

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H19-0487-20	Applicant:	S H & M B Properties Ltd
Proposal:	Erection of 10 four bed two storey dwellings		
Location:	Land South Of Cross Road Sutton St Edmund Spalding		
Terminal Date:	23rd September 2020		

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
20	Accommodation for Gypsies, Travellers and Travelling Showpeople
22	Replacement Dwellings in the Countryside
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic Environment
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 sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
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
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	0	4
RESIDENTS	14	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the erection of 10 four bed two storey dwellings on land south of Cross Road, Sutton St Edmund.

The submitted layout plan shows 10 frontage properties each with individual accesses off Cross Road. 3 house types are proposed.

Site Description

The site is agricultural land with a frontage to Cross Road. The village playing field (incl. play area) is to the east and there are residential properties opposite and to the west. The site is as deep as the curtilage of no. 16 Cross Road immediately to the west. There are open fields to the south.

Existing properties in the vicinity are predominantly bungalows, although there are two-storey semi-detached properties further west along Cross Road.

A drainage ditch runs along the northern boundary adjacent to the road as well one to the east.

The boundary between the site and the property to the west is defined by hedging. All other

boundaries are open.

History

None.

Consultation Responses

Sutton St Edmund Parish Council - Raises the following concerns/points (summarised): site not within the Local Plan; narrow and inadequate nature of Cross Road, access for construction traffic, drainage, requests the developer makes a contribution to the Parish Council to extend their play equipment in the park and provide traffic calming measures.

Anglian Water - Requests foul water drainage condition. Notes that the site is some distance from the nearest public foul sewer and therefore expects that the foul drainage strategy will include discharge via septic tanks or an on site Package Treatment Plant.

Environment Agency - No objection subject to condition regarding raising finished floor levels and incorporating flood resilient construction.

North Level District IDB - No objection in principle. The board's Little Eau Drain forms the eastern boundary and therefore the board's byelaws apply to this watercourse. The 9m access corridor adjacent to this drain will be enforced and should therefore be excluded from the development completely.

LCC Historic Environment Officer - No archaeological impact.

LCC Highways/SUDS - Does not wish to restrict the grant of permission. Requests informative notes.

LCC Education - Requests financial contribution (£16,991) towards an additional secondary place at University Academy Holbeach.

Lincolnshire Police - No objections. Provides standard advice re reducing the opportunity for crime and increasing the safety and sustainability of the development.

SHDC Environmental Protection (contaminated land) - Requests full contaminated land condition.

SHDC Environmental Protection (noise) - No objection but requests a construction management plan condition.

SHDC Strategic Housing - Current policy requires about 25% of the development to be provided as affordable housing. Policy 18: Affordable Housing of the Local Plan recommends that a tenure split of 70% in favour of Rented and 30% Intermediate housing for sale dwellings. As identified in the Strategic Housing Market Assessment the most pressing need for affordable homes in the district is for one, two and three bedroom dwellings. Given the rural location of Sutton St Edmund it may be more appropriate for the affordable dwellings to be delivered as two and three bedroom dwellings, with a suggested mix of 2 x two bedroom for rent and 1 x 3 bedroom for shared ownership. Clearly 0.5 of a dwelling is not practical so using the 'about' in the policy wording 3 affordable dwellings would be sought unless the developer is able to demonstrate otherwise. As per Policy 6: Developer Contributions of the Local Plan it would be preferable for the affordable housing to be secured through a s106 agreement. It would be preferable for the homes to be built to the 'Nationally Described Space Standards'. Ideally the affordable housing should be spread proportionately across the scheme to enable a mixed and sustainable community.

