutton Bridge Parish Council

Request for this application and H18-1168-16 to be considered as one with an access from Allenby's Chase. This will unlock the land to the north.

6.3 Ward Councillors

Cllr C J T H Brewis

Issues raised:

- Roads need to be adoptable LCC standard;
- Adverse collection points for bin bags, fly-tipping - proposed location out of sight of indicative dwellings;
- Roads need to be wide enough to allow for passing - Chestnut Terrace road is 60% privately owned;
- Flood risk - elevated properties will overlook the Children's Centre;
- Refuse collection adjacent 48 Chestnut Terrace is unacceptable;
- Access road needs to be to adoptable standards to allow for refuse and emergency vehicles;
- A mini roundabout or turning area is needed;
- FRA is factually not true, these street collect water which flows down from Bridge Road;
- Access from Allenby's Chase a better alternative;
- Piecemeal development approach inappropriate, needs a proper plan to address the whole principle of development.

6.4 LCC County Highways

Do not wish to restrict the grant of planning permission. Private road, no conditions imposed.

6.5 Environment Agency

Development shall be carried in accordance with the approved FRA and the following mitigation measures:

- The development will be 2 storeys;
- Finished floor levels set no lower than 4.5m above AOD, 1m above existing ground level;
- Flood resilience and resistant measures will be incorporated;
- Demountable defences will be installed to all ground floor door openings, to 600mm above finished floor levels.

6.6 Anglian Water

Comments made for major proposals of 10 houses or more. This is below threshold.

6.7 SHDC Environmental Protection

No comments.

6.8 LCC Education

Below threshold, no comments.

6.9 Police

No objections to the outline, would like to be consulted at detailed stage.

6.10 LCC Historic Environment Officer

No archaeological input required.

6.11 Public

The following objections have been received (8 objections).

- Road cannot support another 6 houses;
- Little room for passing traffic;
- Nuisances during construction i.e. lorries, materials, parking;
- Loss of telegraph pole to make way for access;
- Half of street is unadopted;
- Construction noise and traffic;
- Pressure on local schools and doctors;
- Highway congestion & safety;
- Location of the development next to a school;
- Traffic noise created by additional houses;
- Impact of additional traffic on a road in a poor state of repair;
- Single track road being proposed to serve the development;
- Houses overlooking a school;
- Development encourage dogs to bark;
- Permission will set a precedent for the larger area of land marked in blue;
- Parking congestion;
- Capacity of the infrastructure such as sewerage.

7.0 MATERIAL CONSIDERATIONS

7.1 The key material issues for considerations in this application are:

- Policy;
- Flood risk and drainage;
- Highway safety;
- The appearance and character of the development and likely impact upon residential amenity of nearby residents.

7.2 Policy

The site is identified in the South Holland Local Plan, 2006 for new housing allocation (15 dwellings) - Policy HS3- New Housing Allocation. Under HS3, proposals for alternative uses on land allocated by this policy will not be permitted unless it is demonstrated that the site has become physically unsuitable for housing. In this case there is no indication that the land is unsuitable for residential development. However, it is the case that in the emerging South East Lincolnshire Local Plan the site is no longer proposed as a housing allocation and would be outside the proposed settlement limit.

7.3 The application site is located within the defined settlements. Policy SG2 - Distribution of Development, gives priority to the use of previously developed land and buildings within defined settlement limits, to make efficient use of land, ensuring that the development is acceptable in terms of traffic generation and road safety in the surrounding area. Objections raised regarding setting a precedent for the larger piece of land edged in blue would be immaterial at this stage given that the area referred to is classed as open countryside and outside of development limits. The site will be subject to a different set planning policies and sustainability requirements.

7.4 Under Policy SG3 - Settlement Hierarchy, Sutton Bridge is identified as an Area Centre. Such places will continue to provide for housing, employment and commercial development to support their roles as service centres for surrounding rural areas. Due to the size of the proposed development and the likely number of dwellings presented, the applicant will not be required to enter into formal agreements for affordable housing contribution.

