

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H17-1138-21	Applicant:	RTW Construction & Developments Ltd
Proposal:	Residential development of 60 dwellings - approved under H17-0236-20. Modification of Condition 2 to allow amendments to previously approved plans. Amendment to new developer house type drawings.		
Location:	Land To The West Of Coalbeach Lane South Surfleet Spalding		
Terminal Date:	9th December 2022		

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
07	Improving South East Lincolnshire's Employment Land Portfolio
09	Promoting a Stronger Visitor Economy
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
24	The Retail Hierarchy
26	Primary Shopping Frontages
27	Additional Retail Provision
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
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 2021

NPPF 2021.

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
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	14	0	0	3

CASE OFFICER ASSESSMENT**PROPOSAL**

Section 73 application - Residential development of 60 dwellings - approved under H17-0236-20. Modification of Condition 2 to allow amendments to previously approved plans. Amendment to new developer house type drawings. The developer is now RTW Construction & Developments Ltd.

The OVERALL dwelling mix proposed is as follows:

2 x 1-bedroom dwellings
 12 x 2-bedroom dwellings
 36 x 3-bedroom dwellings
 9 x 4-bedroom dwellings
 1 x 5-bedroom dwelling

60 Units in total

The AFFORDABLE dwelling mix proposed is as follows:

8 dwellings for affordable rent - 2 x 3-bed/5person house; 4 x 2-bed/4person house; 2 x 1-bed/2person house
 4 dwellings for shared ownership - 2 x 3-bed/5person house; 2 x 2-bed/4person house.

12 Units in total

The gross site area is 2.30 ha. 0.32ha is proposed to be open space, which equates to 14% of the site.

The application has been amended since submission to add landscaping to the scheme, to ensure that the drawings were consistent and to amend the boundary treatment.

SITE DESCRIPTION

The site is within the settlement boundary of Surfleet, and is an allocated site referenced Sur016 in the SELLP, with an indicative site capacity of 44 dwellings.

The application site is located within Environment Agency (EA) Flood Zone 3a.

RELEVANT PLANNING HISTORY

H17-0236-20. FULL. Residential development of 60 dwellings. APPROVED WITH S106. 15-09-21.

This application was considered by the Chairman's Panel meeting on 25 June 2021 and the principle of the development of this site was considered to be acceptable.

REPRESENTATIONS

Surfleet Parish Council

No response received to date.

SHDC Strategic Housing

The affordable housing scheme and layout plan 545.AHS.01 concurs with the previously agreed affordable scheme as secured through the s106 agreement for planning reference H17-0236-20.

The S106 agreement also provides the trigger points for when the affordable housing should commence and be completed and transferred to an affordable housing provider. Therefore the applicant should seek to secure a Registered Provider (RP) for the affordable dwellings at the earliest opportunity. The Strategic Housing Team can provide a list of RPs with stock in the local area should the applicant require this.

LCC Highways & SUDS

Does not wish to restrict the grant of permission.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed change of developer house types would not be expected to have any impact upon highway safety, network capacity or surface water flood risk and therefore does not wish to object to this planning application.

Public

14 submissions of objection and 3 comments have been received, raising the following matters:

Use of farmland for development
Over development of Surfleet/impact on character
Density of development/over development
Highway and pedestrian safety
Highway capacity
Capacity and pressure on local services
Impact on properties in Coalbeach Lane/Station Road
Proximity of dwellings and garages and separation distances to existing dwellings
Privacy
Overlooking and overbearing effect
Current street lighting is inadequate
Drainage in the area and impact on Anglian Water facilities
Flooding
Impact on wildlife
Value of property (not a material planning matter that can be taken in to consideration)
Provisions for Swifts

PLANNING CONSIDERATIONS

The main issues in this case are:
Principle of Development and Sustainability
Developer Contributions and Viability
Layout and Design
Refuse collection
Highway and pedestrian safety
Impact of neighbouring Residents/land users
Flooding considerations
Foul and Surface Water Drainage
Impact on trees
Contaminated Land
Heritage considerations and Archaeology
Biodiversity

Principle of Development and Sustainability

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

Full planning permission has already been granted and is still extant on this site for a Residential development of 60 dwellings, which was approved with a supporting S106 legal agreement on 15-09-21 (H17-0236-20 refers).

Surfleet is described in the SELLP as a Minor Service Centre, which are designated as Areas of Limited Development Opportunity. Policy 1 of the SELLP states that:

Within the settlement boundaries of the Minor Service Centres development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Allocated and Committed sites and infill.

