

**[07]** Remove or Vary a condition

S/035/00332/ 24 **APPLICANT:** SRG Park Holdings Limited,

**VALID:** 28/02/2024 **AGENT:** Paul Robinson Partnership (UK) LLP,

**PROPOSAL:** Section 73 application to vary conditions no. 2 (approved plans) and condition no. 8 (number of residential units/caravans) as previously imposed on reference S/035/00074/21 for change of use of land for the siting of modular homes for the over 55's) to allow a revised site layout.

**LOCATION:** LAND OFF, GREENFIELD ROAD, CONINGSBY

## **1.0 REASONS FOR COMMITTEE CONSIDERATION**

1.1 The application was subject to a request by Councillor Foster, for consideration by the planning committee on the basis of concerns about the proposed increase in numbers of properties on the development and about the amount of traffic that would be exiting this estate onto Park Lane, Coningsby.

## **2.0 THE SITE AND SURROUNDINGS**

2.1 The application site comprises approximately 0.88ha of open/overgrown land between Greenfield Road and High Street, Coningsby.

The site is characterised by mounds of spoil from access roads constructed in connection with an extant planning permission for 35 predominantly two storey dwellings (S/035/01217/07 refers).

The road infrastructure from that permission is in place and provides for vehicular access from Greenfield Road with a separate pedestrian/emergency access off High Street.

The site is bordered by the rear of residential properties along High Street rear of dwellings on Ackrill Close to the west, dwellings on Greenfield Road and Finney Close to the south east the open amenity/wooded area to the east incorporating the Pingle Drain, pond and line of the former Lincoln to Skegness railway line.

The site lies within an area of low flood risk other than for a very small area of Flood Zone 3 to the north west boundary, close to the originally intended emergency access connection into the site.

## **3.0 DESCRIPTION OF THE PROPOSAL**

3.1 Planning permission was granted under application 1019/20 for the change of use of the site to provide for 22 single storey park homes (to comply with the legal definition for 'caravans') to be occupied by the over 55's.

The layout as approved was arranged with similar relationship to the constructed access roads as the dwellings proposed under planning permission 01217/07 for residential development of the site.

The development proposed, utilised the existing implemented road infrastructure with vehicular access from Greenfield Road and with a potential pedestrian/emergency access from High Street.

Through the consideration of that application, consideration was given to requirements for securing an appropriate maintenance strip to an adjacent watercourse and in response to comments received from the IDB.

The layout was consequently amended to accommodate that request with the relevant plans being the subject of discussion/liaison between applicant and the IDB.

The revised layout, in relation to the watercourse maintenance requirements was therefore agreed and formed the basis for the issuing of the planning permission.

That revised layout position equally, enabled an alternative configuration of units within the site and indicated potential for an additional unit to be accommodated.

However, the decision notice issued, did not reflect that acceptable situation and also incorrectly referenced an earlier layout drawing which only partially resolved the IDB concerns (ie not the drawing that had informed the acceptable solution).

The description of development equally referenced the initially intended number of units that could be accommodated within the site, but wasn't consequentially amended to reflect the revised/updated and agreed position.

It was acknowledged through the determination process, that the revised layout was considered acceptable in all aspects, and the lack of appropriate reference/amendment to the description of development was an unfortunate oversight.

A non-material amendment (NMA) was therefore approved under 597/21 to amend the description of development superficially, to reflect the nature of the development granted only, without reference to any specific number of units.

In other words the amendment gave clarity to the description of development for 'change of use of land for the siting of modular homes for the over 55's' as opposed to the original description for 'Change of use of land for the siting of 22 modular homes for the over 55's'.

The original 1019/20 permission also contained a planning condition restricting the number of modular units to 22, such that a subsequent S.73 application (0074/21) was submitted to enable variation to the layout plan reference condition 2 and the condition 8 (restricting numbers of units to 22).

The consequence of that application, was therefore to enable a development in accordance with the layout for 23 units as originally considered under 1019/20 which safeguarded the IDB interests.

This current application now seeks amendment of the same two conditions (2 & 8) to effectively enable the siting of 35 residential units/caravans on the site.

The submitted layout plan shows a similar (nominally more 'relaxed' in places) arrangement of units when compared with as they relate to the boundaries of the site but with the provision of an additional access on spur road aligned south-west to north-east and at a mid-point from the principle access towards the north east section of the site.

There are other re-aligned sections of internal road, but they are more nuanced in their alignment and follow the general principles of the previously approved layout.

To achieve the increased number of units, the previous permission provided for a mix of 40'/45' and 50' x 20' lodges whereas the new layout provides only for smaller 32' x 12' lodges.

## **4.0 CONSULTATION**

- 4.1 Set out below are the consultation responses that have been received on this application. These responses may be summarised and full copies are available for inspection separately. Some of the comments made may not constitute material planning considerations.

### **Publicity**

- 4.2 The application has been advertised by means of a (press notice and) site notice and neighbours have been notified in writing.

