Application by Mr T Rowbottom, Mrs A Bradbury and Mr Hammond

Residential development – 4 houses- Land between 61 & 71 Seas End road, Surfleet, nr Spalding, Lincolnshire, PE11 4DQ



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1. INTRODUCTION AND SUMMARY

This is a resubmission of a case that was dismissed on appeal on 13 July 2016 (appeal ref 3144516, LPA ref H17-0602-15). The appeal was dismissed as the development was deemed to be in the open countryside as measured against the 2006 Local Plan. Although there was no countryside harm identified, the site was deemed in an unsustainable location. Surfleet Seas End was then not seen to be part of the more sustainable settlement of Surfleet.

Circumstances have now materially changed. The South East Lincolnshire Local Plan was submitted to the Secretary of State on 23rd June 2017. The submission of the Local Plan means that the Local Plan is now in its 'examination' stage.

This advanced 'Submission' version of the Local Plan now carries some weight as it plainly presents the latest stage of the Council's thinking and has been tested with consultation. The present site now falls within the new combined Surfleet/ Surfleet Seas End development boundary. There is a new policy equivalence between the two parts of the village that was not hitherto given weight.

The scheme would now *not* conflict with the Council's settlement hierarchy and spatial strategy, as set out in the emerging Local Plan. The Council has identified Surfleet/& S.Seas End as a potentially sustainable location for development in the emerging plan, and it has sought to make additional allocations there.

Even if the previous restrictive 2006 adopted policies are applied, the Council cannot currently demonstrate a robust deliverable five-year supply of housing land. Paragraphs 14 and 49 of the Framework are engaged and the Development Plan policies relevant to the supply of housing are not up to date. Little weight can be given to the adopted Plan (2006).

Accordingly, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the national policies taken as a whole. There is a policy presumption in favour.

Granting permission would not conflict with any specific policies in the Framework that indicate development should be restricted, for example the countryside and design policies.

There would be no harm to the landscape setting of this part of the village. Any harm that may arise from loss of open countryside would be very localised, and the wider landscape character area of the village fringe would not be materially harmed.

The Council is in a position to consider other detailed aspects of compliance with policy in the context of subsequent reserved matters, with applications for layout, landscaping, scale and appearance to follow. There is no reason why an acceptable design which improves the current settlement edge cannot be achieved. Some of the principles necessary to secure a successful development are presented in an illustrative scheme.

2. THE SITE AND ITS CONTEXT

The site is shown in Appendix 1 with current aerial photos dated October 2015 attached as appendix 2.

The frontage width of the site is 55m, the depth is 38.5m to the top of the river bank adjacent to no. 71 and approx. 43.5m to top of river bank adjacent to no. 61. The width of the site adjacent to the river is approx. 57.5m. The site area is 2543 m2.

There are 5no. mature trees located along the edge of the River Glen. There are also 3no. Ash trees (see site plan 15/11/01A for location).

On the boundary with no.71 there are 4no. overgrown Leylandii trees together with a holly tree and 2no. apple trees. There is also a large Cherry tree on this boundary close to the road. There is a cherry tree located in plot 4.

The boundary between no.71 and the site is at present defined by an approx. 1.200 high close boarded timber fence. The boundary between no.61 and the site is at present defined by a 1.200 high concrete post and wire fence which is in poor condition. The front boundary is at present formed by a Hawthorne hedge.

3. THE PROPOSAL

Residential development is proposed for up to 4 dwellings. All matters are reserved for subsequent approval.

The application is accompanied with an indicative drawing showing a proposed layout (drawing number 15/11/01A). Supporting documents comprised this Planning, Design and Access Statement and a Flood Risk Assessment updated to May 2017.

5no. mature trees located along the edge of the River Glen are proposed to be retained.
3no. Ash trees are of poor quality and proposed for removal.
On the boundary with no.71 there are 4no. overgrown Leylandii trees which it is proposed to remove together with a holly tree and 2no. apple trees.

There is also a large Cherry tree on this boundary close to the road which is shown as retained. There is a cherry tree located in plot 4 which is shown as being removed.

