SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 18 May 2022**

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

Purpose: **To consider Planning Application H17-1187-21**

Application Number:	H17-1187-21	**Date Received:**	16 November 2021
Application Type:	FULL		
Description:	Residential Development of 48 dwellings with associated garages, roads and sewers.		
Location:	Land off Sunnydale Close Surfleet Spalding		
Applicant:	Ashley King (Developments) Ltd.	**Agent:**	Ashley King (Developments) Ltd.
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=H17-1187-21

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 As a result of the issues the scheme raises and public objections.

2.0 PROPOSAL

2.1 This is a full application for a residential development of 48 dwellings with associated garages, roads and sewers.

2.2 The application has been revised (Revisions 1 to 4) since original submission and now takes in to account issues that have been raised regarding highway layout, dwelling mix, boundaries and mown foot path links.

2.3 This application now proposes a dwelling mix as follows:

Open market housing

25 x three bedroom dwellings
11x four bedroom dwellings

Total = 36 dwellings

Rented dwellings

2 x one bedroom dwellings
4 x two bedroom dwellings

Total = 8 dwellings

Shared Ownership dwellings

1 x Two bedroom dwelling

"First Homes" dwellings

2 x Three bedroom dwellings
1x Two bedroom dwellings

Total = 3 dwellings

2.4 All plots would be built in accordance with Building Regulations M4(1) 'visitable dwellings'.

2.5 This application was accompanied by a viability appraisal case, which is attached as Appendix B. This was reviewed independently by CP Viability and that review is attached as Appendix C. The applicant clarified that they do not agree with the independent assessment undertaken however in order to secure the consent, they will accept the affordable housing and contribution amounts contained therein.

2.6 The application is also supported by a Design and Access Statement, a Combined Phase I Desk Study & Phases II Exploratory Investigation (geology and contamination investigation), Protected Species Report and Archaeological Evaluation.

3.0 SITE DESCRIPTION

3.1 The site is currently 1.881 hectares of agricultural land within the village confines of Surfleet, which is considered to be an area of limited development opportunity, being a Minor Service Centre, within Policy 1: Spatial Strategy of the South East Lincolnshire Local Plan (SELLP).

3.2 Policy 1 sets out that "Within the settlement boundaries of the Minor Service Centres (as shown on the Inset Maps) 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."

3.3 The site is allocated as a housing site within the SELLP as Sur006 . Policy 11: Distribution of New Housing identifies that the site could accommodate 26 dwellings.

3.4 The site is adjacent to the turning head of Sunnydale Close, which would provide access.

3.5 There are houses and bungalows adjacent to the site on three sides: North, West and South, which are on Park Lane, Surfleet Road, Sunnydale Close and Woods Lane. To the east the site fronts to open agricultural land, with farm buildings and isolated dwellings in the landscape.

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), 2021

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 H17-0793-20. FULL. Residential development of 75 dwellings, with associated garages, road and sewers. REFUSED 27-07-21.

A significant proportion of the application site is located in the countryside as defined in Policy 1 of the South East Lincolnshire Local Plan (2019). The Council currently has a demonstrable 5-year supply of deliverable housing sites. As such, the presumption in favour of sustainable development enshrined in the National Planning Policy Framework does not apply in this instance. The applicant has not sufficiently proven that the element of the proposal located in the countryside is necessary in that location. The application is therefore contrary to Policy 1 of the South East Lincolnshire Local Plan and the provisions of the NPPF 2021.

5.2 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.

5.3 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.

5.4 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.

5.5 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.

5.6 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.

Access onto B1356 would be hazardous, also problems emergency vehicles accessing the proposed development, several properties on the east side of the B1356 would be overlooked to the rear elevation of properties. The current drainage system would not cope with the extra properties. local residents are very concerned at the proposed density of properties and the subsequent increase in vehicle movements and impact on local facilities.

6.2 Revised scheme

If the Sunnydale Close development was to include bungalows:

1. The elderly local people could move into a local development and free up larger houses nearer facilities for younger families.
2. No traffic chaos at peak times on B1356 as most residents would not be traveling to work.
3. Possibly a lot fewer parking spaces would be required.
4. No problems for children trying to cross several roads to get to school etc.
5. Access through Sunnydale Close would be much easier.
6. Because of the scarcity of building materials at present, maybe only 50% of the proposed materials would be required.
7. No current residents on Surfleet Road would be able to complain about being overlooked.
8. Currently there are many would be purchasers who cannot find bungalows to buy in the area.
9. Maybe SHDC would take ownership of some properties for rental purposes.