Public (16 objections/comments, summarised) -

- Concern re inadequacy and safety of Cross Road and surrounding roads, parking issues, increase in traffic and appropriateness of so many access points
- Large detached houses not in keeping with the character of the street. Bungalows would be more in keeping
- Site located outside of settlement boundary for the village and Sutton St Edmund not identified as an area with the potential to support a major development
- Impact on rural setting
- Drainage issues and concern re flooding and impact on water pressure

- Impact on view
- Loss of agricultural and green belt land
- Loss of privacy
- Loss of peacefulness
- Noise and disturbance
- Car headlights shining into windows
- Potential for overshadowing, loss of light and overbearingness
- Concern re future maintenance of boundary hedge
- Impact on flora and fauna
- Light and air pollution generated by new properties
- Query whether assurance can be given that the planning will not be allowed to change as the dwellings in Broadgate were
- No market for such properties as other properties in the village are unsold and others are already under construction
- Proposal appears to circumnavigate requirement for affordable housing by limiting the no. of dwellings to 10, even though the proposed dwellings exceed 1000m2 for which there should be developer contributions
- Query where affordable housing will be located
- Query re the developers ability to fund the project and the sustainable enhancements outlined in the Design and Access Statement
- Concern re adequacy of existing bus service and number of amenities available in the village, including nearby doctors and schools
- Inaccuracies in Design and Access Statement re the above
- Application does not fulfil the sustainability/development needs of the area in terms of economic, community or environmental benefits. Also does not uphold the vision priorities of the adopted Local Plan 2.5.2 & 2.6.1 which prioritise sustainable developments, supporting local economies, meeting housing needs, conservation of the environment and improving transport. In fact the application appears to have a negative impact in the majority of these areas and therefore contradicts the District Councils overarching Vision in its adopted plan.

Planning Considerations

The key issues in this case are:

- Principle
- Design and layout
- Highway safety and parking arrangements
- Residential amenity
- Flood risk and drainage
- Developer contributions
- Other considerations

Principle

The site is not located within any settlement boundary as set out in the South East Lincolnshire Local Plan (2019) (SELLP) and is therefore classed as being in the Countryside in planning policy terms. Policy 1 of the Local Plan states that development in the countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. The latter reflects Paragraph 8 of the National Planning Policy Framework (2019) (NPPF).

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 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. There are residential properties immediately adjacent and opposite, therefore the site cannot be described as remote or 'isolated'.

Given the above, the overriding consideration is whether the proposed development can be

considered necessary to that location and/or whether the site can be considered to represent a sustainable form of development.

In terms of the first part, it has not been demonstrated that the development of 10 market homes is necessary to this location and it is not considered to be a type of housing that requires a countryside location. This is particularly the case in this instance where the Council has a recently adopted development plan with a spatial strategy setting out how the housing needs for the area will be met. In addition, the Council has an identified 5-year housing land supply (9.1 years as at 31st March 2020).

As per the second part, the following can be considered as part of the planning balance:

- Economic: The development may support the local economy through employment opportunities associated with construction and future occupants may work locally and support local services.
- Social: The proposal would make a contribution, albeit small, towards housing supply in the district. However, Sutton St Edmund is defined as an "Other Service Centre and Settlement", or area of development restraint, within the SELLP. The intention is that only infill development (of 1 or 2 dwellings) within the boundary should take place in settlements at this level given their more limited facilities. The proposal does not fall within this category. The only facilities available within the village are a village hall and playing field/play area. This means that future occupants would generally have to travel to other nearby villages, or further afield, in order to meet their day to day needs. Furthermore, the bus service in Sutton St Edmund is extremely limited with only one bus a day to Spalding and Wisbech (not Thursdays or Sundays).
- Environmental: Due to the limited facilities available within Sutton St Edmund it is anticipated that trips generated would be almost exclusively undertaken by car which, no matter the distance of travel involved, would generate carbon emissions and would be contrary to the environmental role of planning including the objective of reducing carbon emissions and minimising pollution. Moreover, although the site is located adjacent to the settlement boundary for Sutton St Edmund in the SELLP, the intention is that boundaries around settlements in this level of the settlement hierarchy will protect against the physical outwards expansion of them (unless it is for specific types of housing to meet an identified need). The site is currently agricultural in nature and existing development along this side of Cross Road only extends as far as the site. There are generally wide views of the open countryside to the south when viewed from this part of Cross Road. The site is essentially located within a transition zone between the core of the settlement and the countryside and has a rural character. It is accepted that there is the village playing field/play area to the east of the site, but this is a large green space surrounded by trees and thus does not have an urban character. Policies 2 and 3 of the SELLP give weight to protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses. These policies are in general conformity with Sections 12 and 15 of the NPPF. The development would further intensify development along Cross Road to the detriment of the character and appearance of the locality. It would therefore be contrary to both local and national policy in this regard.

