SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 21 July 2021**

(Author: **Polly Harris-Gorf - Principal Planning Officer)**

Purpose: **To consider Planning Application H17-0793-20**

Application Number:	H17-0793-20	**Date Received:**	21 September 2020
Application Type:	FULL		
Description:	Residential development of 75 dwellings, with associated garages, road and sewers		
Location:	Land off Sunnydale Close Surfleet Spalding		
Applicant:	Ashwood Homes	**Agent:**	Ashwood Homes
Ward:	Pinchbeck and Surfleet	**Ward Councillors:**	Cllr S A Slade Cllr J Avery Cllr E J Sneath

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H17-0793-20

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Planning policy matters, Section 106 contributions and viability matters are raised, together with objections received that merit Committee consideration.

2.0 PROPOSAL

2.1 This is a full application for the Residential Development of 75 dwellings, with associated garages, road and sewers, as well as open space.

2.2 The proposals include a range of 2 storey dwelling types in line with the low density setting which is intended.

The 75 dwellings are made up of the following:
4 x 1 bed dwelling
9 x 2 bed dwelling
51 x 3 bed dwelling
11 x 4 bed dwelling

2.3 Vehicular access to the site would be served from a single point on Sunnydale Close to the West of the site.

2.4 Foul surface water drainage would connect into the existing public sewers. With regards to the storm drainage, a series of SUDS techniques would be used to provide source control and attenuation flows from the site.

2.5 The application is supported by a Services Layout, Public Open Space Maintenance Plan &

Estate Management Overview, Construction Management Plan, Protected Species Report, Archaeological Desk Based Assessment and Environmental Phase I Desk Study & Phase II Exploratory Investigation.

2.6 Since submission, the application has been revised to take into account the proximity of certain plots to existing dwellings on neighbouring land.

2.7 In additional a Viability Assessment was submitted and this is dealt with below. The application now offers 11 affordable dwellings as follows, plus £197,000 financial contributions. The applicant's viability submission is included as Appendix B.

2.8 The AFFORDABLE dwelling mix proposed is as follows:

8 rented
3 x 1 bed houses plots 17,18,19
3 x 2 bed houses plots 20,37,38
2 x 3 bed houses plots 39,40

3 shared ownership
2 x 2 bed houses plots 21,36
1 x 3 bed house plot 41

TOTAL - 11 dwellings

3.0 SITE DESCRIPTION

3.1 The site is partially within the settlement boundary of Surfleet, with the rest of the site outside but adjacent to the settlement boundary. The current application site incorporates a smaller site that has already been approved for a development of 26 dwellings by the Council (H17-0652-15 refers. Approved 03-04-17).

3.2 The land extends to 2.87ha, is currently agricultural and is relatively flat. The boundaries of the site are largely marked by hedges with open land to the south eastern corner, to the rear of Fenland Produce.

3.3 The site is located within Flood Zone 3. There is a Public Right of Way across the site.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policies:

1 Spatial Strategy
2 Development Management
3 Design of New Development
4 Approach to Flood Risk
5 Meeting Physical Infrastructure and Service Needs
6 Developer Contributions
10 Meeting Assessed Housing Requirements
11 Distribution of New Housing
12 Reserve Sites
17 Providing a Mix of Housing
18 Affordable Housing
19 Rural Exception Sites

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
33 Delivering a More Sustainable Transport Network
36 Vehicle and Cycle Parking
APPENDIX 6Parking Standards
APPENDIX 8Developer Contributions for Education Facilities
APPENDIX 9Developer Contributions for Health Care Facilities

4.2 **National Guidance**

4.3 National Planning Policy Framework (NPPF), 2019

Section 2 - Achieving sustainable development
Section 4 - Decision making
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
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
Section 16 - Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H17-1035-17 SEC 73 MODIFICATION Residential development for 26 dwellings including roads, footpaths and open spaces - approved under H17-0652-15. Modification of Condition 2 to allow amendments to previously approved plans. Approved. 07-08-18.

5.2 H17-0652-15. FULL. Residential development for 26 dwellings including roads, footpaths and open spaces. Approved 03-04-17. Subject to a S106 legal agreement for the delivery of 5 x two-bedroom houses for affordable rent and 3 x three-bedroom houses for intermediate rent, totalling 8 dwellings. No financial contributions were set or agreed.

5.3 H17-0732-17. CONDITION COMPLIANCE. Details of Conditions 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22 and 23 of H17-0652-15) Approved 24th May 2018.

5.4 H17-1119-98. Land at rear of 32 Main Road. Continuation of planning permission without complying with condition 9 of H17/0826/97. Approved 15-12-98.

5.5 H17/0826/97. Land at rear of 32 Main Road. Erection of four bungalows with garages and road and sewers. Approved 01-10-97.

6.0 REPRESENTATIONS

6.1 Surfleet Parish Council

Objections to original scheme as follows:

Have objected to the previous application for 26 houses and previous comments stand. Sunnydale Close is not able to cope with the increased traffic flow and the existing residents privacy will be totally compromised.

Why has the number of affordable homes dropped from 19 to 6 when the application has increased from 26 to 75.

The ongoing impact of this and other developments needs to be considered on local

infrastructure, school, dentist doctors surgery. There is no easy access to the village centre and shops and the primary school."

