

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H18-0824-20	Applicant:	Loyd Homes Ltd.
Proposal:	Residential development of 129 dwellings (including 32 affordable units), site access and associated external works.		
Location:	Land Adj. Nightingale Way, Granville Terrace, Withington Street & Chestnut Terrace Sutton Bridge		
Terminal Date:	29th January 2021		

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
19	Rural Exception Sites
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
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2019

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	1	0	0	0
WARD MEMBER	0	0	0	1
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	0	4
RESIDENTS	29	1	0	5

CASE OFFICER ASSESSMENT**Proposal**

This is an outline application (with some matters reserved) for residential development of 129 dwellings (including 32 affordable units), site access and associated external works on land adjacent to Nightingale Way, Granville Terrace, Withington Street and Chestnut Terrace, Sutton Bridge.

The matters for which approval is being sought as part of this outline application are access and layout.

It should be noted that 76 of the 129 dwellings proposed already benefit from extant reserved matters approvals, as set out in the relevant history section below. Therefore there are 53 dwellings (approx. 41% of the total number) that do not currently benefit from any form of planning permission. The area covered by the extant permissions is indicated on dwg. no. LH/SBM/20/003 Rev C.

The layout of the properties to the north of Nightingale Way, Grebe Close and Youngs Row would remain almost identical to that approved via reserved matters application ref. H18-1167-19 with the

exception of the eastern end of site where vehicular access would be created to link that part of the site with the proposed development to the north of Withington Street, extending eastwards as far as Allenby's Chase. Vehicular access would also be taken from Withington Street. The layout of properties to the east of Chestnut Terrace would also be very similar to that approved at reserved matters stage, but with access instead being taken from the proposed estate road to the north. The dwellings at the northern end of Withington Street would again be almost identical to that approved at reserved matters stage, but without the turning head on the western side of the highway. Pedestrian foot links would be provided to Chestnut Terrace and Allenby's Chase.

The remaining dwellings would be sited along the northern edge of the eastern part of the site, being frontage only along the northern boundary and a mixture of frontage and two deep on the opposite side of the highway. An additional area of public open space and a pumping station is proposed to be located on this part of the site.

Dwellings would be accessed off a combination of estate road and private drives. The most dwellings that any private drive would serve on any part of the site is 5 no.

97 market and 32 affordable dwellings are proposed, comprising of the below dwelling mix:

Market - 4 x 1 bed, 33 x 2 bed, 47 x 3 bed and 13 x 4 bed

Affordable - 8 x 1 bed, 14 x 2 bed, 8 x 3 bed and 2 x 4 bed

Site Description

The application site measures approximately 6.96ha in size and is greenfield in nature, being described on the application form as 'fallow field'.

It is located on the northern edge of Sutton Bridge and extends the full width across the rear of residential properties off Nightingale Way, Grebe Close and Young's Row, as well as to the north/rear of properties on Granville Terrace, Withington Street and Allenby's Chase (including the primary school).

Existing properties in the vicinity range from large detached dwellings to small terraced properties.

There are a mixture of boundary treatments to the rear/side of properties/development adjoining the site. The remaining boundaries are open.

Relevant History

Land north of Nightingale Way

H18-0859-20 - Details of surface water drainage scheme, foul water strategy, storage and disposal of refuse and recycling, construction management, prevention of mud deposits on road, plan and management plan relating to publicly accessible open space (Conditions 7, 8, 11, 13, 14, 15 and 16 of H18-0435-18) (approved November 2020)

H18-1167-19 - Reserved matters application for the erection of 60 dwellings and associated works - outline approval H18-0435-18 (approved March 2020)

H18-0435-18 - Outline application for residential development - approximately 60 dwellings (approved March 2019)

Land east of Chestnut Terrace

H18-0874-20 - Details of foul and surface water disposal/drainage and storage and disposal of refuse and recycling (Conditions 6, 7 and 8 of H18-1167-16) - allowed on appeal (approved November 2020)