- 7.5 At the heart of the National Policy Framework (NPPF), is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites". In that circumstance, Paragraph 14 of the NPPF is quite clear that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies outlined in the NPPF as a whole; or specific policies in the NPPF indicate that development should be restricted.
- 7.6 The Council cannot currently demonstrate a 5-year supply of deliverable sites as per the provisions of NPPF. In the context of the objectively assessed need identified in the Council's Strategic Housing Market Area Assessment (SHMA), and including a 20% buffer by virtue of a persistent under delivery of housing, the Council can only currently demonstrate a 3.3 year supply of deliverable sites (as of 31/12/16). As per the provisions of Paragraph 49 of the NPPF, the Council's Local Plan policies relevant to the supply of housing are considered out-of-date and the presumption in favour of sustainable development applies.
- 7.7 Given the location of the site is adjacent to a well the built-up area of Sutton Bridge, located close to local services and amenities, set a clear precedent that the area is need of growth to accommodate the needs of its residents. With the site's designation as a new housing allocation, there is not considered to be a policy objection to the development in principle and on the matter of sustainability when assessed against Policy SG1 of the Local Plan 2006. Much of this land at the moment requires extensive management and maintenance. By reusing part of it for an alternative but sustainable use as illustrated by the proposal, it will encourage the reuse of redundant land together with creating an opportunity to improve the quality of adjacent roads. As such, as per the provisions of the NPPF, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies outlined in the NPPF as a whole; or specific policies in the NPPF indicate that development should be restricted.
- 7.8 The principle of residential development in policy terms is acceptable. The number of new dwellings proposed is not considered to be excessive or of a nature that would cause significant detrimental harm to the amenity of the area. However, the remainder of this section of the report considers the other material considerations to be taken into account in determining whether any adverse impacts of granting permission. It is considered that residential development in this location would significantly and demonstrably outweigh any dis-benefits of housing development, in this particular location, as per the provisions of the NPPF.
- 7.9 Flood risk and drainage
- A Flood Risk Assessment was submitted with the application. Although comments were made about the factual accuracy of its contents, the South Holland IDB had not provided any comments in response to the application. The Environment Agency have been consulted and recommended a condition relating to minimum finished floor levels, resilient measures, defences and building height. These issues are all workable and achievable as part of the full application and is not considered to result in any detrimental harm upon the residential amenity of adjacent occupiers. Furthermore, the County Council as Lead Flood Authority has concluded that the proposed development is acceptable and do not wish to object to the application.
- 7.10 In the absence of any serious concerns from statutory bodies responsible for flood risk, it is considered that the proposal is acceptable in this regard, subject to appropriate conditions being discharged.

7.11 Highway Issues

Resident concerns regarding Highway safety, access to and from the site, congestion, road condition and ownership has been raised. The County Highways Authority have made the LPA aware that where the proposed residential carriageway joins Chestnut Terrace, this section if carriageway is unadopted and remains in the ownership of SHDC and, there the Highway Authority are unable to consider formal adoption of the proposed highway. However, on recognising that the application is only in outline form, they would still like to advise on requirements in terms of parking and turning and adoptable standards of the proposed highway, due to more than five dwellings being proposed and any potential problems with the kerb side collection of refuse.

7.12 Highways have not made any comment regarding the safety and capacity of Chestnut Terrace as an access for the additional six houses. Further details of access, roads and infrastructure would be assessed at reserved matters stage. A developer would be expected to discuss ownership and access arrangements with residents, prior to the submission of a full application.

7.13 Policy SG15 - New Development: Facilities For Road Users, Pedestrians And Cyclists states that proposals for development shall provide safe and convenient access to and within the site for motor vehicles, cyclists, pedestrians, the less able-bodied and people with disabilities to accommodate the potential increase in movement generated by the proposal. New and improved roads, cycleways and footpaths shall reflect through layout and design the anticipated nature of future traffic and the character of areas to be served. Although the outline plans submitted merely show a 5 metre road layout, conditions will be imposed to ensure safe adequate movement of vehicles and other road users in line with Policies SG15, SG16 and SG17 of the Local Plan 2006, in the interests of residential amenity, convenience and safety.