March 2021 - previous objections 12/2020 still stand, overdevelopment, impact on existing residents, this amendment does not address these issues.

6.2 SHDC Housing Strategy

The applicant has provided evidence to support their assertion that policy compliant levels of affordable housing and other contributions cannot viably be delivered. This has been independently assessed by a viability expert that concludes that 11 affordable dwellings, 14.67%, is viable with other contributions of £197,000.

The plan now accords with what has been agreed with 11 affordable comprising:

8 rented
3 x 1 bed houses plots 17,18,19
3 x 2 bed houses plots 20,37,38
2 x 3 bed houses plots 39,40

3 shared ownership
2 x 2 bed houses plots 21,36
1 x 3 bed house plot 41

The affordable housing should be delivered in accordance with the affordable housing as described in Annex 2 of the National Planning Policy Framework dated February 2019, or any Planning Policy Statement, Guidance Notes or Circulars which may amend, supplement or supersede this.

Policy 18: Affordable Housing of the Local Plan recommends that a tenure split of 70% in favour of Rented and 30% Intermediate housing for sale dwellings will be sought, whilst appreciating that this may vary on a site by site basis due to factors such as viability or affordable housing need. Policy 17: Providing a Mix of Housing in the Local Plan encourages a mix of house types and sizes to meet a range of needs.

As per Policy 6: Developer Contributions of 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.

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.

The developer should also seek to secure a Registered Provider 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 developer require this. The RP should be prepared to enter into a Nominations Agreement with the Council to ensure that the rented homes are let to households from the Council's Housing Register.

The revised plan 1280-003 Rev O Planning Layout accords with the affordable housing scheme that has been discussed with the applicant.

SHDC Environmental Protection

No objection.

6.3 SHDC Environmental Services

Access roadways to all residential properties should be constructed to an adoptable standard under an agreement with Lincolnshire County Council so that they will become public highways. This will enable refuse/recycling collections to be carried out from outside individual properties without the need for communal collection points at the point where private driveways adjoin public highways.

If not utilised correctly communal collection points become areas of dispute for residents of adjacent properties.

Please note that the above assumes that the roadways serving the remaining plots on the site are to be built in agreement with Lincolnshire County Council to be adopted as public highways.

6.4 Welland and Deepings Internal Drainage Board

The applicant has been in contact with the Board at a pre-application stage for guidance on certain aspects of the scheme. The Board are pleased to see their easement strip is observed and a clear nine metre strip has been left alongside the whole length of Woods Lane Drain through the site.

The proposed surface water discharge is agreeable to the Board in principle subject to the submission of an application form in advance, the agreement of technical details, payment of the correct application fee and relevant development contribution. The discharge rate is to be confirmed and agreed between the consulting engineer and the Board at a later date.

As correctly identified within the submitted documents an application to alter a watercourse is required in advance to provide an adequate crossing over Woods Lane Drain for the estate road entrance. This too can be agreed between the consulting engineer and the Board at a later date.

6.5 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 set finished floor levels at no lower than 0.5 metres above existing ground levels and a minimum of 300mm of flood resilient/resistant construction above the finished floor level.

6.6 Anglian Water

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within the Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.

The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

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 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 - the applicant has not identified a discharge rate or connection point. AW therefore request a condition requiring phasing plan and/or on-site drainage strategy.

Surface Water Disposal - The surface water strategy/flood risk assessment submitted with the

planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We request that the agreed strategy is reflected in the planning approval.

Anglian Water have been consulted on the amended plans and details and to date no response has been forthcoming. This matter can be reported on verbally.

6.7 LCC Historic Environment Officer

Has previously been consulted on earlier proposals for a smaller development of 25 houses covering only the western part of the site. This was subject to a programme of archaeological evaluation. However, the eastern half has not previously been investigated.

As discussed in the desk-based assessment that has been submitted here, medieval saltern mounds were revealed during previous evaluation, which produced pottery and finds dating from the early medieval period. The site of the salt making itself or any settlement associated with it was not located and it is possible that such remains may exist within the eastern half of the site. Lidar (laser scanning) data produced by the Environment Agency also appears to indicate that traces of the similar saltern mounds may also extend into the eastern part of the proposed development curving around the northern edge of the site adjacent to Park Farm, as well as linear bank crossing both parts of the development.

It is recommend that the developer be required to commission an archaeological trial trench evaluation to investigate the archaeological potential of the uninvestigated eastern part of the site, in order that the local planning authority has sufficient information on the significance of the archaeological remains that will be impacted by the proposed development. The results of the evaluation will also be required in order to agree, if necessary, an appropriate mitigation strategy to record or preserve any remains to be impacted by construction.

"Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation." - National Planning Policy Framework section 16, paragraph 189.

6.8 LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

No objection to Amendment 3-Re-positioning of plots 10-23, 58-61 and 42-43 to address proximity issues with neighbouring properties. Associated plot substitutions to achieve 11 affordable units and revised open space management plan to address Lincs Wildlife comments.

Therefore, 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 development is acceptable and accordingly, does not wish to object to this planning application.

6.9 LCC Rights of Way & Countryside Access

Pinchbeck Public Footpath No. 3 has been diverted to accommodate the proposed development.