H18-0709-19 - Reserved matters application for the erection of 6 dwellings and associated works - outline approval H18-1167-16 (allowed on appeal) (approved October 2019)

H18-1167-16 - Outline application for residential development - erection of 6 detached dwellings (refused and allowed on appeal December 2017)

Land north of Withington Street

H18-0867-20 - Details of boundary treatment, engineering, drainage, street lighting and constructional details of roadway, surface water drainage and scheme of construction management (Conditions 6, 8, 10 and 11 of H18-1168-16) (approved November 2020)

H18-0692-19 - Reserved matters application for residential Development - Comprising 2 detached dwellings and 8 semi-detached dwellings (Outline Approval H18-1168-16) (approved October 2019)

H18-1168-16 - Outline application for residential development - comprising 2 detached dwellings and 8 semi-detached dwellings (approved May 2017)

Consultation Responses

Cllr Brewis - Makes three observations as follows:

1. The existing permission on part of this land was granted consent prior to the adoption of the SE Lincs Local Plan.

But for the delay, caused by government requiring more consultation, it would all have been 'outside the envelope'.

So the question of the extended area is whether or not it is contrary to current local and local plan policy.

2. Withington Street, being a terraced early 20th century narrow street is possibly not suitable for extra traffic. It is difficult to negotiate at the best of times and impossible in evenings or weekends. Drivers would have to give notice of a desire to negotiate the street!

3. Being in a flood risk area, as can be witnessed by the single dwelling at the north end of Withington Street, raised high out of the ground, the question of whether or not the site is suitable needs to be raised with, or addressed by, the EA in its flood risk assessment. A considered assessment, which is why the area for Sutton Bridge south of Bridge Road was put in our plan, would suggest that there are more suitable locations than the one proposed here under 18/0824/20.

Sutton Bridge Parish Council - The development will put unsustainable vehicular pressure on access roads Nightingale Way and Withington Street, which are not fit to service a development of this size. Sufficient access is required for farm machinery to access farmland to the north of the development through Allenby's Chase and Granville Terrace. Given the size of the development, the Parish Council requests that this matter is considered by the full planning committee and not by delegated decision.

Lincolnshire Police - No objections. Provides standard advice re crime prevention and community safety.

LCC Historic Environment Officer - No archaeological impact.

LCC Highways/SUDS - The two access points, onto the ends of Nightingale Way and Withington Street, will be

suitable to safely accommodate the vehicle movements associated with the occupation of the 129 dwellings that are proposed in this Application. Contrary to the belief of some, the carriageway of Withington Street is actually wider than a standard new housing estate road. Some of the problems experienced by residents of this street arise because there is presently no turning area at the end of this street and therefore vehicles, in particular the refuse collection vehicle and any delivery vehicles, have to reverse back along the street past residents' vehicles that are routinely parked on this street because these terraced houses have no off-street car parking. With the connection of Withington Street to the proposed development roads, drivers would no longer have to undertake this reversing manoeuvre. Consultants for the Applicants have advised that the footpath link to Allenby's Chase cannot be provided because this would run over land that is outside of the control of the Applicants. However, there is no reason why this footpath could not be constructed on land within the Application site that is within the control of the Applicant. Without this properly surfaced footpath link, pedestrian access would involve using part of an existing Public Footpath that is un-surfaced and at times can be wet and muddy. The provision of this route would accord with the objectives of the NPPF of promoting sustainable travel and in particular, Paragraph 102 c) of the NPPF. A condition has therefore been requested to secure the provision of this footway. The inclusion of pedestrian links to the existing road network elsewhere is acknowledged and welcomed. A Section 106 Agreement is requested to provide a sum of £1,000 per year for five years for monitoring relating to the Travel Plan recommendations. Other standard highways conditions are requested.

