

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H18-1167-19	Applicant:	Loyd Homes Ltd
Proposal:	Erection of 60 dwellings and associated works - outline approval H18-0435-18		
Location:	Land North: Nightingale Way Sutton Bridge Spalding		
Terminal Date:	2nd April 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
30	Pollution
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 2 - Achieving sustainable development
 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

Representations:

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

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	8	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a reserved matters application, relating to outline application (H18-0435-18), for the erection of 60 dwellings and associated works on land north of Nightingale Way, Sutton Bridge.

The proposed scheme comprises of 45 market units and 15 affordable units. The market mix includes 3 x 1 bed, 16 x 2 bed, 21 x 3 bed and 5 x 4 bed units. The affordable mix includes 10 x rent (4 x 1 bed, 4 x 2 bed, 1 x 3 bed and 1 x 4 bed) and 5 x shared ownership (2 x 2 bed and 3 x 3 bed). This is approximately a 67/33% split.

A variety of house types are proposed, with a mixture of 1.5 and 2 storey properties.

An area of open space, which also includes an attenuation pond, is located in the north-eastern corner of the site.

There is a single access point into the site from Nightingale Way. The majority of the roadway within the site is adoptable estate road. Three short private drives are located off of this, serving 15 properties in total. A footpath link is provided through to Granville Terrace to the east.

Site Description

The site is an agricultural field which stretches the full width across the rear of residential development off Nightingale Way and Grebe Close, and continues eastward to the rear of Young's Row. Its eastern boundary adjoins an unadopted part of Granville Terrace.

The majority of properties the site adjoins are large detached dwellings.

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

History

H18-0435-18 - Residential development - approximately 60 dwellings (approved March 2019).

Consultation Responses

South Holland IDB - Highlights the Board's consenting process and that works (underground pipe to discharge surface water) are proposed within 9 metres of a Board Adopted watercourse adjacent to the site boundary.

LCC Highways/SUDS - No objections subject to conditions.

Anglian Water - No objection.

SHDC Strategic Housing - No objection.

Public (8 objections, summarised) -

- Highways concerns: Increase in traffic and associated concerns regarding impact on amenity and safety; One access road is insufficient to carry the traffic generated by the development
- Site is outside the settlement boundary and Local Plan shows a different site as the preferred site for development; Sutton Bridge Parish Council were closely involved in producing the plan that preferred the land to the south side of Bridge Road as potential development
- Site is set behind an established residential area furthest away from schools, shops, doctors, chemist, etc.
- The site is in a flood hazard area/flood plain; No reference to a flood risk assessment or that a sequential test has been carried out
- Query whether other brownfield areas or run down areas in and around the village would be more suitable
- The application fails all 3 rules set out in Policy 19: Rural Exception Sites. There are no buildings to be replaced or reused so application fails against Policy 22: Replacement Buildings in the Countryside and Policy 23: Reuse of Buildings in the Countryside for Residential Use. Application does not demonstrate there will be sufficient physical infrastructure and service needs capacity to support and meet the needs of the proposed development and thus is contrary to Policy 5: Meeting Physical Infrastructure and Service Needs
- Application has been made more than 1 year after the Committee meeting on 26th July 2018 where a condition was approved that the outline permission was limited to 12 months from that date
- Density is too high
- Out of character with the existing estate which is spacious and mostly consists of bungalows and only 5 houses; Semi-detached properties are proposed but there are no semi-detached properties in the Nightingales estate
- Open space is disproportionately large and separate to the north side
- Majority of proposed properties appear to be two-storey which, coupled with the requirement to raise properties by 1m, would create overlooking of properties abutting the southern boundary of the site
- Query whether a review of brownfield sites has been undertaken prior to considering this greenfield site
- Majority of 'social housing' is behind properties in Young's Row and query whether these can be located within the open space instead
- There appears to be no registered owner of the land between the curb and the field on which the fence at the north of Nightingale Way is situated
- Noise and dust during construction period and potential for damage to the roadway; request condition restricting working hours and for a dirt and dust mitigation scheme
- Concern about impact on day to day life of existing residents on the existing estate
- There are no parking restrictions on Nightingale Way and vehicles parked on that road could restrict large construction traffic leading to traffic jams backing up onto Bridge Road
- Additional strain on local infrastructure
- A decision on the site should be deferred until the Plan is formally adopted

Planning Considerations

The principle of residential development on the site has been established by virtue of the outline consent.