Comments;

i/ It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.

ii/ The proposed development should not pose any dangers or inconvenience to the public using the right of way.

iii/ No gates or other structures should be erected on the public footpath without the permission of Lincolnshire County Council.

iv/ The affected section of public footpath should be tarmacked to adoptable standard. It would also be desirable to tarmac the sections of footpath which connect to the adjoining public highways. It is however acknowledged that the adjoining sections of footpath are outside of the development boundary and additional landowner permission will be required.

6.10 LCC Education Planning Manager

Primary - no contribution sought.

Secondary - £169,914 - Towards the extension of an existing Spalding secondary school or towards the land or build of a new secondary school in Spalding

Sixth-form - £36,855 - As Secondary

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).

6.11 NHS England

It is requested that the applications contribute to the development of the Gosberton Medical Practice, Low Gate, Gosberton. Using the HBN calculator = £49,500

Would like to set a trigger point against this application and H17-0236-20 (Land to the west of Coalbeach Lane, South Surfleet) as follows:

"Payment of 50% of the money prior to occupation of 50% of the dwellings + remainder of money prior to occupation of 90% of the dwellings"

6.12 Lincolnshire Wildlife Trust

No objection in principle however more should be done to consider and add value to the natural environment.
Survey was not undertaken at an optimal time (Feb 2020)
Further soft landscaping specification needed.
Need management and maintenance plans.
Wildlife links and habitats to be considered.
Pleased to see nest boxes recommended and need to be included in the plans.
The species mixes look adequate within the landscape plan. However, the maintenance schedule associated with the development doesn't reflect the wording in the landscape schedule.
Landscaping generally could also provide much greater benefit for people and wildlife.
Comments made regarding the maintenance plan, public open space in the centre of the site, mowing, herbicide and feed treatments, connectivity, habitat boxes and also make recommendations for enhancements.

6.13 Police Crime Prevention Design Advisor

No objections. Advise of Building Regulations.

6.14 The Rt Hon Sir John Hayes CBE MP

Over development of the site
Loss of amenity to neighbouring properties
Overlooking
Impact of access via Sunnydale Close
Impact of additional traffic on to the B1356
Loss of agricultural land
Services are at least a mile from the development
Impact on local infrastructure and services
Development not of highest quality design

Loss of views over open fields
Devalue of properties

6.15 Public

14 objections and 3 comments have raised the following matters:

Principle of development
Not a sustainable site
Density proposed
Design and layout
Flood risk
Level of vehicle accessibility from Surfleet Road via Sunnydale Close
Breach of Planning Permission H17-1119-98
Sunnydale Close is a cul-de -sac and was intended to remain so
Expiration of previous Planning Permission implies lack of need
Excess supply of dwellings in Surfleet demonstrates lack of need
Vacant dwellings figures for South Holland demonstrates lack of need
Local Plan rated previous plans as very poor match for objectives
It performs "very poorly" against the Sustainability Appraisal Objectives
No demonstration of sufficient infrastructure and services
Does not meet the Local Plan requirements for affordable housing
Proposes fewer affordable houses than a previous plan
Does not meet the minimum requirement for affordable housing
Does not provide a Travel Plan or Assessment
Does not provide sufficient secure, covered space for bicycles
Should provide for street lighting
Should provide for the use of renewable low-carbon technologies
The Viability Assessment does not cover the actual proposal
Increase in pollution
Loss of hedges
Alternative access to Sunnydale Close could be considered
Parking and servicing during construction
Road noise
Loss of light and overshadowing
Loss of privacy
Visual amenity
Loss of agricultural land
Causing concern to elderly residents
No bungalows
Foul and surface water drainage
Increase in rubbish

6.16 3 Comments

Provisions for swifts
Development would be a breach of conditions relating to H17-1119-98

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 The main issues in this case are:
Principle of Housing Development and Sustainability
Developer Contributions and Viability
Location of the site and Visual Impact on Surfleet
Layout and Design
Highway and pedestrian safety
Access for emergency vehicles
Impact of neighbouring Residents/land users
Flooding considerations
Foul and Surface Water Drainage
Contaminated Land
Heritage considerations and Archaeology
Biodiversity

7.3 Principle of Housing Development and Sustainability

7.4 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.

7.5 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

7.6 The NPPF does not impose a blanket restriction on development outside defined settlements, nor does it explicitly prevent the use of such boundaries. The application site is located in close proximity to existing dwellings, already enjoys a residential planning permission covering part of the site and is not isolated, so the countryside location does not conflict with paragraph 79 of the Framework. Paragraph 78 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for settlements to grow and thrive, especially where this will support local services.

7.7 The NPPF also recognises, in Paragraphs 127 and 170, the importance of being sympathetic to local character, including landscape setting, and of recognising the intrinsic character and beauty of the countryside. The NPPF seeks to balance these aims with housing growth.

7.8 Policy 1 Spatial Strategy of the SELLP ranks settlements deemed to be the most sustainable in descending order. Surfleet is a Minor Service Centre where within the settlement boundaries development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or help meet the service needs of other local communities.