LCC Education - Requests a financial contribution of £344,137 towards an extension of University Academy Long Sutton (to provide additional capacity at secondary level) and an extension at University Academy Holbeach (to provide additional sixth-form capacity).

Anglian Water - The foul drainage from this development is in the catchment of Sutton Bridge Water Recycling Centre that will have available capacity for these flows. The sewerage network has capacity available at present. There should be no development within 15 metres of a sewage pumping station. Requests condition for a scheme for on-site foul water drainage works.

Environment Agency - No objection subject to the imposition of a condition requiring finished floor levels to be set no lower than 1 metre above existing ground level; the incorporation of flood resilient construction up to a height of 300mm above the predicted flood depth (with demountable defences to 600mm); and that properties shall be a minimum of 2-storey.

South Holland IDB - Reminds applicant of the relevant consents required.

SHDC Strategic Housing - The proposed number of affordable homes accords with the 25% requirement in Policy 18: Affordable Housing, however the tenure split of 71.9/ 28.1% in favour of rented housing does not quite accord with the about 70/30% split in favour of rented housing within the same policy and accordingly the applicant may wish to consider delivering one of the rented 2 or 3 bedroom houses as an Intermediate for Sale tenure. The applicant may also wish to consider providing some two bedroom bungalows for Intermediate for Sale to diversify the mix of properties provided as per Policy 17: Providing a mix of housing. The applicant is proposing that the affordable dwellings will be built above the Nationally Described Space Standards which is advised in the Local Plan but is not a requirement. Ideally the affordable housing should be spread proportionately across the scheme to enable a mixed and sustainable community.

SHDC Environmental Protection (noise/odour) - No objection.

SHDC Environmental Protection (contaminated land) - I have reviewed the following reports: AGS Ground Solutions Limited 'A1813 Phase 1 Geo-Environmental Report Land adjacent to Chestnut Terrace, Sutton Bridge, Spalding, PE12 9SX' 24/09/2018 Revision 0 AGS Ground Solutions Limited 'A1816-2 Geo-Environmental Report Land Adj to Chestnut Terrace, Sutton Bridge, Lincolnshire' 04/10/18 Revision 0 Draft Factual - Awaiting completion of laboratory testing AGS Ground Solutions Limited 'A1886 Phase 1 Geo-Environmental Report Land adjacent to Nightingale Way, Sutton Bridge, Spalding, PE12 9SX' 23/04/2019 Revision 0 AGS Ground Solutions Limited 'A1886-2 Geo-Environmental Report Land Adj to Nightingale Way, Sutton Bridge, Lincolnshire.' 10/06/19 Revision 1 Interpretive Unfortunately, one of the reports is still in draft format and has not been updated to include the chemical test results. I therefore recommend that parts ii-iv of the standard land contamination condition are applied to any permission granted.

Public (29 objections and 5 comments, summarised) -

- Concern regarding highway safety and capacity and access issues
- Site not within the Local Plan/settlement boundary
- Land south of Nightingale Way already identified as a suitable development area
- Size and density of development not in keeping with the area
- Raising floor levels will result in properties out of character with existing dwellings
- High grade agricultural land
- Site classed as green belt
- Disturbance to residents caused by construction, children, emergency vehicles
- Increase in pollution
- Query re density of scheme
- Loss of light
- Overshadowing
- Overlooking
- Loss of view
- Lack of capacity at local schools and doctors surgeries
- Concern re impact on foul water infrastructure and suitability of drainage proposals
- Lack of employment opportunities for new residents
- Proposal will not provide sufficient affordable rented accommodation or homes that most locals can afford
- No demonstrable need for the additional housing has been identified and Sutton Bridge is not an overspill for Spalding

- Site excluded from Local Plan due to flood risk
- Houses with steps up to main doors contrary to good practice for disabled access
- Ownership of land at northern end of Nightingale Way unclear
- Query as to whether section of land behind the gardens on Youngs Row that allows access to the gardens is to be retained
- Swift nest bricks should be installed in buildings to enhance biodiversity
- General concern re impact on wildlife
- Devaluation of property
- No consultation undertaken with residents or offer of compensation made for impact on existing residents

Public (1 comment of support, summarised) -

- Local Window, Doors and Conservatory Manufacturer available to tender

A petition objecting to the development has also been signed by 36 residents and submitted in response to the application.