7.14 Residential Amenity

As the proposal is in outline form only, the layout of the plots and scale of the development illustrated on the plan is considered acceptable in principle with all matters reserved, actual details of design, house types, landscaping and appearance are yet to be confirmed by the applicant and formally considered by the LPA. The site is very much dictated by on site constraints namely the proximity to the children's nursery and playing field, location of the new development to the rear of a well established housing estate, access from Chestnut Terrace, bin collection points and arrangements. However, these are not reasons that would warrant a refusal against the principle of development. These are current site challenges that can be overcome by good design/layout and a considered approach towards the preparation of the detailed plans. It is also important to note that none of the objectors whom have made their addresses known live at 30-48 (evens) Chestnut Terrace. These properties would be most affected by the proposal along with the Children's centre.

7.15 It is felt that the proposal is of relatively low density compared to the character of the surrounding area. This will allow for amenity and outlook to be well preserved for both the new development and the existing. The proposed development is contained within defined settlement limits, and is not considered to result in an unacceptable impact upon the residential amenity and landscape character of the area.

7.16 Concerns raised regarding overlooking, noise, etc are matters that will be further considered at reserved matters stage when detailed plans, layouts, boundary treatments, and material confirmation becomes available as well as a comprehensive landscaping scheme. The presence of an additional houses in exposed area of land would define this space by creating a sense of enclosure to an otherwise, open piece of land.

7.17 Conclusion

Whilst the development complies with local plan policy the lack of a 5 year housing land supply means that the guidance within the NPPF takes precedence and the development is considered to be sustainable in nature and to comply with NPPF guidance and will help deliver much needed housing.

Objections raised by residents about highway and amenity issues will be addressed at reserved matters stage where a more considered approach to design and layout can be negotiated. This application purely relates to the principle of the development which on balance and in light of the recommendations made by statutory consultees, the merits of a small residential development within the settlement limits of Sutton Bridge is considered sustainable and acceptable in principle.

8.0 RECOMMENDATIONS

8.1 **Authorised to Grant Permission subject Conditions listed at Section 9.0 of this report.**

9.0 CONDITIONS

1. Application for approval of reserved matters must be made not later than three years beginning with the date of this permission, and the development must be begun before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan, Maxey Grounds & Co,
Flood Risk Assessment for land east of Chestnut Terrace, Sutton Bridge by Maxey Grounds & Co LLP.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The following matters are reserved for subsequent approval by the Local Planning Authority and no development to which these matters relate shall be carried out until these matters have been approved, viz:
 - i) detailed drawings of the estate layout to a scale of not less than 1:500 and including road and plot layouts;
 - ii) detailed drawings to a scale of not less than 1:100 showing the siting, design and external appearance of each building, including a schedule of the materials to be used for external walls and roof;
 - iii) the siting and design of any vehicular access to a highway or estate road;
 - iv) the means of foul and surface water disposal;
 - v) details of landscaping and tree planting.
 - vi) the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.

Reason: The application was submitted in outline only and the above details are required to enable the Local Planning Authority to assess the detailed design, scale, appearance and layout of the development as well as ensure that appropriate access and services are provided to serve the development.

This Condition is imposed in accordance with Policies SG12, SG13, SG14 and SG18 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

4. The development hereby permitted in outline is limited to no more than 6 dwellings and a maximum combined gross floorspace of no more than 1000sqm.

Reason: The application is approved without planning obligations. A development of greater than 1000sqm floorspace would be expected to make such contributions, or demonstrate why they would not be viable, in accordance with national advice contained in Planning Practice Guidance.

5. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) for land east of Chestnut Terrace, Sutton Bridge by Maxey Grounds & Co LLP and the following mitigation measures detailed within the FRA:
- The development will be two storeys;
 - Finished floor levels will be set no lower than 4.5m above Ordinance Datum (AOD), 1.0m above existing ground level;
 - Flood resilience and resistance measures will be incorporated into the proposed development as stated in the FRA;
 - Demountable defences will be installed to all ground floor door openings, to 600mm above finished floor levels.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

6. Before the commencement of the development hereby granted beyond oversight, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies SG11, SG12 and SG13 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

7. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to 5 litres per second per hectare;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policies SG11 and SG12 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

8. Details of the means of storage and disposal of refuse and recycling shall be submitted to and be approved by the Local Planning Authority and the development shall not commence in advance of that approval. The approved scheme shall be fully implemented before occupation of the first property and shall thereafter be retained.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan, 2006.

9. When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating, inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance and such a scheme shall require the approval of the Local Planning Authority before any development is commenced. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Note: The applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan, 2006.