7.9 The policy establishes that development will normally be limited to Allocated sites, Committed sites and infill development. The application site lies partially outside of the identified settlement boundary. Part of the site is therefore in the countryside for planning purposes where development will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

7.10 With regard to that part of the site that is outside the settlement, being within the Countryside, the SELLP states:

7.11 *"The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.*

7.12 *In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."*

In terms of the 3 dimensions of sustainable development referenced in the policy wording, the below points are considered pertinent:

- An economic role:
The development may support the local economy through employment opportunities associated with construction and future occupants may work locally and support local services.

- A social role:
The provision of additional dwellings and the associated developer contributions to local educational and health, as well as the potential for support of other local services could be considered to have a social benefit. The proposal would make a contribution towards housing supply (including affordable housing) in the District. Open space would be provided within the development which will contribute to health and well-being.

- An environmental role:
The proposal would have a limited environmental benefit to the settlement by removing an element of agricultural activity close to residential properties and the inclusion of biodiversity and open space have been set out by the developer. Flood risk is also an environmental consideration. This matter is discussed in further detail later in the report.

7.13 As the proposal is neither for rural exceptions affordable housing, nor essential to meet the needs of agricultural workers, a development including land outside the settlement boundary would not normally be supported. The application site sits partially outside the defined settlement limits of Surfleet, and as such is considered in locational terms to be contrary in part to the provisions of the SELLP, however, given the history on the site, this is discussed further below.

7.14 In order to support the application as an exception to the provisions of the SELLP, the applicant has put forward a package of measures, including a viability assessment for this development proposal, which, when taken as a whole, could on balance be considered to set out a development which could be an exception to the spatial strategy and distribution of housing policies (Policies 1, 10 and 11), when considered in conjunction with the wider benefits to be gained. These matters are addressed below.

7.15 Policy 10: Meeting Assessed Housing Requirements, sets the net increase provision for the plan period (2011 to 2036) for South Holland as 11,681 dwellings, which is a development expectation of 467 new dwellings per annum.

7.16 Policy 11: Distribution of New Housing, is supported by, and complementary to Policy 1: Spatial Strategy. Housing allocations and overall housing growth for each settlement are considered to be proportional to existing infrastructure capacity, or are in locations capable of improvement (see Policy 5: Meeting Physical Infrastructure and Service Needs). Additionally, the best available information relating to housing need, development constraints, such as flood risk and access in particular areas, land availability and deliverability have all been taken into account. This is evidenced in the settlement-specific Housing Papers and the Strategic Housing Land Availability Assessment.

7.17 There is a clear balance to be made in the consideration of this application. Part of the site is within the settlement boundary and enjoys a planning consent for residential development. The rest of the site is not allocated for development in the South East Lincolnshire Local Plan. The Local Plan in Policy 11 stipulates 180 dwellings for Surfleet within the local plan period. The latest available Housing Land Supply from March 2020 is 9.1 years.

7.18 Within Surfleet at present there are permissions granted for H17-0027-20 (Land off Station Road. SELLP allocation ref Sur30 for the erection of 32 dwellings and associated works. Issued : 26-06-20). H17-0236-20 (Land to the west of Coalbeach Lane South. SELLP allocation ref Sur016, which is a full application for residential development of 60 dwellings on an allocated site) within the settlement is under consideration.

7.19 The allocated site of Land at Park Lane (Sur 006 - 26 dwelling allocation) is yet to come forward.

7.20 An objection has been received expressing the view that the expiry of the previous consent on the site indicates a lack of need for development. There are a number of factors that influence whether and when a site comes forward and this objection can be given little weight in the context of the wider considerations of this application. Similarly, the impact of this proposal on an historic condition on adjoining land can be considered in the light of the proposed development and on this occasion is afforded little weight, given the wider implications of this proposal.

7.21 Developer Contributions and Viability

7.22 The policies of the SELLP, and supported by the provisions of the NPPF 2019 are clear with regard to the expectation of development to provide an appropriate level of affordable housing and other relevant contributions.

7.23 Affordable housing should be delivered in accordance with the affordable housing as described in Annex 2 of the National Planning Policy Framework dated February 2019, or any Planning Policy Statement, Guidance Notes or Circulars which may amend, supplement or supersede this. Policy 6: Developer Contributions, Policy 18: Affordable Housing, Policy 17: Providing a Mix of Housing and the relevant appendices to the SELLP set out consideration of affordable housing, Health and Education contributions.

7.24 The applicant has submitted a viability case seeking 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. The applicant's viability submission is included as Appendix B.

7.25 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. The response of CP Viability is included as Appendix C.

7.26 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 11 affordable dwellings and a financial contribution to Education and NHS totalling £197,000.

7.27 Although this is a shortfall, this offer is considered on balance to be an acceptable and justifiable compromise although the short fall would result in 4 fewer affordable dwellings than the SELLP policy of up to 25% would normally require, being 19 dwellings. The delivery of 11 dwellings would be a 14.67% delivery.

7.28 Comparing this application to the consented scheme, the current scheme would deliver 3 additional affordable dwellings and the financial contribution £197,000 to education and the NHS.

7.29 It is recommended on balance 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 to ensure that payments for health and education are paid at key points of occupation, and not left to the end of development.

7.30 Visual Impact on Surfleet

7.31 The site is partially within and partially outside, but adjoining the settlement boundary of Surfleet, and is bordered by roadways which separate the field from adjacent land. It is considered that the scheme of 75 dwellings could be accommodated without materially harming the character/appearance of this part of Surfleet. The number of properties proposed would enable the inclusion of a satisfactory landscaping scheme to integrate the development. The proposed development could therefore be considered to not have an adverse impact on natural, built or historic assets.