### **Consultees**

- 4.3 PARISH COUNCIL - Objects - notes increase in number of units and potential increase in vehicles using Greenfield Rd, Hoplands Rd and on to Park Lane. Also notes new houses being built on Park lane and elsewhere. Notes lack no internal layout confirming single or double occupancy.
- 4.4 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY - No objections - minor amendments proposed would have no adverse impact on highways or surface water flood risk.

- 4.5 ENVIRONMENTAL SERVICES (Environmental Protection) - No comments received.
- 4.6 ENVIRONMENTAL SERVICES (Drainage) - No comments received.
- 4.7 ENVIRONMENTAL SERVICES (Contamination) - No comments received.
- 4.8 ENVIRONMENT AGENCY - No comment to make.
- 4.9 WITHAM THIRD IDB - No comments.
- 4.10 CARAVAN SITE LICENSING - draws attention to relevant site licence conditions.

### **Neighbours**

- 4.4 Two (2) representations received raising the following points:
- Notes increase in number of units and concerned that will become a holiday home estate.
  - Reduction in recreational space
  - Increased road traffic a concern.
  - Questions occupancy numbers (single or double units)
  - Not enough space for a shed etc.
  - Park Lane already a busy road.
  - Concerned about impact on amenity.
- 4.5 The Ward Councillor is aware of the application via the Weekly List.

### **5.0 RELEVANT SITE HISTORY**

- 5.1 S/035/01217/07 - Erection of 35 dwellings - approved 19/09/2007  
S/35/01019/20 - Change of use of land for siting of 22 modular homes for the over 55's - approved 23/12/2020  
S/35/0597/21 - Non Material Amendment to give clarity to the description of development.  
S/35/0074/21 S.73 application to enable variation to the layout plan reference condition 2 and the condition 8 (increasing numbers of units to 23).

### **6.0 PLANNING POLICY**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

### **East Lindsey Local Plan:**

SP1 (A Sustainable Pattern of Places)  
SP2 (Sustainable Development)  
SP3 (Housing Growth and Location of Inland Growth)  
SP5 (Specialist Housing for Older People)  
SP10 (Design)  
SP16 (Inland Flood Risk)  
SP22 (Transport and Accessibility)  
SP26 Open Space, Sport and Recreation)

## **National Planning Policy Framework**

### **7.0 OFFICER ASSESSMENT OF THE PROPOSAL**

#### **Main Planning Issues**

7.1 The main planning issues in this case are considered to be:

- **Principle of development**
- **Design and impact on amenity/character**
- **Technical and other considerations**

Planning permission 1217/07 granted approval for the erection of 35 dwellings on the site and the road/access infrastructure was put in place, ensuring that the permission remained extant.

Furthermore, mindful of that fall-back position and the existence of site infrastructure, permission granted under 1019/20 established a use of the site for siting of 22 modular homes.

That permission has not been implemented but nevertheless, establishes the principle for development of the site as proposed and provides the basis for the submission of this S.73 application as described earlier in this report. Notwithstanding that approval, it is also considered that permission (1217/07) remains extant and so effectively establishes a principle for 35 dwellings on the site.

Applications submitted under S.73 of the Town & Country Planning act 1990 require that the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Although the objective of the application is to secure variation to

two conditions (2 and 8) as attached to 1019/20, the singular planning issue in this case relates to the acceptability of a submitted revised layout for 35 modular dwellings on site.

The revised layout and detail now being considered safeguards the operational/maintenance objectives previously identified as important for the development of the site (IDB easement requirements etc) and, notwithstanding the increase in the number of units, is not radically different to the layout and parameter details as previously permitted. Indeed, it is considered that the reduction in unit size has enabled a layout of units that is nominally improved from the previous iterations in terms of proximity to neighbours to the site. The scheme is also considered similar and acceptable in all other aspects, (quality of design/layout, amenity relationships between units).

All technical aspects of the development remain unchanged from the initial considerations and are acceptable in the context of the revised layout. The lack of objection from relevant technical consultees is noted in that respect.

The concerns/comments of the Parish Council and third parties are also noted but notably the local highway authority has raised no objection in respect of traffic generation or highway safety matters.

The proposed units, as previously considered would be unimposing and unremarkable in appearance, but given the recessive site characteristics, appropriate to their context with acceptable relationships between proposed units and existing dwellings. Detail of appearance for the new units is provided, and the size is confirmed as being having no more than 2 bedrooms (unit size also confirmed).

The layout of the site is equally not particularly inspiring, with an overly engineered highway approach and without benefit of onsite open space or play provision. However, as referenced above, the extant fall-back position is/was a significant consideration and notwithstanding the increase in units to 35, the now proposed scheme enables a relaxed development form. Pedestrian access from the site is also good, giving opportunity for residents to use existing village facilities.

Furthermore, notwithstanding the amended layout, much of the road and a substantive part of the drainage infrastructure is in place such that, for reasons of sustainability, their re-use is considered beneficial.