Planning Considerations

The key considerations in this instance are:

- Principle
- Layout and design
- Highway safety, access and parking
- Flood risk and drainage
- Residential amenity
- Developer contributions
- Ecology
- Other considerations

Principle

As highlighted earlier in this report, it should be noted that parts of the site (amounting to 76 of the 129 dwellings proposed) already benefit from extant reserved matters approvals (as indicated on dwg. no. LH/SBM/20/003 Rev C). The principle of residential development on these three parcels of land has therefore already been established. It is therefore the view of officers that the key issued to be addressed in terms of principle in respect of this application, is whether it would be acceptable for the remaining area of land not permissioned to be developed in conjunction with the other parcels of land that already benefit from planning permission.

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The proposal will therefore be assessed on this basis.

The site (in its entirety) is located outside of, although directly adjoins, the settlement boundary of Sutton Bridge as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). It is therefore in the countryside in planning policy terms.

Policy 1 of the SELLP states that development in the countryside will only be permitted where it 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.

The supporting text to Policy 1 states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)". The proposal is not considered to meet the provisions of either of these policies. It also does not fall under the provisions of either Policy 22 (Replacement Dwellings in the Countryside) or 23 (The Reuse of Buildings in the Countryside for Residential Use).

Paragraph 79 of the National Planning Policy Framework (2019) (NPPF) makes provision for new 'isolated' dwellings in the countryside in limited circumstances. However, given case law on the interpretation of the term 'isolated', it is not considered that Paragraph 79 should apply in this instance. The site adjoins existing development, therefore it cannot be described as remote or 'isolated'.

Returning to the provisions of Policy 1 of the SELLP, the following points have been considered.

It has not been demonstrated that the proposed dwellings are necessary to this location and, notwithstanding this, it is not considered to be a development type that requires a countryside location (e.g. agricultural workers dwellings).

In terms of the 3 dimensions of sustainable development referenced in the policy wording, the below points are considered pertinent:

- An economic role:

The development may support the local economy through employment opportunities associated with construction and future occupants may work locally and support local services.

- A social role:

The proposal would make a contribution towards housing supply (including affordable housing) in the district. Furthermore, pedestrian access to services and facilities in the settlement would be reasonably convenient with the provision of the link to Allenby's Chase at the eastern end of the site for those properties on that part of the development. Open space would be provided within the development which will contribute to health and well-being.

- An environmental role:

It is not considered that the occupiers of the proposed dwellings would have any greater reliance on the use of motor vehicles to access services, facilities, employment etc. than those on the wider scheme. In terms of impact on landscape character, the latest proposal would result in residential development protruding onto the greenfield land (fallow fields) to a greater extent than previously considered. There are open views across these fields to the north of Sutton Bridge when viewed from the Public Right of Way at the east of the site (SuBr/1/1). The additional dwellings would arguably create a more dense and urbanised edge to the settlement than would otherwise exist due to the number of properties proposed (36) along the northern side of the non-permissioned part of the site. There are currently 6 dwellings that immediately adjoin the southern boundary of that part of the site, as well as the school. This would increase to 10 if the two smaller sites were to be developed. Notwithstanding the fact that the western and southern parcels of the site can reasonably be expected to be developed, and the opportunities to provide some mitigation in the form of landscaping, a further 36 dwellings along the northern edge would clearly create a more uniform and urbanised appearance than would otherwise exist. Flood risk is also an environmental consideration. This matter is discussed in further detail later in the report, but for the purposes of this particular section the proposal fails the flood risk sequential test.