7.32 This site is a discrete parcel of land with largely defined boundaries. The site is adjacent the development boundary for Surfleet so would not look out of place due to its potential relationship with existing dwellings.

7.33 The enclosure of the land means the land would not be a visual loss to the character of the countryside as there have generally been limited public views into the site. It is to be noted that there is no right to a private view. Some of the hedge is to be removed from the frontage to enable good visibility splays for safe entry and exit into the site, but most of the hedge will be retained.

7.34 It is accepted that the development of this greenfield site would result in a change in the character of the immediate area. However, the principle of part of this site is accepted, and there are not considered to be any significant or demonstrable adverse impacts in this respect that would warrant refusal of this proposal in terms of visual impact.

7.35 Layout and Design

7.36 Since submission the layout and form of certain dwellings has been amended to address existing dwellings adjacent to the site. The density of the development would not be out of character with the mixed form and density of development in the adjacent area.

7.37 The layout now proposes an informal road layout which is to be largely adopted, with two storey dwellings facing. Rear garden areas are to adjoin existing dwellings and easements. An area of open space is proposed within the site. The parking for the site would accord with the SELLP standards. The density of the development would not be out of keeping with the surrounding development, which is varied in form.

7.38 A mix of house types and styles is proposed, to present an attractive street scene and neighbourhood character. Taking these factors into account it is considered that the proposed development would not materially harm the existing character of the settlement at this point, and would present a pleasant design and layout.

7.39 It is considered that the proposal satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of the layout and form of the development.

7.40 Highway and pedestrian safety

7.41 The highway form as well as access on to the highway network are considered to be acceptable by LCC Highways. The impact of additional traffic on to the B1356 and Sunnydale Close have been considered and no objection from LCC has been received.

7.42 In addition, the footpath accesses to the site are considered to be acceptable. Relationships with the existing residents facing and adjoining the footpath to Woods Lane could be addressed via fencing and boundary treatments, and it is noted that this footpath was approved on the earlier scheme (H17-1035-17 refers).

7.43 Concerns have been raised by local residents on grounds of poor visibility, increased traffic, highway safety, etc. LCC Highways has been consulted in this respect and raises no objections on highway safety grounds.

7.44 The imposition of a travel plan not realistic in rural settlements of this form, however the encouragement of the use of cycles is dealt with via the SELLP and conditions.

7.45 The proposal satisfactorily accords with the objectives of Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in this respect.

7.46 Impact of neighbouring Residents/land users

7.47 The use of Sunnydale Close as an access point has already been approved in principle by the grant of the previous permission on the site.

7.48 The dwellings would back on to existing dwellings in Woods Lane, Surfleet Road and Sunnydale Close, and in addition an easement is required along these boundaries. The distances between dwellings have been carefully considered and would accord with the form of development in the area.

7.49 Sections have been submitted to demonstrate the relationship of the proposals to the most immediately impacted existing dwellings on Woods Lane, Sunnydale Close and Surfleet Road.

7.50 The distances to key dwellings in Surfleet Road would be 32.5 metres back to side elevation, with no first floor windows facing the boundary to the key property in Surfleet Road.

7.51 One pinch point would be the relationship of 14 Surfleet Road with the side elevation of a

proposed dwelling, and this distance would be 11.8 metres. Details have been submitted to show that an unacceptable loss of daylight and sunlight would not be caused.

7.52 The distances to key dwellings in Woods Lane would be in the region of 29.5 metres, with comparable finished floor levels. The distances to key dwellings in Sunnydale Close would be 33 metres, and no first floor windows are proposed to the dwelling type closest to the nearest property in Sunnydale Close.

7.53 The levels across the site and the alterations to levels across the site have been taken in to consideration as whole and the development would not result in an unacceptable loss of day light or sunlight, nor would an unacceptable level of overlooking result.

7.54 As the levels on site would require lifting to accommodate the issues of flood potential, and in order that wider impacts are considered, a further condition is suggested to look at boundary treatments; Condition 5. This precautionary condition is suggested in order that where levels are raised above existing ground levels, the condition submission shall be supported by cross-sectional drawings showing the relationship with adjoining dwellings and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place and issues of loss of daylight and sunlight, as well as overlooking are not a consequence of the raising of the levels on the site.

7.55 It is considered that the proposal would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. This is also to be specifically addressed in greater detail by the submission of details to discharge recommended condition 5. The proposal would satisfactorily comply with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

7.56 Issues have been raised over possible noise and disturbance and concerns to elderly residents during the construction stage. This matter can be addressed by means of a construction management plan. It falls to the developer to carry out the development in a responsible manner. If structural damage were to occur, for instance, it would be a separate civil matter.

7.57 Street lighting can be controlled by condition, so as to minimise light spill, and refuse collection is addressed by the application. There would be no reason to suggest that this development would cause an increase in rubbish and litter in the area.

7.58 Issues such as loss of view and property devaluation are not material planning considerations and therefore carry no weight.