It is also considered relevant to note (for reasons of completeness) that occupation of these reduced sized units is still intended for the over 55's.

Not only does this resonate with objectives for policy SP5 (Specialist Housing for Older People) in providing a needed type of accommodation, but further justifies a reduced requirement for provision of play space/open space on site.

It is also considered that in delivering an identified local need, mindful of the type of accommodation product proposed, site operational requirements and consequential management regimes, provision of affordable housing, as required by policy SP7 would be inappropriate here and impractical to deliver. No affordable housing was therefore to be sought as part of the previous permissions and as an s.73 application with no materially different impacts arising (traffic generation/ environmental and technical impacts are all similar to that of previously permitted schemes) that situation remains unchanged.

As a final observation and as also considered for the previous applications, the site is eminently sustainably located (level site within one of the districts towns and within walking distance of a range of facilities and services, including access to the open countryside) yet, delivery of housing has clearly stalled.

Although there has not been any forensic analysis of the reasons for lack of progress, the regeneration benefit of bringing the site into meaningful use is given significant weight. The applicant's observations that the revised scheme seeks to respond to known market requirements and demand is noted in that respect.

To reiterate previous considerations that remain unchanged, the extant fall back permission has been taken into account and assessment of the current proposal against previously approved layouts leads to a positive assessment of the proposal without any notable or greater adverse impact on amenity or environmental outcomes.

## **8.0 RECOMMENDATION**

In conclusion, the proposed development provides for appropriate use of a stalled residential site in a sustainable location within Coningsby. Furthermore, the over 55's development will help deliver an identified housing requirement for the district.

Although in design/appearance terms, the quality of the development will be lacking, it will not be unduly harmful to wider character or amenity considerations.

Mindful of an extant planning permission as fall back, the proposed development and revised layout provides for an appropriate form and quality of development and is considered to be acceptable. Third party representations are noted, but technical matters are all suitably addressed (or can be secured by condition) and particularly given the fall-back position, the principle for 35 units

of accommodation on the site is established.

This conclusion has been arrived at having taken into account all other relevant material considerations, none of which outweigh the reasons for the officer recommendation made below.

**Grant planning permission subject to the following conditions:**

**RECOMMENDATION:** Approve

Subject to the following conditions:

1. Full Permission  
The development hereby permitted must be begun not later than 23rd December 2024.

Reason: To take account of the present restrictions on implementing permissions, in order to assist the recovery and in order to comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be implemented in accordance with the following approved plans;

Plan No. 8621 P01                      Received by the LPA on 28.02.2024.  
Plan No. 1385.2.2                      Received by the LPA on 22.06.2020.  
Illustration of a 32'x12' Prestige Sonata single unit

Reason: For the avoidance of doubt and the interests of proper planning.

- 3 Prior to first occupation of the development hereby permitted, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within or before a period of 6 months following the date on which development is first occupied or in line with a timetable agreed in writing by the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for a minimum of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that appropriate landscaping is provided to integrate the site into the local area. This condition is imposed in accordance with Policy SP10 of the East Lindsey Local Plan.

- 4 Before the development hereby permitted is first occupied measures to safeguard use of the access to High Street as a pedestrian access only shall be submitted to and agreed in writing with the Local Planning Authority.



Such measures as agreed shall be provided before any of the residential units are occupied and thereafter so maintained.

Reason: In the interests of pedestrian safety and to comply with Policies SP10 and SP22 of the East Lindsey Local Plan.

- 5 Prior to first occupation of any units the details of the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. This shall include the number, species, spacing and height at planting of any new hedges, and details of any fencing and walls where appropriate. The approved details shall be completed prior to the occupation of the first unit and thereafter retained and maintained.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance with Policy SP10 of the East Lindsey Local Plan and paragraph 135 of the National Planning Policy Framework.

- 6 The park home caravans hereby permitted shall not be occupied other than by persons who have attained the age of 55 years or the spouse or partner of such persons including a widow or widower of a former occupant.

Reason: To clarify the terms of the permission applied for and to ensure a satisfactory form of development appropriate to the needs of the intended occupiers in accordance with SP10 and SP26 of the East Lindsey Local Plan.

- 7 The development hereby permitted shall be carried out in accordance with the approved Flood Risk and Drainage Report (Issue 2 dated June 2020 prepared by George Shuttleworth Ltd Consulting Engineers) and the mitigation measures detailed therein.

The mitigation and surface water SuDS measures identified shall be fully implemented prior to occupation.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy SP16 of the East Lindsey Local Plan and the National Planning Policy Framework.

- 8 Not more than 35 residential units/caravans shall be stationed on the land at any time and shall be laid out in accordance with approved Site Layout Plan.

Reason: To define the development permitted and to ensure a satisfactory layout in the interests of good planning and visual amenity of the locality. This condition is imposed in accordance with Policy SP10 of the East Lindsey Local Plan.