Therefore the key matters (including the reserved matters) to be considered are:

- Detailed layout, scale and appearance;
- Access, highways and parking concerns;
- Landscaping and open space;
- Drainage and Flood Risk;
- Impact upon residential amenity;
- Affordable housing provision; and
- Other matters

Detailed layout, scale and appearance

A variety of house types are proposed, with a mix of 1.5 and 2 storey dwellings. The dwelling designs indicated are not untypical of development in South Holland. It is accepted that the

character of the development proposed is different to that to the south off Nightingale Way and Grebe Close in that there are no single storey dwellings and the majority of dwellings proposed are semi-detached rather than detached. However, due to flood risk, there is a requirement that all dwellings on the site are more than single storey so that there is refuge at first floor. Furthermore, the majority of properties located closest to Nightingale Way are detached dwellings. There is limited visibility of the remainder of the site from public vantage points due to its positioning to the rear of existing development. It is therefore not considered that the proposed development is visually out of keeping with existing development to the south. In addition, there is no requirement in the Local Plan for a certain percentage of dwellings to be detached or semi-detached.

In terms of materials, a combination of red and buff brick types are proposed, alongside terracotta pantiles and grey slate tiles. This would be in keeping with the existing properties off Nightingale Way and Grebe Close. Visual interest is added through the use of brick detailing such as contrasting brickwork below damp proof course, arched soldier course lintels, brick cills and corbelled detailing to chimneys, along with a mix of window styles.

Overall, the external appearance of the proposed dwellings is considered to be acceptable.

Concern has been raised about the density of the proposed scheme, however outline planning permission has already been granted for 60 dwellings on the site.

With regard to the positioning of the open space, it has been located at the north-east of the site for drainage reasons. The open space incorporates a detention basin which surface water will travel via to the storm pumping station in that corner of the site before being discharged to the IDB drain to the north-east of the site. On that basis, the proposed location of the open space is considered acceptable.

Refuse collection would be a combination of kerbside for the main estate road and collection points for private drives. There is a condition on the outline approval for specific details of waste storage and disposal to be submitted prior to the commencement of the development.

Taking the above into account, it is concluded that the layout, scale and external appearance of the proposed 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 size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

Access, highways and parking concerns

Local concern has been raised about highway and pedestrian safety and the perceived inadequacy of the local highway network (and in particular the single access point on Nightingale Way) to cope with the development and the additional traffic it will generate. However, outline permission has already been granted for residential development of the site and the Highways Authority have no objections to the proposal. On this basis, it is not considered that there is a defensible reason for refusal on highways grounds and the proposal is considered to be 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.

Regarding the ownership of the land between the curb and the fence at the north 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.

The arrangements for the parking of construction vehicles and deliveries are set out within the Construction Management Plan submitted in support of the application. Contractor parking and a storage area, where the loading and unloading of materials will take place, will be located near to the site offices to the north of the site. This is considered suitable. It is accepted that there are no

parking restrictions on Nightingale Way but this is true of many new residential developments and, in light of no concerns being raised by the Highways Authority, it is not considered that any impact would be so severe as to justify refusal of the application.

A footpath link is proposed from the east of the site through to Granville Terrace to enhance connectivity in an easterly direction. This is in accordance with Policy 33 of the Local Plan which requires major new developments to provide for walking and cycling routes and/or links to existing networks.

Landscaping and open space

A large area of public open space is located at the north-east of the site, amounting to approx. 0.37ha. This is over three times the 0.1ha required by Policy 32 of the Local Plan. However, the 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.

A scheme of landscaping and tree planting is proposed throughout the site. Grassed and treed verges line the main estate road (with filter drains being incorporated on the western/northern side). Shrubs and low level planting will be incorporated to the front of properties and to soften boundary treatments where appropriate. A small landscaped area is proposed on the southern boundary as part of the buffer to the existing Anglian Water pumping station off Grebe Close.

Overall, this is considered to be a suitable landscaping scheme for the site. The proposed scheme therefore complies with Policy 3 of the Local Plan in respect of its provisions on landscaping.

With regard to the maintenance of the proposed open space, landscaping and SUDS features, the intention is that these would be maintained by a management company. The applicant has submitted a maintenance plan for these areas, the details within which are considered to be acceptable. The intention is for Lincolnshire County Council to adopt the carriageway and footway, which they are agreeable to.

