DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H17-0236-20**	**Applicant:**	**Seagate Homes (UK) Ltd**
Proposal:	Residential development of 60 dwellings		
Location:	Land To The West Of Coalbeach Lane South Surfleet Spalding		
Terminal Date:	16th September 2021		

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	1	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
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	5
OTHER STATUTORY BODIES	0	0	1	7
RESIDENTS	17	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

Full application for a residential development of 60 dwellings with access from Coalbeach Lane.

The application has been amended since submission to take into account provision for affordable dwellings and the submission of a viability case for consideration.

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 financial element of the developer contribution offered is 12 dwellings plus £246,960 in S106 payments.

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

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.

HISTORY

None.

CONSULTATION RESPONSES

Surfleet Parish Council

Original Scheme: Objections.

Understand that this application is within the revised local plan however object to the number of proposed houses due to the poor access from Coalbeach Lane South and Thary Lane.

The plots will also be close to the existing houses in Coalbeach Lane.

There may also be a need for improvements to the Station Road/A16 junction due to this application, as well as past and future building plans.

A significant increased demand on local infrastructure and suitable funding should be sought/levied to compensate for this.

Revised scheme: Objections. Cannot see that the assessment overcomes the Parish Council's previous comments.

SHDC Strategic Housing

Should the development be permitted Policy 18: Affordable Housing requires about 25% of the development to be provided as affordable housing to meet district wide housing needs. This policy also states that the proportion of affordable housing that can be provided on market housing sites may vary according to the site specific considerations and cites viability, other infrastructure and the type of affordable housing need to be met as specific reasons.

The developer has submitted viability evidence stating that the affordable and other policy contributions are unviable at the policy level. The council has assessed this evidence using an independent viability expert, which indicates that the affordable and other contributions are deliverable at policy level contributions, therefore the full affordable contribution of 25% is sought.

The affordable mix sought in the comments from Strategic Housing on 26 March 2020 have been appraised, concluding that 11 for rent, comprising 2 x 1 bed houses, 6 x 2 bed houses, 2 x 3 bed houses and 1 x 4 bed house and 4 for shared ownership, comprising 2 x 2 bed houses and 2 x 3 bed houses is viable. The applicant should consider amending their plans to deliver this affordable mix.

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.

SHDC Environmental Protection

No objection.

Have reviewed the Ground Engineering Limited 'Site investigation report at Coalbeach Lane South, Surfleet, Spalding' ref C14949 dated January 2020 and make no comments regarding land contamination.

SHDC Environmental Services

No response received.

SHDC Trees & Nature Conservation Officer

Measurements of canopies and root protection areas are to be taken into account.

SHDC Building Control

Clarity on whether the road in-front of plots 35-50 is to be a Private Drive. This should be constructed to take the weight of an 18T Fire Appliance, and household refuse should not be carried more than 30 metres.

LCC Highways & SUDS Support

Requests that any permission given by the Local Planning Authority shall include conditions:

All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980.

No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development.

Before each dwelling is occupied, the roads and footways providing access to that dwelling, for the whole of its frontage from an existing public highway, shall be constructed to a specification to enable them to be adopted as Public Highway, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

No dwelling shall be commenced before the first 50 metres of estate road from its junction with the public highway, including visibility splays, have been completed to binder course level.

The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

LCC Education Planning Manager

Requests contributions as follows:

Primary - none
Secondary - £169,914
Sixth-form - £36,855

TOTAL £206,769

All section 106 agreements should include indexation using the Tender Price Index of the Royal Town Planning Institute Building Cost Information Services (RICS BCIS TPI).

The details of this calculation can be viewed on line at this link https://planning.sholland.gov.uk/OcellaWeb/showDocuments?reference=H17-0236-20&module=pl

LCC Historic Environment Officer

Comments - No archaeological impact.

Welland and Deepings Internal Drainage Board

Surface water will be disposed of to a Sustainable drainage system that incorporates some permeable paving and then attenuation. The attenuation pond will store water and then discharge it at a controlled rate into a local watercourse and then ultimately into the Boards system. Pleased to see that the attenuation has been designed to store all storms up to and including the 1 in 100 + 40% climate change storm events. Note that as part of this development the private watercourse will be improved to enable it to cater for the water produced from it. Once improved this watercourse must however be subject to regular maintenance to ensure it functions in its designed manner.

Also note that the pumping station used to pump water from the attenuation basin into the private watercourse will be maintained by a management company. I would hope that a similar maintenance regime could be agreed for the private watercourse too.

Any new discharges of surface water into the Board's system will require the prior written consent of the Board and completion of a consent to discharge application form, payment of any fees due and agreement of technical details. Note that the applicant intends to discharge at the Greenfield runoff rate and this is acceptable, in principle, to the Board.

Any new outfalls should be kept as high as possible into the receiving watercourse to minimise the duration of submergence during wet times.

Finally, if any private watercourses are required to be piped e.g. for site access, etc then this would also require the prior written consent of the Board under the Land Drainage Act 1991.

Environment Agency

The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if a planning condition is included to ensure that the development shall be carried out in accordance with the approved flood risk assessment (FRA)

Anglian Water

Assets Affected: Records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Wastewater Treatment: The foul drainage from this development is in the catchment of Surfleet Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Used Water Network: This response has been based on the following submitted documents: Drainage Strategy. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advice them of the most suitable point of connection. Advise informatives.

