

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H17-0027-20 **Applicant:** Ashwood Homes
Proposal: Erection of 32 dwellings and associated works
Location: Land Off Station Road Surfleet Spalding
Terminal Date: 26th June 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
18	Affordable Housing
28	The Natural 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 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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	5
RESIDENTS	3	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the erection of 32 dwellings and associated works.

Outline planning permission for approximately 30 dwellings on the site was approved in 2018 (H17-0510-18) followed by reserved matters approval for 32 dwellings in 2019 (H17-0026-19).

The reason for this application is the substitution of dwelling types across the scheme, with the exception of Plot 32 which remains as previously approved. However, the layout remains almost identical to that previously approved with the main alterations being amendments to parking arrangements.

Site Description

The site was formerly agricultural land and lies between properties on Kingfisher Drive and Surfleet Reed Bed, which is a Parish Nature Site. There is an existing independent access onto the site from Station Road.

There is an existing fence along the western boundary which runs the length of Kingfisher Drive, with some trees interspersed. The northern boundary is open, but the eastern and southern boundaries were noted to be well treed at the time of conducting the site visit. The Council has since become aware that the trees along the southern boundary of the site have been removed.

The site is within the settlement boundary for Surfleet in the South East Lincolnshire Local Plan (2019).

History

H17-0328-19 - Details of scheme to construct footway, estate road, surface water drainage, waste and foul water strategy (Conditions 8, 10, 11, 12 and 13 of H17-0510-18) (approved December 2019)

H17-0330-19 - Details of Affordable Housing (Condition 6 of H17-0510-18) (approved December

2019)

H17-0026-19 - Erection of 32 dwellings - outline approval H17-0510-18 and resubmission of H17-0429-18 (approved May 2019)

H17-0105-19 - Details of conditions 5, 7, 14, 15, 17 & 18 of H17-0510-18 (approved May 2019)

H17-0510-18 - Residential development of approximately 30 dwellings approved under H17-0562-16 - Modification of Condition 6 relating to affordable housing (approved December 2018)

H17-0429-18 - Erection of 32 dwellings - Outline permission H17-0562-16 (approved August 2018)

H17-0562-16 - Residential development of approximately 30 dwellings (approved September 2016)

Consultation Responses

LCC Education - Initially requested a financial contribution of £103,384 requested towards an extension of an existing Spalding secondary school or towards the land or build of a new secondary school in Spalding. However, this request was subsequently withdrawn due to LCC policy of not requesting contributions where there is an extant permission without.

LCC Highways/SUDS - No objections subject to conditions and informatives.

Anglian Water - No objections. The site is within the catchment of the Surfleet Water Recycling Centre which currently does not have capacity to treat flows from the site. However, Anglian Water are obligated to accept the flows and take the necessary steps to ensure there is sufficient treatment capacity. The sewerage system at present has available capacity for these flows.

Environment Agency - No objection subject to conditions re finished floor levels and flood resilient construction.

Welland and Deepings IDB - In discussions with the developers to agree the technical details associated with them being able to install a controlled surface water discharge from the site into our Old Beach Drain East. We are happy to agree these directly with the developer in the background so as not to hold this planning application.

SHDC Environmental Protection - In agreement with the findings of the Phase I Desk Study and Phase II Exploratory Investigation. Requests note regarding unexpected contamination.

SHDC Strategic Housing - The affordable housing proposed in this application concurs with the agreed affordable housing mix for the previous application on this site, H17-0026-19. In accordance with the Developers Contribution Policy in the Local Plan, it would be preferable for the affordable housing to be secured through a s106 agreement. The s106 agreement should include an agreed affordable housing scheme detailing the tenure split, property types and sizes, plot numbers, internal floor areas, design standards and the phasing of the affordable housing units.

Lincolnshire Police - Provides standard advice re safety and crime prevention.

NHS - Evidence backed financial contribution request of £20,460 towards increasing the space at Gosberton Medical Practice for three additional clinical rooms, a small additional waiting area and to add 13 additional car parking spaces.