Given the above, on balance, it is not considered that the application site is a suitable site for residential development. Although there would be some benefits in terms of the potential for job creation and assisting housing supply, it is considered that these benefits are outweighed by the harm that would be caused by virtue of the site's location in relation to services and facilities and the impact its development would have on the character and appearance of the area. It is also clearly evident that in principle the site does not accord with the provisions of the SELLP. Furthermore, the Council is capable of demonstrating a 5-year housing land supply (9.1 years as at 31st March 2020).

Design and layout

The proposal is for 10 x 4 bed detached dwellings with a combination of attached and detached double garages.

It has been raised in objections that large detached houses are at odds with the character of the street and that bungalows would be more in keeping. It is accepted that existing properties in the vicinity are predominantly bungalows, but there are two-storey semi-detached properties further west along Cross Road. Furthermore, the first floor of the proposed dwellings is effectively within the roof space which lessens the overall height of the properties and the plots are large enough to

accommodate dwellings of this size without being cramped. Therefore the scale of the proposed dwellings by itself is not considered a sufficient reason for refusal. Moreover, the properties are an attractive design (and arguably more visually appealing than some of the existing properties along Cross Road), incorporating detailing such as segmental arches and external chimney breasts and using a mix of materials (brick and render).

In terms of layout, it would be frontage development with properties having individual accesses off Cross Road. The 'building line' would be varied for interest but would, overall, reflect the existing line of development on that side of Cross Road.

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 size, scale, layout, density and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings.

Highway safety and parking arrangements

Concern has been raised regarding a number of highway related matters including, highway safety, traffic generation, the perceived inadequacy of Cross Road and surrounding roads and the appropriateness of 10 separate access points. However, the Highways Authority have been consulted and have not objected to the proposal. The proposal is therefore 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 SELLP sets out minimum vehicle parking standards for residential developments and requires that at least 3 parking spaces are provided within the curtilage for dwellings with 4 or more bedrooms. A garage can be classed as a parking space provided that it is 2.6m x 5.6m internal width, with an additional 1m at the end to park cycles. Taking into account the fact that each plot provides sufficient room on the drive to park 2 vehicles, plus a double garage is available which could easily accommodate a car and bicycles, the standard is considered to have been met.

Residential amenity

A number of concerns regarding matters relating to residential amenity have been raised through the objections received.

These include loss of privacy, potential for overshadowing, loss of light and overbearingness. In terms of the relationship between the proposed dwellings and existing properties on the opposite side of Cross Road, this would be akin to a normal front to front relationship. The nearest any property (e.g. Plot 5) would come to an existing property opposite would be approx. 30m, which is well in excess of the generally accepted 21m necessary to preserve an acceptable level of privacy in planning terms. Plot 1 is adjacent to an existing property but the only openings on the western side elevation of house type A belong to a utility room, which is at ground floor and non-habitable room.

Each dwelling would have 2 floors, although the first floor would be accommodated within the roof space. Thus the height would be less than that of a typical 2 storey property. At the separation distances with properties opposite, it is not considered that dwellings of this scale would result in a material loss of light to those properties or be unduly overbearing. With regard to the relationship between 16 Cross Road and Plot 1, it is noted that there are 3 windows on the facing elevation of the former property. Based on the plans submitted at reserved matters stage for that dwelling (H19-0947-00), these windows belong to a bathroom, second bedroom and the lounge. The lounge window is secondary as there are two windows on the front elevation and a bathroom is not considered a habitable space. Any impact would therefore not be such that a refusal could be justified. However, the other window on that elevation is the second bedrooms sole window. Given that the proposed dwelling is located to the east and would be sited approx. 4m away, it is not considered that it would have a significant detrimental impact on light to that room.

In terms of the relationship between each of the proposed dwellings, it is noted that windows have been positioned in such a way as to avoid overlooking and the plots are large which mean that separation distances of 4m plus can be achieved between dwellings. Each dwelling would have ample external amenity space.

Car headlights shining into windows is another concern raised, however it is reasonable to expect that this would only be infrequent and momentary, and is an inevitable consequence of development of this nature. The impact could not be considered material.