The front boundary is at present formed by a Hawthorne hedge which is shown as retained where possible between the new vehicle accesses and extended where the existing field access is located.

As this is a fully reserved scheme, the proposed scale, layout, appearance, access, and landscaping details will all be determined at reserved matters stage.

4. EVALUATION

a. Planning policy:, and the acceptability of the principle of development

Section 38 (6) of the Planning and Compulsory Act 2004, requires all planning decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise.

The site is located outside of the defined settlement limit of Surfleet as outlined in Local Plan, 2006. In this instance, the relevant policy context would usually be Policy HS7 (New Housing in the Open Countryside). As the proposal is neither for rural exceptions affordable housing, nor essential to meet the needs of agricultural workers, the application would not normally be supported.

However, the National Planning Policy Framework, 2012 (NPPF), is quite clear in its aim to significantly boost the supply of housing and, as outlined in Paragraph 47 of that document, local planning authorities are required to ensure that their Local Plan meets the need for market and affordable housing in the housing market area.

Furthermore, they are required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements, with an additional buffer of 5%, to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%, to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In that circumstance, Paragraph 14 of the NPPF is quite clear that permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies outlined in the NPPF as a whole; or specific policies in the NPPF indicate that development should be restricted.

The balance of reasoning is tilted in favour of the development unless it can be demonstrated that adverse impacts outweigh the advantages.

The Council cannot currently demonstrate a 5-year supply of deliverable sites, as per the provisions of NPPF. In the context of the objectively assessed need identified in the Council's Strategic Housing Market Area Assessment (SHMA), and including a 20% buffer by virtue of a persistent under delivery of housing, the Council can only currently demonstrate at 28 February 2017 it was only 3.25 years. The Council's Local Plan polices relevant to the supply of housing are considered out-of-date, and the presumption in favour of sustainable development applies.

b. Emerging Local Plan

The South East Lincolnshire Plan will replace the existing Local Plan and is being prepared by South Holland District, Boston Borough and Lincolnshire County Councils who are working together to create a single Local Plan for the area of South Holland and Boston Borough. Public consultation on the interim document has just been undertaken (ending 19 February 2016) with submission having taken place in June 2017.

The South East Lincolnshire Local Plan was submitted to the Secretary of State on 23rd June 2017. The submission of the Local Plan means that the Local Plan is now in its 'examination' stage. This advanced version of the Local Plan now carries some weight as it plainly presents the latest stage of the Council's thinking and has been tested with consultation.

The present site now falls within the new combined Surfleet/ Surfleet Seas End development boundary. There is a now policy equivalence between the two. Extracts are attached as Appendix 4 - Surfleet Seas End is given a new development boundary that includes this site.

The supporting text, at 5.2.5, makes it clear that infill development will be allowed.

[Footnote: The present site featured as site 'SUR008' in the Local Plan's earlier site consultation (in June 2016). The conclusions then made were that it was a suitable infill frontage development. The 2017 submission draft Local Plan confirms this.]

c. National Planning Policy Guidance (NPPG) – sites for self-builders

The Government has made a number of statements that it wants the planning system to assist in the provision of sites suitable for self-builders. This has so far only expressed itself in financial advantages expressed through the Community Infrastructure Levy. However small sites like this are plainly of a size that is attractive to self-builders. The NPPG offers the following advice:

Paragraph: 135 Reference ID: 25-135-20140612
How does the self build exemption work (for a whole new home)?
The Government is keen to support and encourage individuals and communities who want to build their own homes, and is taking proactive steps to stimulate the growth of the self build market. One measure to help self-builders has been to grant them an exemption from the Community Infrastructure Levy.

The exemption will apply to anybody who is building their own home or has commissioned a home from a contractor, house builder or sub-contractor. Individuals claiming the exemption must own the property and occupy it as their principal residence for a minimum of three years after the work is completed.

It is suggested that the highlighted section is a material consideration to be brought positively into the assessment.

d. The characteristics of the site as a sustainable development.