In addition to the above considerations, it should be noted that the Council has a relatively recently adopted development plan with a spatial strategy setting out how the housing needs for the area will be met, and has the benefit of an identified 5-year housing land supply (9.1 years as at 31st March 2020).

Furthermore, the outline planning permissions for the three parcels of land already permissioned were granted in the context of an old Local Plan where two parcels - H18-1168-16 (Land north of Withington Street) and H18-1167-16 (Land east of Chestnut Terrace) - were allocated for housing in that plan and the other was considered in the context of a lack of a 5-year housing land supply.

Taking all the above into account, on balance, it is considered that the likely environmental impacts would outweigh the economic and social benefits identified. The proposal is therefore contrary to Policy 1 of the Local Plan.

Layout and design

The visual appearance and scale of the proposed dwellings, as well as landscaping details, cannot be assessed at this stage as these are reserved matters.

However, the proposed housing mix is set out in the submitted Design & Access Statement which provides some indication of the likely scale of the proposed dwellings. The proposed market mix comprises of 4 x 1 bed, 33 x 2 bed, 47 x 3 bed and 13 x 4 bed (97 total no.). The proposed affordable mix comprises of 8 x 1 bed, 14 x 2 bed, 8 x 3 bed and 2 x 4 bed. The properties are therefore likely to be of varied size and scale.

As mentioned previously, the layout of the properties to the north of Nightingale Way, Grebe Close and Youngs Row would remain almost identical to that approved via reserved matters application ref. H18-1167-19 with the exception of the eastern end of site where vehicular access would be created to link that part of the site with the proposed development to the north of Withington Street, extending eastwards as far as Allenby's Chase. The layout of this proportion of the site remains acceptable.

The layout of properties to the east of Chestnut Terrace would also be very similar to that approved at reserved matters stage, but with access instead being taken from the proposed estate road to the north. The dwellings at the northern end of Withington Street would again be almost identical to that approved at reserved matters stage, but without the turning head on the western side of the highway. No alterations have been made which raise new concerns about the layout of development on these two parcels of land.

The remaining dwellings would be sited along the northern edge of the eastern part of the site, being frontage only along the northern boundary and a mixture of frontage and two deep on the opposite side of the highway. An additional area of public open space and a pumping station is proposed to be located on this part of the site. Given the linear and relatively narrow nature of that part of the site, there is little scope to provide an alternative form of development.

Dwellings would be accessed off a combination of estate road and private drives. The most dwellings that any private drive would serve on any part of the site is 5 no. This is an acceptable arrangement.

Refuse collection would be a combination of kerbside for the main estate road and collection points for private drives. A condition can be added for specific details of waste storage and disposal to be submitted prior to the commencement of the development if permission were to be granted.

The proposal is for two areas of public open space, amounting to approx. 0.57ha. This is over twice the 0.22ha required by Policy 32 of the Local Plan. However, the western of the two areas of open space is multifunctional and, as well as providing recreation and visual amenity benefits, it also acts includes a detention basin, functioning as part of the overall drainage strategy for the site. The area of open space is larger than that required by policy but it means that usable space will still be retained after the occurrence of a storm event when the basin is wet.

The density of the proposed development is approximately 18.5/ha which is a reasonable density for a site in a settlement of this scale.

There is no designated green belt in South Holland. It is accepted that the proposal would result in the loss of high grade agricultural land, however the site is not particularly accessible for large modern agricultural machinery and parts of the site do not appear to have been used for agricultural purposes for some time.

Due to flood risk there is a requirement to raise finished floor levels by a minimum of 1m above existing ground level. This is similar to the extent that levels were required to be raised by outline permission H18-0435-18. In the context of this, the impact of raising levels is considered to remain acceptable in visual terms.