It is not considered that the creation of 10 dwellings would result in a material increase in noise such that would warrant refusal of the application. Noise during the construction period is covered by other environmental legislation and SHDC Environmental Protection have requested a condition requiring the submission and approval of a Construction Management Plan prior to commencement of development.

Impact on views is a consideration, but one which only carries very minimal weight in the overall planning balance.

Overall, there are not considered to be any significant or demonstrable adverse impacts relating to residential amenity that the proposal could reasonably be refused upon. The proposal is considered to accord with Policies 2, 3 and 30 of the Local Plan in respect of their provisions on residential amenity.

Flood risk and drainage

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest risk of flooding. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) provides 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 risk 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 paragraph 158 of the NPPF.

The site is located within a combination of Environment Agency Flood Zones 2 and 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the site as not being affected by flood hazard or flood depth. The site is therefore sequentially preferable in flood risk terms.

However, although appropriate mitigation measures could be implemented (as set out in the submitted Flood Risk Assessment), given the assessment in the previous section of this report, it is not considered that the Exceptions Test is capable of being passed as there are not sufficient wider sustainability benefits that would outweigh flood risk.

With regard to drainage, the Sustainable Drainage Concept Design submitted with the application indicates that surface water would be disposed of via infiltration through soakaways and permeable surfaces. Infiltration testing on the site has confirmed the suitability of this. This is one of the preferred methods of disposal in the drainage hierarchy. The existing drain along the site frontage would be filled in. The Lead Local Flood Authority have raised no objections to the proposed approach.

The 9m easement to the Little Eau Drain to the east of the site has been observed.

In terms of foul water disposal, it has been indicated on the application form that the intention is to connect to a mains sewer. However, Anglian Water has advised that the site is some distance from the nearest public foul sewer meaning that they would expect the foul drainage strategy to include discharge via septic tanks or an on-site Package Treatment Plant. Full details of foul drainage can be secured by condition if permission were to be granted.

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

Developer contributions

Paragraph 63 of the NPPF indicates that affordable housing may be sought on major development. Annex 2 of the NPPF defines major housing development as "development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more". These provisions of the NPPF are considered to be a significant material consideration which outweigh the particular provision of Policy 18 of the Local Plan (Affordable Housing) which indicates that affordable housing will be sought on "market housing sites of 11 or more dwellings".

In light of the above, 25% of the development (2.5 dwellings) should be provided as affordable housing.

Strategic Housing colleagues have advised that, given the rural location of Sutton St Edmund, it may be more appropriate for the affordable dwellings to be delivered as two and three bedroom dwellings, with a mix of 2 x two bedroom for rent and 1 x 3 bedroom for shared ownership. Clearly 0.5 of a dwelling is not practical so using the 'about' in the policy wording 3 affordable dwellings would be sought unless the developer is able to demonstrate otherwise.

The Education Authority have advised that they would request a financial contribution (£16,991) towards an additional secondary place at University Academy Holbeach based on the current housing mix.

Furthermore, the Parish Council has requested that the developer make a contribution to extend the play equipment in the park and provide traffic calming measures.

It should be noted that the NHS are not responding to planning consultations at the present time.

However, given that there is clearly a fundamental issue with the principle of residential development of the site, the issue of developer contributions has not been explored in any detail.

Other considerations

A number of other issues have been raised through resident objections that are addressed here for completeness:

- South Holland has no designated green belt.
- The loss of agricultural land is never desirable, however the level of housing need to be met does unfortunately mean that such land will inevitably be lost.
- Developers/applicants are entitled to seek to vary a planning permission if they so wish and each case will be determined on its own merits. A developer's ability to fund a particular project is usually not a planning concern unless this is likely to impact upon the delivery of developer contributions.
- The level of light and air pollution likely to be generated by the proposed properties would not be materially different to any other 4-bed property.
- The boundary hedge to the east of no. 16 Cross Road was planted as part of the landscaping scheme approved via H19-0947-00. The agent has indicated that a maintenance strip could be retained if required.
- The site is not in close proximity to any protected nature sites however, if planning permission were to be granted, a condition can be added requiring the submission of an appropriate ecology survey to ensure that suitable mitigation measures are provided.

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 the above into account, the proposal is considered to be contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Paragraph 8 and Sections 12 and 15 of the National Planning Policy Framework (2019).

The recommendation is therefore to refuse the application.