10. Prior to its installation, details of the proposed boundary treatment, including a schedule of materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006.

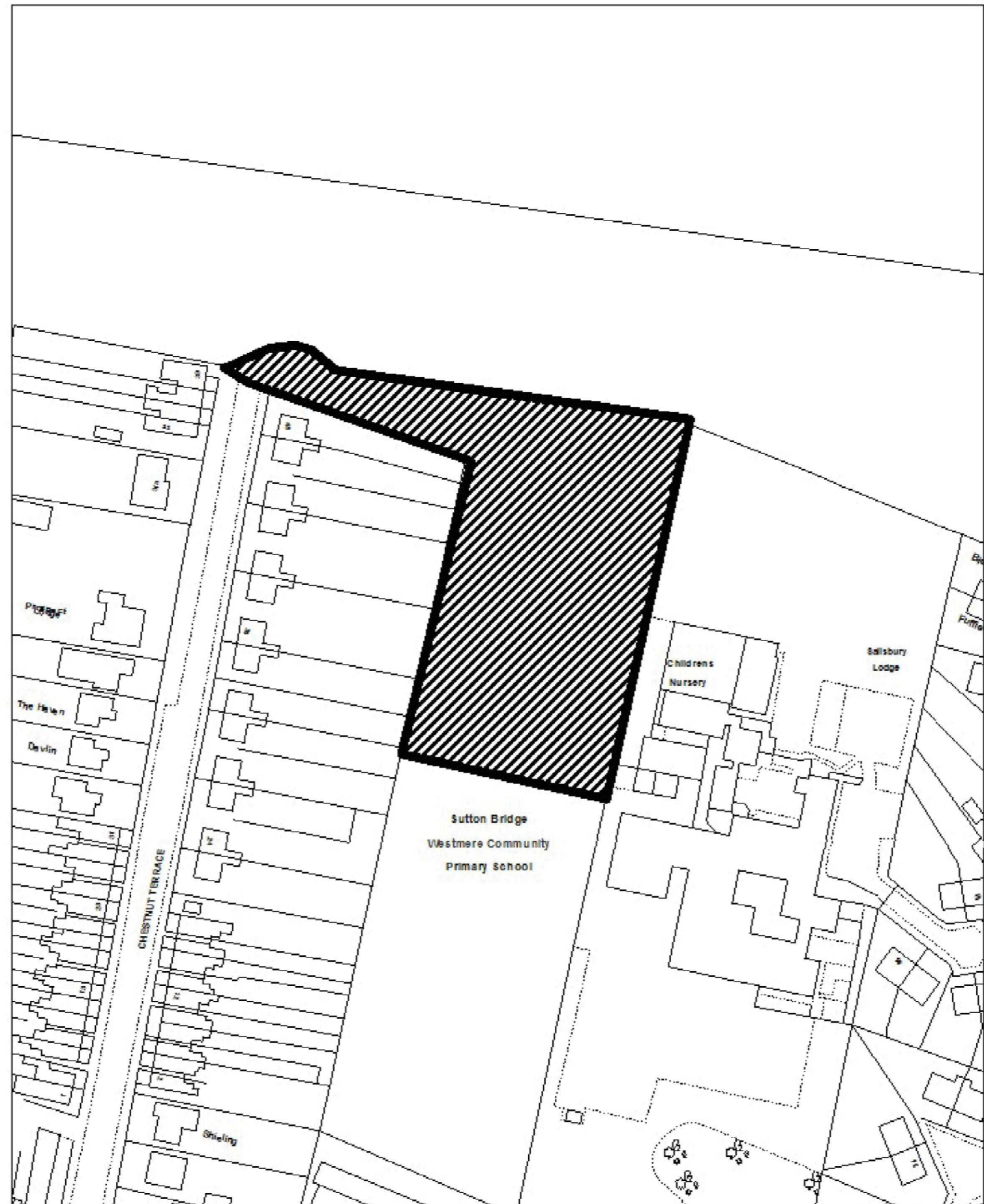
Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Richard Fidler , Development Manager
Telephone Number:	01775 764428
Email	rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A	PLAN A
------------	--------



Scale: 1:1300

February 2017

This map is reproduced from Ordnance Survey material with permission of Ordnance Survey on behalf of Her Majesty's Stationery Office (c) Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Holland District Council 100018215 2017