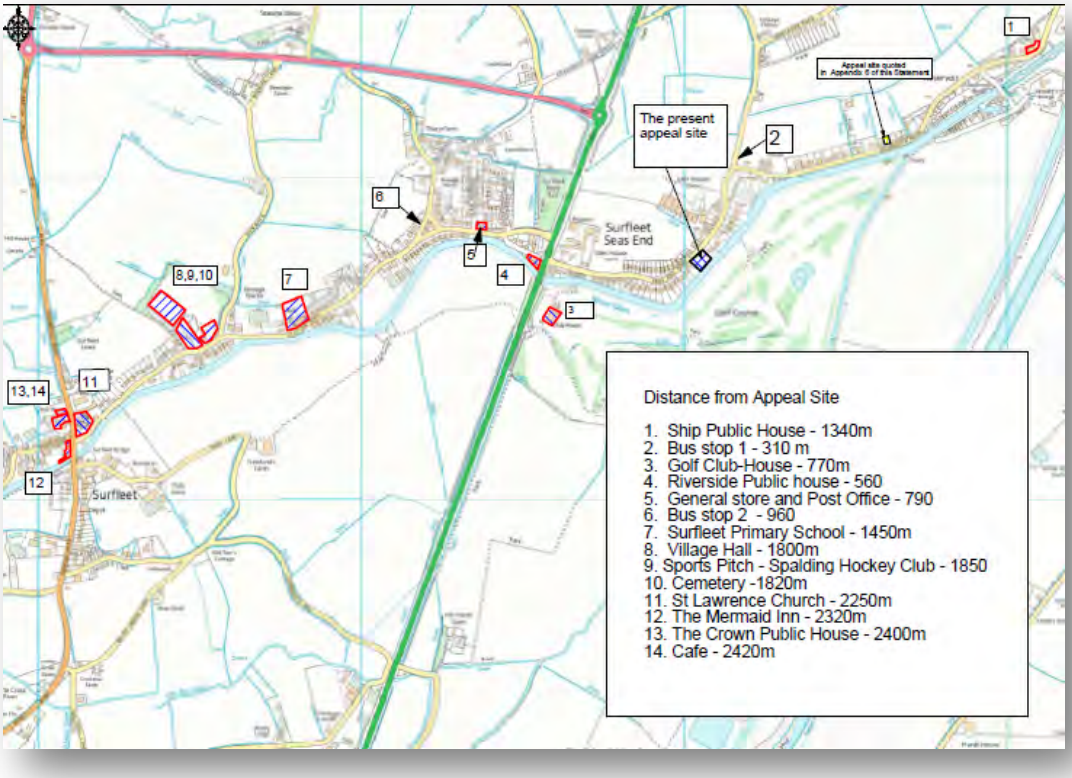
Paragraphs 6-9 of the Framework indicate that sustainability should not be interpreted narrowly, and that the elements of sustainable development cannot be undertaken in isolation, but should be sought jointly and simultaneously.

As measured against the strategy of the NPPF, Surfleet and Surfleet Seas End function very much as a combined settlement. They are governed by the same Parish Council and share a proximity and close identification with each other only superficially separated by a trunk road (the A16) but joined by a cyclepath that travels under the A16. Indeed even the Primary School carried the name 'Surfleet Seas End Primary School' until recently.

The A16 is also a principal bus corridor, and bus services run past the site on Seas End Road. The combined village has a wide range of local services and facilities including an excellent bus service connecting with neighbouring settlements including the key town of Spalding and Peterborough.

Facilities are readily available within easy walking distance in Surfleet. It is important to stress that both Surfleet and Surfleet Seas End are both settlements of equal policy status in the SHLP 2006 Policy SG3 settlement hierarchy. The Council previously persisted in presenting them as different settlements. That difference has now been bought to close with submission version of the March 2017 emerging local Plan.

This is shown in the facilites plan shown below (larger version in Appendix 4). Here it may be seen that the site is closer to services than many parts of Surfleet Seas End.



e. Assessment against the NPPF.