7.59 Flooding considerations

7.60 The site is within Flood Zone 3 on the Environment Agency Maps. The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

7.61 As the levels on site would require lifting to accommodate the issues of flood potential, this would be controlled by Condition 4 set out below. In order that wider impacts are considered, then a further condition is suggested to look at boundary treatments, and this is addressed in further detail above.

7.62 Development of part of this site has already been accepted. The Flood Risk Assessment demonstrates that the site could be developed in an acceptable manner and the Environment Agency raise no objection. The proposal accords with Policy 4 of the South East Lincolnshire Local Plan, 2019 in terms of flood risk.

7.63 Foul and Surface Water Drainage

7.64 Foul water would be disposed of to the mains sewer. As can be seen from the Anglian Water response above to the initial scheme, further work was required and the response of Anglian Water to the amendments is awaited.

7.65 A surface water regime employing the principles of sustainable drainage, utilising the existing water course and soakaways, with some use of the mains sewer has been designed.

7.66 The development has been designed to take in to account the Internal Drainage Board (IDB) guidance on certain aspects of the scheme. The IDB consultation response is set out above, and the officers are pleased to see the easement strip is observed and a clear nine metre strip has been left alongside the whole length of Woods Lane Drain through the site.

7.67 The proposed surface water discharge is agreeable to the IDB in principle subject to the submission of an application form in advance, the agreement of technical details, payment of the correct application fee and relevant development contribution. The discharge rate is to be confirmed and agreed between the consulting engineer and the Board at a later date.

7.68 As correctly identified within the submitted documents an application to alter a watercourse is required in advance to provide an adequate crossing over Woods Lane Drain for the estate road entrance. This too can be agreed between the developer and the IDB at a later date.

7.69 The responses of LCC as Lead Flood Authority and Anglian Water are set out above. These matters can be dealt with via conditions.

7.70 Contaminated Land

7.71 A Combined Phase I Desk Study & Phase II Exploratory Investigation accompanies this application. SHDC Environmental Protection raise no objection and any unexpected contamination found can be dealt with via condition. The proposal accords with Policy 30 of the South East Lincolnshire Local Plan, 2019 in this respect.

7.72 Heritage considerations and Archaeology

7.73 "Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation." - National Planning Policy Framework section 16, paragraph 189.

7.74 Given the response of the LCC Historic Environment Officer it is recommend that the developer be required to commission an archaeological evaluation and this is suggested via a pre-commencement condition. The proposal accords with Policy 29 of the South East Lincolnshire Local Plan, 2019 in this respect.

7.75 Biodiversity

7.76 An Extended Phase 1 Survey of the land accompanied the initial submission, and given the response of the Lincolnshire Wildlife Trust, set out above, and notwithstanding the submissions, it is recommended that conditions are imposed requiring the submission of further soft landscaping specification, management and maintenance plans and updated landscape schedules. This can be controlled by condition.

7.77 The inclusion of swift boxes can also be controlled by condition.

7.78 The proposal accords with Policy 28 of the South East Lincolnshire Local Plan, 2019 in this respect.

7.79 **Further Considerations**

7.80 The matters raised in objections regarding parking and servicing during construction, cycle spaces, street lighting and use of renewable low-carbon technologies could be sought via conditions if the scheme is deemed acceptable.

7.81 Planning Balance

7.82 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.

7.83 There is a clear balance to be made in the consideration of this application. Only part of the site is within the settlement boundary and it is not allocated for development in the South East Lincolnshire Local Plan. The Local Plan in Policy 11 stipulates 180 dwellings for Surfleet within the local plan period. The latest available Housing Land Supply from March 2020 is 9.1 years. As such the starting point in accordance with the SELLP would usually be for refusal.

7.84 However, balanced against this is other sustainable development needs. Paragraph 12 of the NPPF does allow Local Planning Authorities to make decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

7.85 With regard to Policy 1 of the SELLP the application site is partially within and partially outside the settlement boundary and as such does not fully accord with Policy 1 of the SELLP. The proposed development is considered on balance to largely comply with Policies 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.

7.86 On balance an exception to the SELLP outside settlement boundary could be justified given the developer contributions that could be provided.

7.87 **Additional Considerations**

7.88 Public Sector Equality Duty

7.89 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.

7.90 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.91 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.

7.92 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.93 Human Rights

7.94 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).

7.95 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.

7.96 Conclusion

7.97 As set out above in the Planning Balance, the proposal is largely in accordance with the provisions of the Local Plan, and on balance the benefits of the scheme would result in a sustainable development which would have wider community benefits which in this case are considered sufficient to outweigh other material considerations.