Surface Water Disposal: The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy,

with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

This response has been based on the following submitted documents: Drainage Strategy. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

NHS England

Lincolnshire Clinical Commissioning Group, South Locality requests a Section 106 contribution of £39,600, as calculated using the HBN calculator. This can be viewed at this link https://planning.sholland.gov.uk/OcellaWeb/showDocuments?reference=H17-0236-20&module=pl

The Gosberton Practice is within the South Lincolnshire Rural Primary Care Network where the housing is being developed. The S106 monies from the development will be used to make improvements in the Practice facilities. The money would contribute to the development of further clinical rooms, upgrading of existing clinical rooms and expansion of car parking facilities to would assist with the expansion of the practice as parking space is an ongoing issue. The current capacity is limited and encourages unsafe parking on the roadside. Developing this area would also mean improved disabled provision and ambulance access to the surgery.

These improvements will also allow for new models of primary care and out of hospital working in a collaborative and integrated way. Whilst focusing on sustainability and equitable health care provision.

These developments are to meet the continued growth and increase in the registered list and population health needs.

Lincolnshire Wildlife Trust

Need to consider biodiversity net gain.
Lighting overspill from the site should be avoided.

Lincolnshire Bat Group

The ecological assessment is a perfectly satisfactory report but would like to make the following suggestions re. the recommendations 8.3 and 8.4 re. bat boxes and lighting. 8.3 is good but needs more information re. location of boxes - ie they should be sited away from doors and windows, where they could create problems with mess; there is also no reference to Appendix 7. This shows one box design only - there are several other makes on the market. At 8.4 it is good to see notes about lighting avoiding shining on boxes etc, but this needs more detail: a lighting/box scheme showing locations of both would get round this issue.

Police Crime Prevention Design Advisor

Lincolnshire Police do not have any objections to the amended application.

Public

18 submissions of objection and 2 comments have been received, raising the following matters:

Use of farmland for development
Over development of Surfleet/impact on character
Density of development
Highway and pedestrian safety
Highway capacity
Capacity and pressure on local services
Public Transport - not accurately described

Local park/play area is closed
Impact on properties in Coalbeach Lane/Station Road
Proximity of dwellings and garages and separation distances to existing dwellings
Locations of access to the rear of the dwellings
Scale and design
Faceless, characterless housing estate
Scale is suburban
No local design cues
Development does not respond to the character of the area
Buffer to existing properties not explained
Landscape plan not submitted
Impact on daylight and sunlight
Privacy
Security
Overlooking and overbearing effect
Location of footpath adjacent to an existing dwelling on Station Road
Noise level increases
Drainage in the area and impact on Anglian Water facilities
Flooding
Impact on wildlife
Refuse and waste to be considered
Maintenance arrangements for open space and shared areas
Consider removing PD rights so that dwellings do not come closer to existing dwellings
Capacity of roads during construction
Value of property (not a material planning matter that can be taken in to consideration)

Planning Considerations

The main issues in this case are:
Principle of Development and Sustainability
Developer Contributions and Viability
Layout and Design
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.

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

The applicant has submitted a viability case to justify their assertion that the development of this site would not be sufficient to enable all policy compliant requirements, in line with the policies of the SELLP.

This submission has been considered in detail by an independent company, and the Independent Valuation Exercise Findings are in the public domain.

The application and the viability case have been subject to detailed consideration, and the developer has tabled the offer set out, specifically, the delivery of 12 affordable dwellings and a financial contribution to Education and NHS totalling £246,960.

This offer, along with the financial viability case put forward has been assessed in detail by CP Viability in their undertaking of an independent assessment of the submission and this S106 offer is in accordance with the opinion of CP Viability.

This offer is considered to be an acceptable and justifiable compromise and the short fall would result in 4 fewer affordable dwellings than the SELLP policy of up to 25% would normally require. The delivery of 12 dwellings would be a 20% delivery.

It is recommended that this contribution package is accepted and a delivery mechanism put in place via a S106 legal agreement. It is also recommended that the payment triggers are agreed within the S106.

Layout and Design

The layout exceeds the notional quantum of development indicated by the SELLP; Sur016 in the SELLP, was assessed to have an indicative site capacity of 44 dwellings, whereas this development is for 60 dwellings. 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 is discussed in the context of impact on neighbouring residents 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 condition 4, 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 collection of refuse has been considered and the majority of the development shall be accessed via public highway.

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.

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 application. 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.

An objection has been received regarding the description of the sites' relationship with public

transport links. This application has been assessed in the round and is considered to be acceptable. The development would accord with the policies listed above.

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 on neighbouring Residents/land users

The placing and design of the dwellings has been discussed with the applicant and further levels and sections were requested during the processing of this application.

The sectional drawing demonstrates that the most impacted dwellings within Colbeach Lane South and Station Road would have separation distances of between 30m and 21m. Certain dwellings within Colbeach 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, as mentioned above.

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 Lincolnshire Wildlife Trust have considered the submitted details and reports and are of the view that further work could be undertaken to ensure that the development achieves a greater level of biodiversity than that currently expressed in the application. In addition to this being controlled via conditions, the matter of light spill is raised, and a condition to seek details is recommended, notwithstanding the details submitted so far.

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 (NPFF), 2019.

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

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, subject to the imposition of a S106 agreement and conditions.

This application was considered by the Chairman's Panel on 19 July 2021 and it was agreed that this application can be determined as a delegated item.