The NPPF sets out three dimensions to sustainability which are mutually dependent. These are explored below.

Environmental considerations

The site is not the subject of any landscape designations. It is not Green Belt, nor are there any other national landscape designations that might apply (such as AONB status). Indeed, the Appeal Site is not even subject to any local designations. The site lies within a rural but unremarkable part of the village.

In a similar vein, the site has not been identified for retention as an open space or an important gap in the village of any value. It therefore does not benefit from any policy protection.

The proposal would secure the reuse of land that otherwise has no clear purpose. It would maintain the existing linear pattern of housing along Seas End Road. Given the nature of surrounding development, the proposal could reasonably be described as acceptable infilling.

The proposal offers the prospect of improvements to the street scene by creating some enclosure to the road.

This is a clear environmental advantage.

In considering the wider environmental role the scheme will also deliver high standards of energy efficiency, thus helping to minimise any adverse impact arising from development

Economic matters

Development of the site would help to sustain local services and contribute to their vitality and viability. Whilst the proposal will not contribute directly to the economy, the addition of a single new dwellings will make an indirect contribution through:

The creation of local construction jobs
The use of local tradesmen and where possible the use of local materials
Upon completion, the scheme will help create a larger local community resulting in additional expenditure in local shops, services and facilities, thus injecting additional wealth into the economy helping to sustain existing businesses

Social issues.

The village of Surfleet and Surfleet Seas End has a wide range of local services and facilities including an excellent bus service connecting neighbouring settlements including the key town of Spalding and Peterborough. This is explored earlier in this statement.

The settlement is sustainable and capable of supporting new residential development. The site is within walking and cycling distance of the key services and facilities in the village. The addition of a new dwelling, has the potential to contribute is a small but positive way to strengthen the settlement and integrate with the existing village community. The NPPF seeks to promote sustainable development in rural areas and acknowledges (in s55) that development in one settlement can support the services and facilities of villages nearby.

5. FLOOD RISK

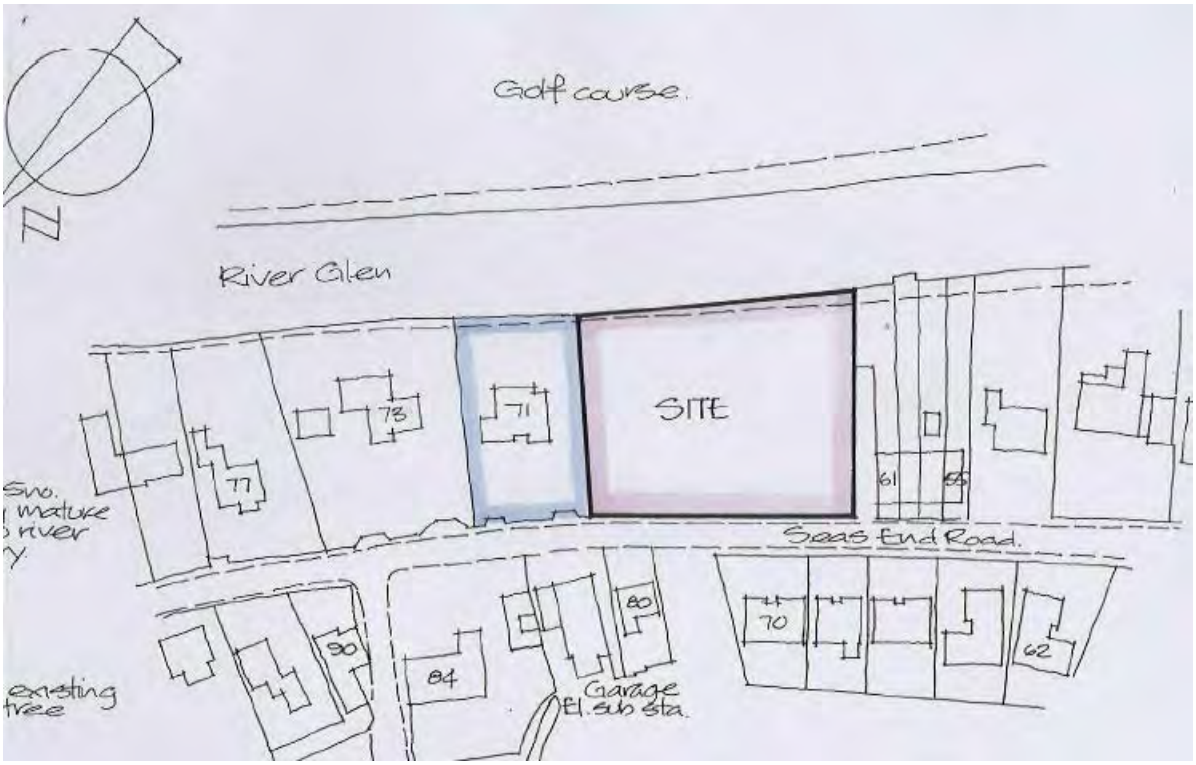
The following conclusions have been reached:-