Public (4 objections, summarised) -

- Concerns regarding loss of privacy; proximity of gable wall to existing dwelling
- Concern about the possible loss of laurel hedge that border the site, which does not appear fully on the boundary treatment document
- Query why developer has pegged out the site and have lorries clearing it when planning permission has not yet been granted
- Query where figures are obtained in respect of no. of children expected to attend local primary school
- Only 2 parking spaces per dwelling
- Plans show 32 dwellings but letter received states 31 and original advert was for up to 30 houses
- Not in keeping with village
- Houses with gardens to the A16 will be in shade due to the trees to the east

- Concern re risk of standing water once buildings are erected
- Dyke appears to have been filled in and trees have been removed from southern boundary
- Native hedgerow planting was agreed beside the PROW but should be extended to the northern boundary
- Query re how site will be built up
- Concerns about highway safety and construction traffic management

Planning Considerations

The key issues in this case are:

- Principle
- Scale, Layout and Appearance
- Landscaping and Open Space
- Residential Amenity
- Highways and Parking Provision
- Flood Risk and Drainage
- Developer Contributions
- Other Considerations

Principle

The site benefits from an extant permission for the development of 32 dwellings - Outline planning permission for approximately 30 dwellings on the site was approved in 2018 (H17-0510-18) followed by reserved matters approval for 32 dwellings in 2019 (H17-0026-19). The principle of the development has therefore already been established.

The reason for this application is the substitution of dwelling types across the scheme, with the exception of Plot 32 which remains as previously approved. However, the layout remains by and large the same as that previously approved with the main alterations being amendments to parking arrangements. The proposal will therefore be considered in the context of this.

Scale, Layout and Appearance

Notwithstanding the fact that house types are to be substituted across the scheme (with the exception of 1 plot), the design and layout would largely remain the same.

There are some alterations to the car parking arrangements to some plots but this is in order to increase parking provision, rather than reduce it. Furthermore, the appearance of the proposed dwellings is similar to those previously approved.

Plots 16 and 17 were previously approved as bungalows but the applicant is proposing to replace these with 2 storey dwellings. In the context of the wider scheme which are all 2 storey properties this is considered acceptable.

For these reasons, the latest proposal is considered acceptable and in accordance with Policies 2 and 3 of the Local Plan which, amongst other things, contain provisions on design, size, scale, layout, relationship with existing development and impact on character and appearance of the area .

Landscaping and Open Space

An area of open space, which will also act as an attenuation basin in/after a storm event, remains on the central western part of the site, amounting to approx. 0.08ha. This is in excess of the 0.06ha required by Policy 32 of the Local Plan.

With regard to the landscaping of the wider scheme, new tree planting is proposed as well as shrubs/low level planting to the front of a number of properties. The remaining area to the front of properties would be turfed. Overall, it 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.

A comment was received from a resident that native hedgerow planting was previously agreed beside the Public Right of Way but that this should be extended to the northern boundary. However, no native hedgerow was previously shown in that location on the plans accompanying application ref. H17-0026-19.

Residential Amenity

There are no changes proposed to the scheme from that previously approved that would result in a material adverse impact on residential amenity. Plots 6, 10 and 15 (which are adjacent to existing properties on Kingfisher Drive) do not have any side-facing non-obscured windows. Plots 6 and 10 would be marginally closer (approx 30cm) to the boundary. Plot 15 would be further away. Given the marginal difference, the movement of the former 2 plots westwards is considered acceptable.

Concern has been raised through the consultation process regarding the orientation of Plot 5, in that it was shown to be directly facing No. 2 Kingfisher Drive. Amended plans have since been received which show the rear elevation of Plot 5 facing directly southwards, rather than towards this property.

The floor levels of properties, and consequently ground levels, on the application site would be raised due to flood risk mitigation. However, there would not be a significant difference in ground levels between the application site and the properties adjoining to the west once the development is complete. The greatest difference in levels would be between Plot 1 and 2 Kingfisher Drive where the level of the garden of the new property at its highest point would be 0.58m higher than at the boundary with the existing property adjacent. However, there are no windows to habitable rooms on the eastern elevation of 2 Kingfisher Drive and the plans indicate that the garden of Plot 1 will slope downwards gradually thus meaning there should be no issues of overlooking taking into account the proposed 1.8m boundary fence.