The application site, although agricultural land, is allocated within the SELLP as a development site, as described above. In addition, during the local plan process the development of this site and its impact on the character of Surfleet was considered, as well as whether the development of this site would result in an overdevelopment of the settlement. The allocation of this site was considered to be appropriate and the development of this site is therefore acceptable within the principle of Policy 1 of the SELLP.

Developer Contributions and Viability

This application makes no change to the S106 that ensures developer contributions.

Layout and Design

No change is proposed to the previously approved layout. The density proposed by this development is not considered to be out of keeping with the character of Surfleet, although certain elements such as garden length are limited. This has been previously approved by the application mentioned above. The impact on neighbouring residents is discussed below.

The layout of the development seeks to provide garden to garden relationships as far as possible to existing dwellings surrounding the site. Given the land levels and garden relationships, further information was sought during the consideration of this application to look closely at overlooking, daylight and sunlight matters. This will be addressed further below, and as recommended by conditions, in order that fencing plans can be considered and privacy, daylight and sunlight matters can be finessed.

The landscaping proposals would provide public open space to the south of the site as well as pockets of open space along the frontage, in order to retain the mature trees each side of the proposed access. Further details of the landscaping management would be required, and this would be requested via condition in the usual way.

The design of the dwellings are mixed, in line with this developer's approach. The surrounding existing development is mixed in nature, with no prevailing approach, and the design approach and

density adopted by this application would not be out of keeping with the prevailing character of the area.

Refuse collection

The collection of refuse has been considered and the majority of the development shall be accessed via public highway.

Highway and pedestrian safety

The impact of the development in principle would have been considered during the consideration and adoption of the SELLP. With regard to the specific details of this scheme, LCC as highway authority have considered the details and do not raise objection to the principle or the detailing of this S73 application and raised no objection to the consent already granted. Conditions are suggested to ensure the road would be constructed to adoption standards etc.

The delivery of the footpath to Station Road is to be ensured via condition. The detailing of the link footpath from the development is to be carefully fenced to protect the amenities of the adjacent residents.

A footpath is proposed to utilise an existing farm access on to the site. This will enable an element of pedestrian connection to the wider Surfleet settlement. The boundary treatment of this footpath and detailed impact on the adjoining residents will be finessed at condition stage.

Impact of neighbouring Residents/land users

Minimal change is proposed to the previously approved layout, and this application proposes changes to the dwelling types only. The placing of the dwellings in comparison to the approved scheme show no significant change.

Placing of windows and internal layouts are similar on form to the previously approved scheme, and distances to boundaries have not altered.

The most impacted dwellings within Coalbeach Lane South and Station Road would have separation distances of between 30m and 21m. Certain dwellings within Coalbeach Lane South have short gardens, which has been taken in to account in the placing of the proposed dwellings along this shared boundary. The separation distances are not out of kilter with the separation distances provided by new development within this area, and careful consideration will be given in due course to the fencing and boundary treatments.

The separation distances are adequate, but the detailing of levels and fencing will be crucial to the success of this development, especially relationships to existing neighbouring dwellings.

The design of the proposed dwellings are forms that have been approved elsewhere in the District and would lead to a cohesive form of development that would not be detrimental to the amenities of adjoining residents.

Flooding considerations

The site is located within Flood Zone 3, and the Environment Agency require the lifting of floor levels to be controlled via condition.

Foul and Surface Water Drainage

Details of foul and surface water arrangements and management shall be required via condition, notwithstanding the details submitted so far.

Anglian Water confirm that the foul drainage from this development is in the catchment of Surfleet Water Recycling Centre that will have available capacity for these flows.

The surface water drainage scheme is required to be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event with an allowance for climate change, provide attenuation details and discharge rates and provide

details of how the scheme shall be maintained and managed over the lifetime of the development.

Impact on trees

Details of tree retention measures shall be controlled by condition.

Contaminated Land

SHDC Environmental Protection have considered the details submitted and raise no objection or comments regarding land contamination.

Heritage considerations and Archaeology

The LCC Historic Environment Officer has considered the submission and takes the view that the proposal would have no archaeological impact.

Biodiversity

The biodiversity of the development is to be via conditions, including details of light spill, and a condition to seek details is recommended, notwithstanding the details submitted so far.

Provision is to be made within the development for Swift boxes.

Further Considerations

Capacity of roads during construction - a construction management plan is sought by condition and the details of this will be considered at the time of submission to minimise impacts to local residents and to the local road network.

Value of property (not a material planning matter that can be taken into consideration).

Planning Balance

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

The proposed development is considered to comply with Policies 1, 2, 3, 4, 29 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021.

Conclusion

There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

This application was considered at the Chairman's Panel meeting of 4 March 2022 and it was agreed that the application can be determined via a delegated route.

The application is recommended for approval.

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.

RECOMMENDATION

That the application be approved under delegated powers.