- The proposed development is in the Passive Floodplain of the River Glen and the Welland & Deepings IDB.
- The site is in Flood Zone 1, with the actual risk of flooding
- from the River Glen system being very low.
- Although the site is located within an Internal Drainage District with a minimum standard of drainage of 1 in 50 years, this accords with Defra
- guidelines for rural development. Freeboard to design water level of 900mm to lowest land level is available for events greater than
- 1 in 50 years providing further storage within the drainage channels.
- Floor levels will be raised 750mm above existing Seas End Road carriageway level at 5.07m aOD with flood resilient measures incorporated into the design and construction of the proposed dwellings.
- On site surface water drainage will be discharged to soakaway to BRE365 specification and Building Regulations approval.

6. APPENDICES

1. Site Plan
2. Photographs of site
3. Emerging Local Plan 2017: new boundary for Surfleet Seas end that includes the appeal site & Extract's from Draft South East Lincolnshire Local Plan.
4. Map of services and facilites

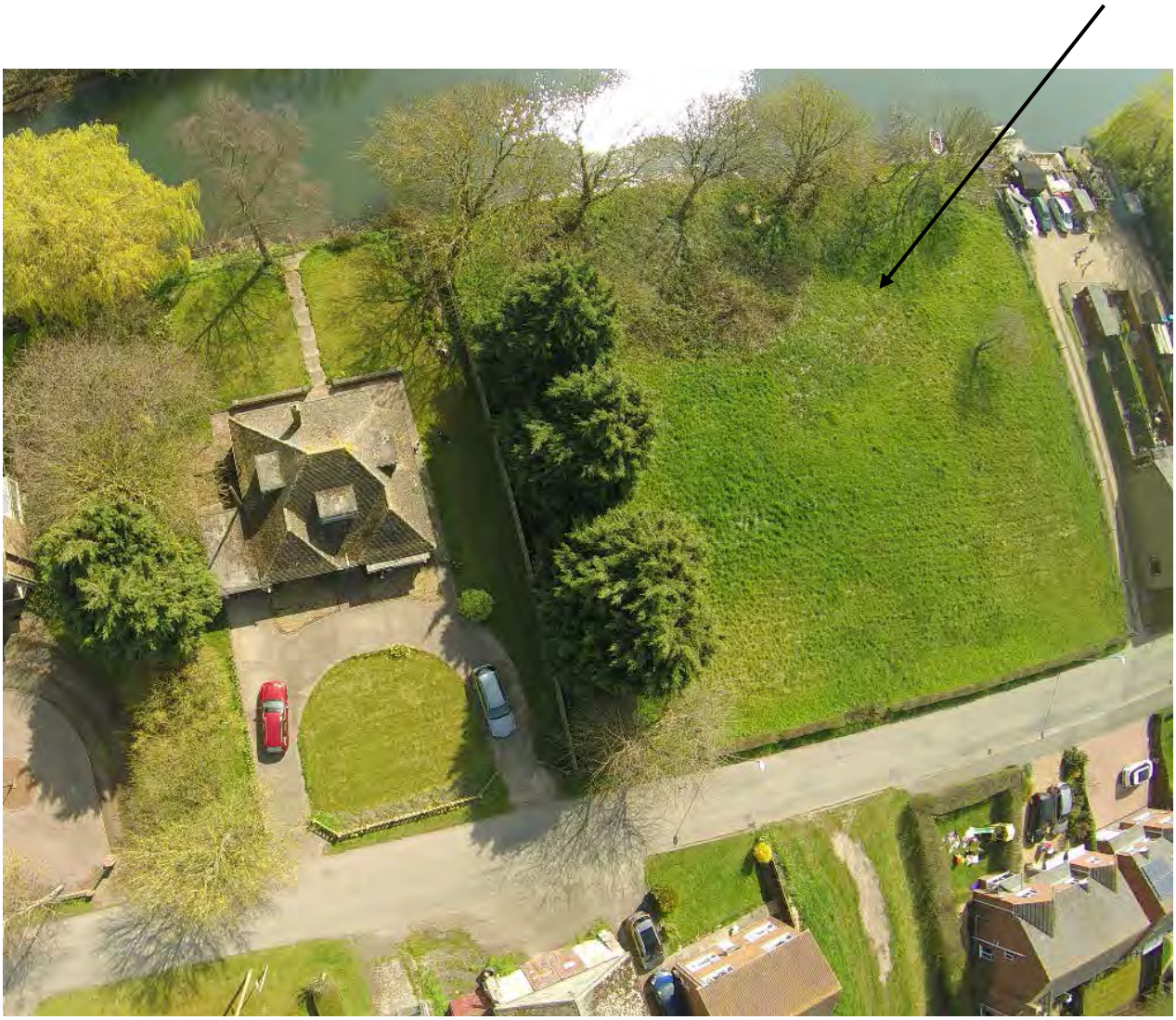
Appendix 1- Site Plans



Appendix 2 Photographs of site October 2015







Appendix 3 Emerging Local Plan: new boundary for Surfleet & Surfleet Seas End that includes the appeal site

South East Lincolnshire
Local Plan 2011-2036

Publication Version
March 2017

Inset Map No 23

Surfleet

Minor Service Centre

Scale 1:11,000 @A3

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South East Lincolnshire
Joint Strategic Planning Committee