Taking the above into account, the proposal is considered to be in accordance with Policies 2 and 3 in respect of their provisions on residential amenity.

Highways and Parking Provision

The Highways Authority have not objected to the application on Highways grounds.

On-curtilage parking provision has been increased for a number of plots based on the applicant's experience of previous schemes where fewer spaces have resulted in on-road parking.

The most notable amendment to the parking layout is to the rear of Plots 6-9 where there are an additional 3 spaces proposed. This has resulted in an area that would be more dominated by vehicles and the parking arrangements for Plot 7 would be less convenient when compared to that previously approved. However, the parking provision for Plot 9 would actually be moved closer and the applicant's concerns regarding the potential for on-road parking is understood. The arrangements are therefore, on balance, considered acceptable.

The proposal is in accordance with Appendix 6 of the Local Plan which sets out minimum parking standards.

With regard to construction traffic management and highway safety, the applicant has submitted a Construction Management Plan which shows parking for construction workers at the northern end of the site. A suitably worded condition will be added as a reminder that no vehicles associated with the construction of the scheme should be parked on Station Road or the verges and gateways of that road. The Highway Authority have no objections to the submitted Plan. The proposal is therefore in accordance with Policy 3 of the Local Plan in respect of community/highway safety.

Flood Risk and Drainage

The site already has an extant planning permission for residential development and so it is not considered necessary to undertake a sequential test for flood risk.

Finished floor levels would be set at least 3.5m above Ordnance Datum in accordance with the previously approved flood risk assessment.

In terms of surface water drainage, the principles remain the same in that there is an attenuation basin located at the central west of the site and filter drains with perforated pipes to the east of the estate road. Surface water from private roads and driveways will be conveyed through a new surface water sewer network, the same as previously approved. Surface water from the scheme will ultimately be discharged to the IDB drain to the north of the site.

Foul water would be disposed of via the existing Anglian Water network.

The Lead Local Flood Authority and Anglian Water have no objections to the above. Furthermore, the Welland and Deepings Internal Drainage Board have not raised any concerns regarding the proposed arrangement previously.

The trees and sloped bank at the south of the site are located outside of the site boundary. The drain on the eastern boundary is to be unaffected.

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 and mitigation against flood risk.

Developer Contributions

An identical affordable housing scheme is proposed to that previously approved, with a mix of 8 x 2 bed (4 x affordable rent and 4 x intermediate housing for sale). Strategic Housing colleagues are context with this approach. This will be secured via s106 agreement.

The extant permission does not require the payment of NHS and Education contributions as these were not requested at the time the outline application was being considered. The Education Authority's original response to this current application was to request a financial contribution towards an extension of an existing Spalding secondary school or towards the land or build of a new secondary school in Spalding. Any education contribution is formula based and takes into account dwelling sizes on a proposed scheme. This is on the basis of research by the Lincolnshire Research Observatory. However, this request has since been withdrawn due to the Education Authority's policy of not requesting financial contributions where there is an extant permission without such a requirement.

The NHS also submitted a written request for a financial contribution, however discussions have since been had with the organisation and it was advised that the Council would not be seeking such a contribution from the developer on the basis that there is an extant planning permission that they could choose to implement, which does not have such an obligation.

Other Considerations

Concern has been raised regarding the removal of trees along the southern boundary. Whilst the loss of healthy trees should ideally be avoided if possible, these trees are located outside of the current and previous site boundary and so the Local Planning Authority cannot prevent their removal.

In terms of building up site levels as a flood risk mitigation measure, this is typically achieved by importing soil to the site.

Concern has been raised regarding the possible loss of a Laurel hedge that borders the site. The developer has confirmed that this is to remain.

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 comply with the relevant policies in the local development framework and national planning policy.

The recommendation is therefore for the application to be approved.