Drainage and Flood Risk

Surface water from the main access road will drain via filter drains located on the western/northern side of the carriageway. These will be maintained by the management company. 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 to the pumping station.

A detention basin would be utilised for the site's storm water attenuation. Water will then travel to the storm pumping station in that corner of the site before being discharged to the IDB drain to the north-east of the site. These elements, and the surface water system under the carriageway, will be offered to Anglian Water for adoption.

Areas of private drainage and non-adopted carriageways will be dealt with under a management company.

In terms of foul water drainage, the proposal is to connect into Anglian Water's existing network.

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

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.

The approved flood risk assessment requires the finished floor levels of properties to be set no lower than 4.35mAOD and for dwellings to be 2 storey. The proposed finished floor levels are in accordance with this. Although some properties would technically only be 1.5 storey they would still provide refuge at first floor which is really what is being sought. These mitigation measures are considered to be acceptable and thus in accordance with Policy 4 of the Local Plan with regard to flood risk.

Impact upon residential amenity

Concerns have been raised by nearby residents regarding impact upon their amenity.

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. The rear patios of properties are also to be raised to this level as a continuation of the floor level of the dwellings. However, none of the dwellings along the southern boundary of the site have upper floor windows facing existing properties to the south other than obscured glazed bathroom windows or landing windows. There would therefore be no material adverse impact of overlooking in this regard. Furthermore, the plans have been revised to include new 2.4m fencing (being a combination of closeboard with trellising) along the southern boundary due to officer concerns about the minimal boundary treatment in places to the rear of some existing properties. This will help mitigate the height difference.

Given that the proposed properties are located to the north of existing dwellings, there should be no overshadowing issues taking into account the path of the sun.

Noise and dust 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 accompanies this reserved matters application and sets out working hours and measures for controlling noise, vibration, dust and mud. SHDC Environmental Protection and the Highways Authority have no objections to the plan.

If damage were to be caused to the Nightingale Way roadway this would be a civil matter to be resolved by the landowners.

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.

Affordable housing provision

The outline application was granted subject to a s106 agreement for the provision of 25% of the site as affordable housing.

In light of comments made by Strategic Housing colleagues, an amended affordable housing scheme has been submitted by the applicant. In total, 15 (25%) affordable dwellings are proposed. The proposed affordable scheme comprises of 10 x affordable rent (4 x 1 bed, 4 x 2 bed, 1 x 3 bed and 1 x 4 bed) and 5 shared ownership (2 x 2 bed and 3 x 3 bed). This is approximately a 67/33% split of rent to shared ownership, which is broadly in accordance with Policy 18 of the Local Plan. No objections are raised to this revised affordable scheme.

Other matters

A number of other concerns raised by objectors relate to the principle of development on this site and thus do not warrant detailed consideration at reserved matters stage, including:

- Site being located outside of settlement boundary and Local Plan shows a different site as the preferred site for development
- Site being set behind an established residential area furthest away from schools, shops, doctors, chemist etc
- Site being in a flood hazard area/flood plain and no reference to a flood risk assessment or that a sequential test has been carried out
- Query whether other brownfield areas or run down areas in and around the village would be more suitable
- Application fails all 3 rules set out in Policy 19: Rural Exception Sites. There are no buildings to be replaced or reused so application fails against Policy 22: Replacement Buildings in the Countryside and Policy 23: Reuse of Buildings in the Countryside for Residential Use. Application does not demonstrate there will be sufficient physical infrastructure and service needs capacity to support and meets the needs of the proposed development and thus is contrary to Policy 5: Meeting Physical Infrastructure and Service Needs.
- Application has been made more than 1 year after the Committee meeting on 26th July 2018

where a condition was approved that the outline permission was limited to 12 months from that date.

- Query whether a review of brownfield sites has been undertaken prior to considering this greenfield site
- Additional strain on local infrastructure
- A decision on the site should be deferred until the Plan is formally adopted

As stated previously, there is an extant planning permission for the development of 60 dwellings on the application site, thus the principle of residential development on the site has already been established.

Although it is correct that the outline application was presented to Planning Committee on 26th July 2018, the decision notice was not issued until 1st March 2019 due to work being undertaken on a s106 agreement. This reserved matters application was submitted on 2nd December 2019, therefore this is a valid application.

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

Taking all of the above into account, the proposal is considered to comply with the local development framework and national planning policy.

The recommendation is therefore for the application to be approved.