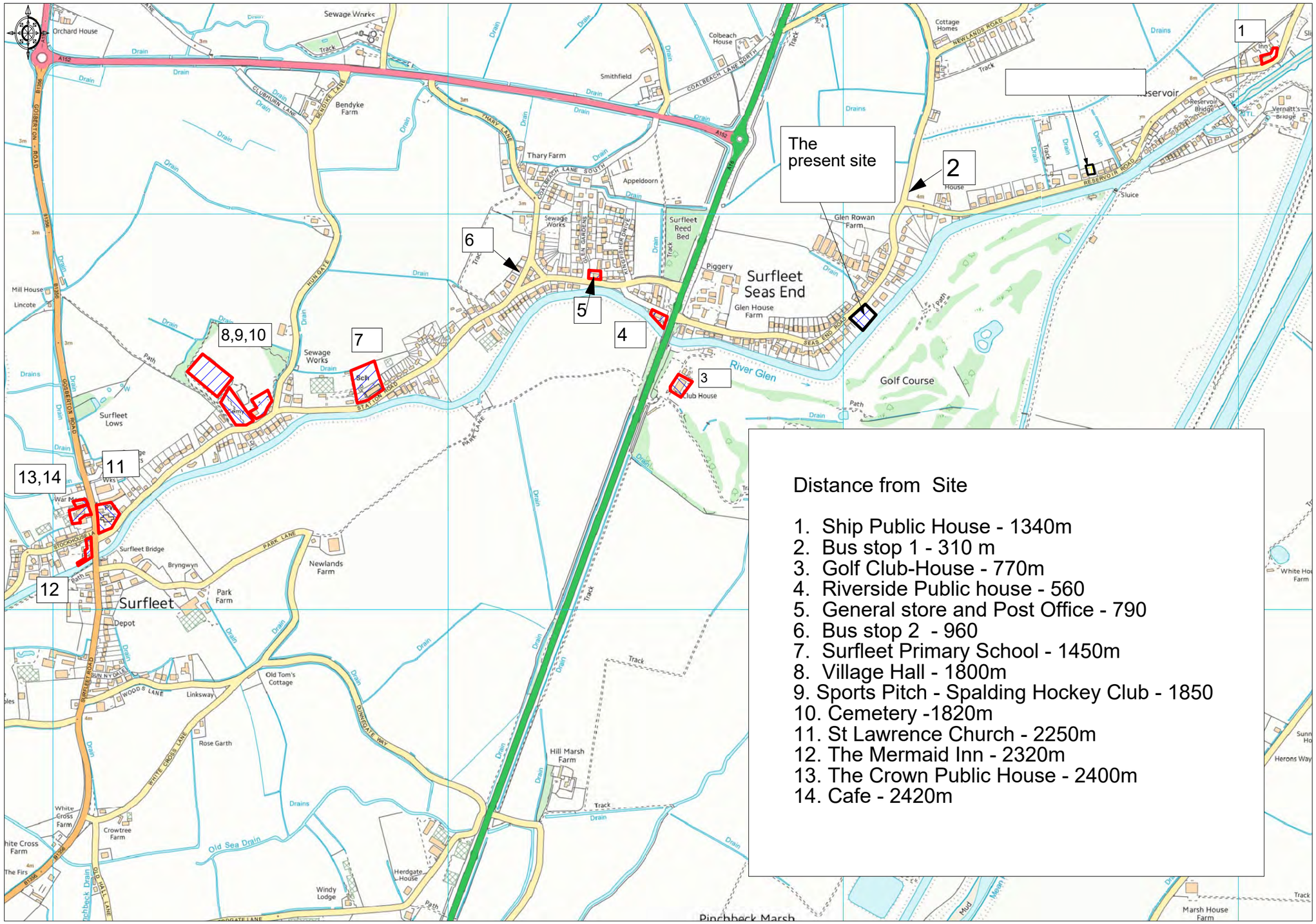
Sur016
Sur003
Sur006
SR001
SR002
Surfleet Seas End
Surfleet
Surfleet Lows
Thary Farm
Sewage Works
Bendyke Farm
Smithfield
Colbeach House
Red House Farm
Piggery
Glen Rowan Farm
Glen House
Golf Course
River Glen
Reservoir
Flaxmill House
Sluice
Newlands Farm
Park Farm
Rose Garth
Hill Marsh Farm
Pinchbeck Marsh
Marsh House Farm
Welland House Farm
Pickmere
Crowtree Farm
White Cross Farm
Windy Lodge
Herdgate House
The Lodge
Old Sea Drain
Old Tom's Cottage
Linksway
The Brambles
Cuckoo Lane Farm
Twelftree
Drift Lodge
Orchard House
Brandsfield
Clubhurn House
Aorangi House
Deepdene Farm
Rosedene
Coney Garth House
Sunnyside
Hylde
Fair View
Westview
Ali San Ama
Cottage Homes
Vernatt's Bridge
South Lincolnshire Crematorium
Mill House
Surfleet Bridge
Ryngwyn
Old Sea Bank
Seas End Road
Surfleet Road
Station Road
Park Lane
Woodside Lane
Reservoir Road
Newlands Road
Coalbeach Lane East
Coalbeach Lane North
Marsh Road
Sea Bank
Sea Dike
Main Drain
Mid Drain
Drain
Track
Path
Slipway
Pumping Station
Mud
Saltmarsh

The site

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Appendix 4.Map of services and facilites

Sustainability assessment of site between 61 & 71 Seas End Road, Surfleet Seas End , PE11 4DQ



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Showing proximity of services in the combined settlement of Surfleet and Surfleet Seas End

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