Taking the above into account, it is concluded that the design and layout of the scheme accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as quality of design and layout. Policy 3 requires development proposals to consider a number of issues, including parking layout, refuse/recycling storage and the mitigation of flood risk.

Highway safety, access and parking

The proposal is for two vehicular access points for the development - one from Nightingale Way and the other from Withington Street.

A considerable number of resident objections have raised concerns regarding the suitability of these roads to serve the development, particularly in terms of capacity and safety.

As with any application for major residential development, the Highway Authority have been consulted and their response in terms of the principle of the two access roads is included verbatim

below for completeness.

"The two access points, onto the ends of Nightingale Way and Withington Street, will be suitable to safely accommodate the vehicle movements associated with the occupation of the 129 dwellings that are proposed in this Application. Contrary to the belief of some, the carriageway of Withington Street is actually wider than a standard new housing estate road. Some of the problems experienced by residents of this street arise because there is presently no turning area at the end of this street and therefore vehicles, in particular the refuse collection vehicle and any delivery vehicles, have to reverse back along the street past residents' vehicles that are routinely parked on this street because these terraced houses have no off-street car parking. With the connection of Withington Street to the proposed development roads, drivers would no longer have to undertake this reversing manoeuvre."

The pedestrian links to the existing network on Chestnut Terrace and Allenby's Chase are welcome and help create a more connected form of development. This supports criterion 4 of Policy 3 of the Local Plan in terms of assisting accessibility by a choice of travel modes as well as Policy 33 of the Local Plan which requires major new developments to provide for walking and cycling routes and/or links to existing networks. The Highway Authority have requested that the link to the existing footway on Allenby's Chase be a two-metre-wide bituminous-surfaced footpath. This could be conditioned if permission were to be granted.

Taking the above into account, the proposal is considered to be acceptable on highways grounds and in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.

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 this.

Flood risk

The National Planning Policy Framework (2019) (Section 14) requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. Furthermore, Part 1 of Policy 4 of the Local Plan requires it to be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed).

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

The site is located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the site as sitting within a combination of hazard zones - 'Danger for All' and 'Danger for Most'. In terms of depth, the mapping shows a range of between 0.5m - 2.0m.

However, as outlined previously, three parcels of land within the site already benefit from planning permission. Nonetheless, the appropriateness of developing these parcels of land in conjunction with the additional unpermissioned area of land must be considered in flood risk terms.

Referring back to the SFRA mapping, it is noted that all but a minute parcel of the unpermissioned part of the site sits within the Danger for All hazard area - the highest hazard area. Around half of this parcel of land is shown with depths of 0.5m and the other half 1.0m - 2.0m.

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. The site in question is not a

housing allocation in the Local Plan. The allocated site in Sutton Bridge (Sub027), in conjunction with other extant commitments and completions since 1st April 2011, are considered sufficient to meet the housing number identified for Sutton Bridge in the Local Plan. Furthermore, the planning application process is not an arena for debating whether or not that particular site should or should not have been allocated given that the Local Plan has been subject to Examination in Public and the allocations considered acceptable by a Planning Inspector.

It is accepted that part of Sub027 sits within the Danger for All hazard zone and 1.0 - 2.0m depth, but this is not to the same extent as the unpermitted parcel of land in this current application. Applying the sequential test in the order specified in the SFRA (consideration of hazard mapping first), the allocated site is clearly preferable in flood risk terms, as are a number of other allocated sites outside of Sutton Bridge. Even looking at the current application site as a whole, the allocation is still more sequentially preferable in the context of the hazard mapping.

Taking the above into account, the application site is not considered to be sequentially preferable in flood risk terms when compared to the allocated site, and indeed other allocated sites in the district which are capable of delivering sufficient homes to meet housing need.