8.0 RECOMMENDATIONS

8.1 **Authorised to grant permission, subject to the applicant entering into a Section 106 agreement to secure the provision of financial contributions to health and education, the provision of 11 units of affordable housing and the undertaking of an archaeological evaluation first being carried out to the satisfaction of LCC Historic Environment, and the conditions listed in Section 9.0 of this report.**

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

   Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application Form
Design & Access Statement Rev A - Dated June 2021
Viability Assessment 13 August 2020. 20087
Maxey Grounds letter 2 Dec 2020. JRM/BAC/20087
Viability Amendment. HCA Development Appraisal Tool. Printed 01/12/2020.
Applicant justification of viability. Email 15 February 2021 12:12.
Archaeological Desk Based Assessment. SUSC20 - Report No 10/20
CONSTRUCTION METHOD STATEMENT
Drainage and SUDS Management Statement. March 2020
Flood Risk Assessment. MA11242 FRA/DS-R05. September 2020
Protected Species Report. February 2020
Combined Phase I Desk Study & Phase II Exploratory Investigation. D40008. Date: 31st March 2020
Service Charge Summary. August 2020
Public Open Space Maintenance Plan and Estate Management Overview Prepared by Encore Estate Management Limited Dated February 2021
118-MCCP-01 A
1280-003 P
1280-LP
Materials Schedule A
AS2441/1 A0
118-BT-01 B
118-CMP-01 C
118-CSL-01 B
118-CSP-01 A
118-ES-01 B
118-MSL-01C
118-3D-01 A
118-3D-02 A
A732(R)-001
118-SS-01 B
A902(R)-001
Balmoral-002 A
Balmoral-001 A
AVON-001
AIRE-001
CORONATION-001
CLYDE-001
DEE-001
LOCK-001
MERE-001
NENE-001
SEVERN-002
SEVERN-001
RIBBLE-V-001
TAY-001
TAY-002
TAY-003
19.0-A575(R)-001

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

3. No development shall take place until a written scheme setting out an archaeological trial trench evaluation to investigate the archaeological potential of the uninvestigated eastern part of the site, and a mitigation strategy for the site as a whole has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2019. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

Informative: The results of the evaluation will also be required in order to agree, if necessary, an appropriate mitigation strategy to record or preserve any remains to be impacted by construction.

4. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment. MA11242 FRA/DS-R05. September 2020, forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

- Finished floor levels shall be set no lower than 0.5 metres above existing ground levels
- A minimum of 300mm of flood resilient/resistant construction above the finished floor level

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

5. Notwithstanding the plans and details submitted to support this application, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

6. Notwithstanding the plans and details submitted to support this application a detailed management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted beyond oversite. The management of these areas shall be carried out in accordance with the details so approved.

Public open space areas should include native wildflower seed and grass mixes and planting. These should be sourced from known local provenance and include native species of benefit to wildlife. These should be managed appropriately as wildflower areas. Interpretation may be needed to explain the management of the areas for wildlife.

Provision of more areas for insects, amphibians, reptiles and mammals could enhance the development further and can be incorporated into the design stage. This could include (but is not limited to) :

- log piles and retention of dead wood for insects;
- rock piles in sunny areas for reptiles -
- amphibian friendly gullies, drains and kerbs; these should be included if the area could support amphibians;
- management of amenity areas, grassland and banks for pollinator species
- Hedgehog friendly fence Simply lifting fencing by 13 cm can help to provide the same result.
- Suitable vandal proof interpretation could be included on site to explain the features provided and
their importance for wildlife.

NOTE: Habitat can be formed simply from woody debris and pruning from tree/scrub clearance work.
These can be piled up to provide areas which can act as important nesting and overwintering sites for insects.

The management of these areas shall be carried out in accordance with the details so approved.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.
This Condition is imposed in accordance with Policies 28 and 32 of the South East Lincolnshire Local Plan, 2019.

7. No part of the development hereby permitted shall be occupied before details of the means of storage and disposal of refuse and recycling have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the occupation of each phase of development and shall thereafter be retained.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

8. Where trees are shown within the application submission to be retained on site they shall be protected during construction work as follows:

i)chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made,
ii)no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
iii)no services shall be routed under the spread of the crowns of the trees to be retained;
iv)no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;
v)if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees on the site.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2019.

9. None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. If any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of existing trees on the site, in the interests of the visual amenity of the locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2019.

10. The existing hedges along the boundaries of the site shall not be removed other than as is necessary to facilitate the provision of the means of access to the site and details of the sections to be removed, together with details of any proposed maintenance measures for the remaining sections, shall be agreed in writing by the Local Planning Authority before the commencement of the development hereby granted.

Reason: To ensure the protection of the existing hedge, in the interests of the visual amenity of the locality. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2019.

11. Swift bricks/boxes shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter. Details of the number, form and location shall be submitted to and approved by the Local Planning Authority prior to installation.

Reason: To enhance the biodiversity of the site and to comply with Policy 28 of SELLP and the provisions of the NPPF.

Informative: Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.

If it is not possible to provide swift bricks due to the type of construction or other design constraints, the condition will be modified to require swift boxes.

12. Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development 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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

13. No part of the development hereby permitted shall be occupied before the works to improve the public highway by means of reconfiguration of the existing turning head of Sunnydale Drive and the provision of pedestrian crossing points with tactile paving to the junction of Sunnydale Drive with Surfleet Road have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.

14. Notwithstanding the submitted details, 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 each phase of the construction stages of the proposed development.

The Construction Management Plan and Method Statement shall include;

- phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors for each phase;
- loading and unloading of plant and materials for each phase;
- storage of plant and materials used in constructing the development for each phase;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during or each phase of construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction of each phase.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: In the interests of the amenity of local residents and to ensure that the permitted development is adequately drained without creating
or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are agreed. These issues are integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

15. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved by the local planning authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

16. The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

17. 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.