The applicant has submitted a 'Sequential Flood Risk Commentary' in support of the application. Reference is made to more up-to-date Lidar information having become available since the Environment Agency hazard mapping which informed the 2017 SFRA was modelled and subsequent email correspondence suggests that this renders the SFRA out-of-date and flawed in respect of Sutton Bridge. In response to this, the Environment Agency have confirmed that there is more up-to-date Lidar information available, but that they cannot confirm the timescales for updating their hazard mapping. There is also no current timescale for a review of the SFRA. Therefore, the information provided by the published SFRA is currently the best available data by which to assess the flood risk of development sites.

It is for the Local Planning Authority, and not the Environment Agency, to apply the sequential test. Therefore, the absence of an objection from the Environment Agency cannot be inferred to mean that they consider the site to be sequentially preferable.

To summarise, the proposal is considered to fail the flood risk sequential test and is therefore contrary to Policy 4 of the Local Plan, as well as advice within Section 14 of the National Planning Policy Framework, 2019.

Drainage

For the purposes of surface water drainage, the development would be split into two catchments. The west will outfall to an existing IDB drain and the east to an existing Anglian Water storm sewer.

Surface water from the main access road will drain via filter drains located on the western/northern side of the carriageway, and to the eastern side of the road serving properties to the east of Chestnut Terrace. Private drives will be formed in tanked permeable block paving. Roof water and other surface water from within the curtilage of each plot will travel via a surface water system under the carriageway.

A detention basin on the western part of the site and an underground storage tank on the eastern part of the site would be utilised for the site's storm water attenuation.

Full management details can be conditioned.

In terms of foul water drainage, the proposal is to connect into Anglian Water's existing network, whom are obligated to accept flows from new residential development. Pumping stations are required due to level constraints.

The Lead Local Flood Authority, Internal Drainage Board and Anglian Water have no objections to the proposed drainage schemes.

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

Residential amenity

None of the proposed dwellings are sited to the south of any existing dwelling and where new dwellings would be sited to the east or west of existing properties they are positioned away from the boundary and the relationship has already been considered at reserved matters stage of the respective applications. Therefore there should be no detrimental loss of light or overshadowing issues taking into account the path of the sun.

As previously mentioned, there have only been very minor alterations made to the layout of dwellings on the parcels of land that are already permissioned. It is not considered that these changes have a material impact in terms of overlooking or being overbearing. With regard to the remainder of the dwellings, it is considered that there is appropriate scope to design the dwellings in such a way that overlooking is not an issue, or separation distances or angles between windows will be adequate.

It is accepted that there will be a height difference between existing and proposed dwellings due to the requirement to raise finished floor levels by 1m for flood risk reasons. However, overlooking impact at ground floor level and from gardens can be mitigated by the use of appropriate boundary treatments.

All of the proposed dwellings would be afforded adequate external amenity space.

Disturbance during the construction period is a consideration, however it is one that carries limited weight in the planning balance and these are issues that are covered by separation environmental legislation. A Construction Management Plan would be required which sets out working hours and measures for controlling noise, vibration, dust and mud, if permission were to be granted.

The number of emergency vehicles that a development of this scale and layout (not a main road through a settlement for example) would only be very small in number and not an impact that would justify refusing the application.

The presence of children is an inevitable result of residential development which contains family sized dwellings. This would not be a reason in itself to withhold planning permission.

Loss of a view is a consideration but is one which only carries limited weight in the planning balance.

Although impact on air pollution levels is a consideration, it is not considered that an additional 53 dwellings over and above the number that already benefit from planning permission would have a cumulative adverse impact on air pollution levels.

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.

Developer contributions

Policy 18 of the Local Plan requires 25% affordable housing on major residential schemes, with a mix of about 70% affordable for rent and about 30% intermediate housing for sale. This amounts to approximately 32 units, which is what the applicant is proposing.

The proposed affordable mix is as below:

- 23 x Affordable Rent, comprising of: 8 x 1 bed houses, 9 x 2 bed houses, 4 x 3 bed houses and 2 x 4 bed houses; and
- 9 x Intermediate for Sale, comprising of: 5 x 2 bed houses and 4 x 3 bed houses.