The scheme shall:
- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

18. The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

19. Before the commencement of the development hereby permitted beyond oversite, the detailed design and location of all lighting to be provided to roads and footpaths within the development shall be submitted to and approved in writing by the Local Planning Authority and all lighting utilised in the development shall conform to the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out on plots 1- 10 inclusive, plots 18 to 25 inclusive, plots 27 to 51 inclusive, plot 53.

i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of the area within which it is set. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no walls, fences or other means of enclosure other than those illustrated on the plans forming part of the application hereby approved shall be erected on plots 1- 10 inclusive, plots 18 to 25 inclusive, plots 27 to 51 inclusive, plot 53.

Reason : To ensure that the Local Planning Authority retains control over means of enclosure, in the interests of the appearance of the development and the visual amenity and character of the area within which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

22. 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. In all cases, the developer is advised to undertake early discussions with statutory undertakers to co-ordinate the laying of utility services under the highway.

23. The applicant is reminded that it is an offence under the wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).

24. Should unexpected contamination be discovered on the site at any time, the applicant is advised to contact the District Council's Environmental Protection department immediately.

25. This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated ***** and can only be implemented as a consequence of meeting the provisions of that Agreement

26. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

Background papers:- Planning Application Working File

Lead Contact Officer

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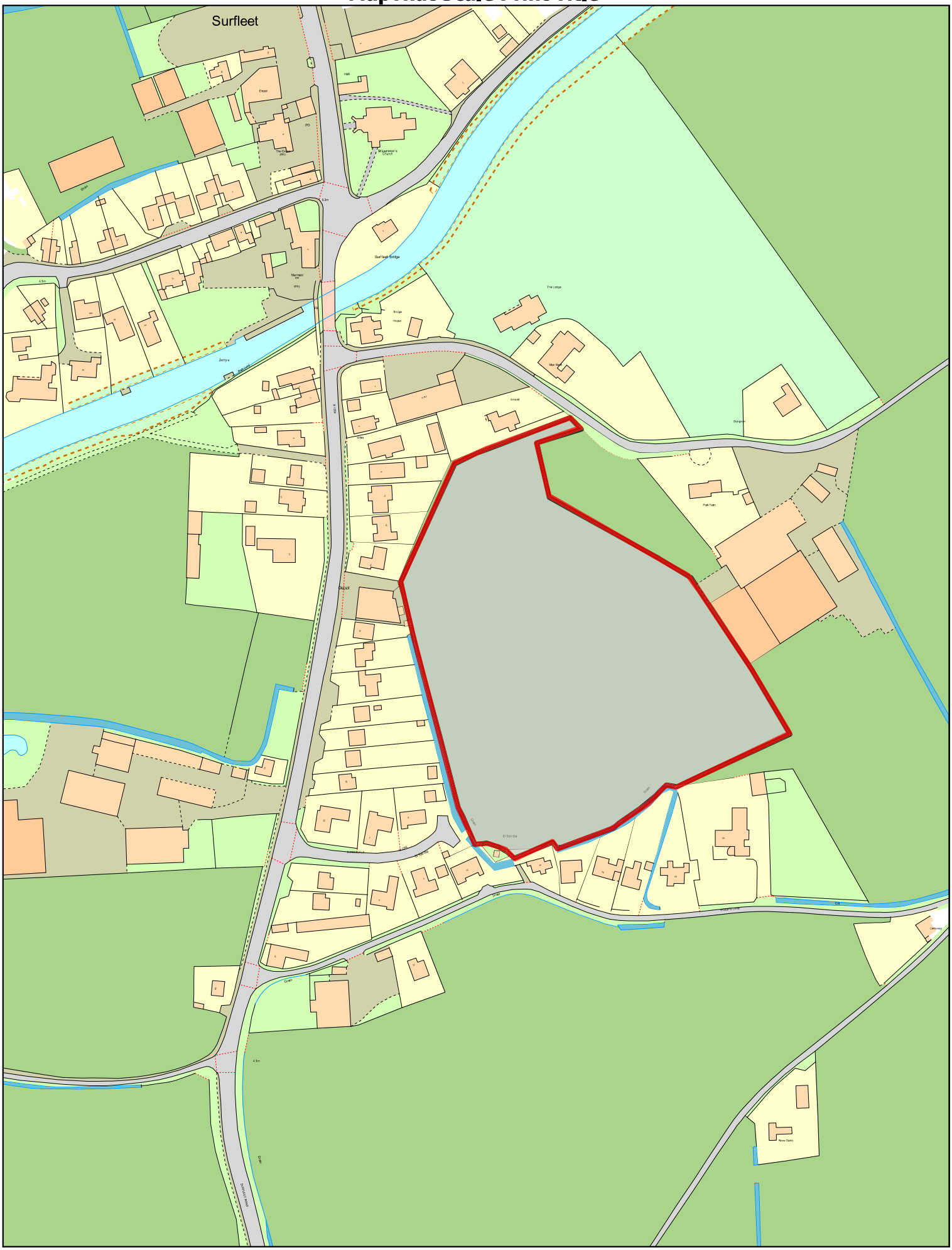
Appendices attached to this report:

Appendix A **Plan A**

Appendix B **Applicants Viability Submission**

Appendix C **Response of Independent Assessment prepared by CP Viability**

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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MAP SCALE 1:2500
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