SHDC's Strategic Housing team have commented that the tenure split of 71.9/ 28.1% in favour of rented housing does not quite accord with the about 70/30% split in favour of rented housing within Policy 18 and accordingly suggests that the applicant may wish to consider delivering one of the rented 2 or 3 bedroom houses as an Intermediate for Sale tenure. The exact mix would be secured via legal agreement and can be discussed at that stage if the recommendation were to be one of approval.

The Education Authority have requested a financial contribution of £344,137 towards an extension of University Academy Long Sutton (to provide additional capacity at secondary level) and an extension at University Academy Holbeach (to provide additional sixth-form capacity).

This could also be secured via legal agreement if permission were to be forthcoming.

The NHS have not submitted a request for a financial contribution from the development due to current pressures on primary care.

Ecology

Planning permission has already been granted for three parcels of land within the wider site. The western part of the site comprises of arable fields which do not generally hold ecological value and submitted Ecological Appraisals have indicated that the field margins are ecologically poor. The eastern part of the site comprises of unmanaged rough grass field which is also identified as ecologically poor.

The appraisals recommend enhancement measures which could be conditioned if permission were to be granted.

A condition requiring the installation of swift nest bricks in buildings could also be included.

There is therefore not considered to be conflict with Policy 28 of the Local Plan which contains provisions relating to the natural environment, including maximising opportunities for enhancement of habitats and incorporating beneficial biodiversity conservation features on buildings.

Other considerations

It is accepted that properties with steps up to main doors are not the ideal in terms of accessibility, however a balanced view should be taken and Building Regulations permit stepped accesses where there are circumstances - such as flood risk - to be mitigated.

There is no legal requirement for any party to offer compensation as a result of planning permission being granted for residential development.

A statutory 21 day consultation on the planning application has been undertaken. There is no specific requirement for the developer to undertake consultation with a community on this particular type of development, although it is arguable that it would perhaps be good practice.

Regarding the ownership of the land at the northern end of Nightingale Way, Certificate A of the application form was signed at outline stage indicating that the applicant was the owner of the land. In the absence of any evidence to the contrary, there is no reason to believe this is not the case.

Devaluation of property is a consideration but is one which only carries limited weight in the planning balance.

A query has been raised as to whether an existing section of land behind the gardens on Youngs Row that allows access to gardens is to be retained. The site boundary appears to directly abut the rear boundaries of properties fronting onto Youngs Row and the fact that Certificate A has been signed on the application form indicates that the strip of land referred to is in fact in the ownership of the applicant.

The Local Plan makes provision for employment land to provide new employment opportunities. However, in the current Covid climate it is accepted that job opportunities may be more sparse than in previous times. The construction period would provide employment opportunities for construction workers and tradesman.

Planning balance

Notwithstanding the fact that 76 of the 129 dwellings proposed already benefit from extant reserved matters approvals, the proposal as a whole is not considered to be acceptable in planning terms. It is acknowledged that the site would deliver some economic and social benefits, however, it is considered that the adverse environmental impacts/issues identified would outweigh these benefits. The proposal fails the flood risk sequential test, which is a key test set out in national policy and is reflected at the local level through the Local Plan. Furthermore, the additional dwellings would arguably create a more dense and urbanised edge to the settlement than would otherwise exist due to the number of properties proposed (36) along the northern side of the non-permissioned part of

the site. These dwellings would clearly create a more uniform, developed, appearance than would otherwise exist. Furthermore, the council is capable of demonstrating a 5-year housing land supply (9.1 years as at 31st March 2020).

Taking the above into account, the planning balance is considered to be against the proposal.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

In light of the above considerations, the proposal is considered to be contrary to Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019, as well as Section 14 in the National Planning Policy Framework, 2019.

The recommendation is therefore for a delegated refusal.