6.3 SHDC Housing Strategy

Should the development be permitted the current policy requires about 25% of the development to be provided as affordable housing to meet district wide housing needs; for a development of 48 new homes this equates to 12 dwellings.

The affordable housing should be delivered in accordance with the affordable housing definition as described in Annex 2 of the National Planning Policy Framework dated July 2021, or any Planning Policy Statement, Guidance Notes or Circulars which may amend, supplement or supersede this. From 28 June 2021, a home meeting the criteria of a First Home will also be considered to meet the definition of affordable housing for planning purposes.

First Homes should account for at least 25% of all affordable housing units delivered by developers through planning obligations. The new First Homes policy requirement does not apply for the following:

- Sites with full or outline planning permissions already in place or determined (or where a right to appeal against non-determination has arisen) before 28 December 2021;
- Applications for full or outline planning permission where there has been significant pre-application engagement which are determined before 28 March 2022.

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. I note from the site plan that the developer proposes to deliver 14.58% affordable housing comprising of 4 Rented, 3 x 1 bed houses and 1 x 2 bed house and 3 Shared Ownership, 1 x 2 bed house and 2 x 3 bed houses. To meet needs and adhere to local and national policy the applicant should consider amending the plans to 12 affordable homes with 8 x Rented homes comprising of 3 x 1 bed houses, 4 x 2 bed houses and 1 x 3 bed house, 3 x First Homes (if it is deemed that the exemptions above do not apply)

comprising 2 x 2 bed houses and 1 x 3 bed house and 1 x Shared Ownership home comprising of 1 x 2 bed house. Should the First Homes exemptions apply then these should be provided as Shared Ownership instead.

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' at 1 bed 2 person 2 storey, 2 bed 4 person 2 storey and 3 bed 5 person 2 storey, although this is encouraged but not a requirement of policy. Local policy also encourages homes that are capable of adaptation over time so it would be useful to understand if any of the homes are proposed to meet either M42 or M43 standards. It would also be useful to understand if the homes are proposing any net zero carbon initiatives, again encouraged but not a policy requirement. Ideally the affordable housing should be spread proportionately across the scheme to enable a mixed and sustainable community.

The applicant should also seek to secure a Registered Provider (RP) for the affordable dwellings at the earliest opportunity. The Strategic Housing Team can provide a list of RPs with stock in the local area should the applicant require this. The applicant and 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.

6.4 Revised scheme

6.5 In terms of the space standards none of the affordable plots meet the NDSS, however this is only encouraged in our Local Plan rather than a specific requirement. I am aware that Registered Providers seeking to acquire affordable housing will usually require the homes meet at least 85% of the NDSS, which these affordable homes do.

The developer has not made it clear whether any of the homes will be built to M42 standards, where they are capable of adaptation over time, or meet zero carbon standards, however again, both of these are encouraged rather than mandated for in our Local Plan.

6.6 SHDC Environmental Protection

Have reviewed the GeoDyne Limited report 'Sunnydale Close, Surfleet Combined Phase I Desk Study and Phase II Exploratory Investigation For Ashwood Homes' Project No: D40008 Date: 31st March 2020 and make no further comments with respect to land contamination.

6.7 SHDC Environmental Services

The developer is aware that we will not enter private drives to collect presented waste. The collection points seem to be in the right places, and it mentions on the plans that the management company is responsible for the collection points.

6.8 Welland and Deepings Internal Drainage Board

In line with current recommendations, the use of SUDS (Sustainable Urban Drainage Systems) should be considered as a first approach to dealing with surface water run-off. Lincolnshire County Council as Lead Local Flood Authority will have a key input into any SUDS or surface water disposal strategy. I would advise early engagement of discussions with them.

The Board have been in informal discussions with the consulting engineers for the scheme and it has been agreed in principle that a surface water discharge outfall restricted to a maximum flow of 5 litres/second can be installed by the developer to enable a minimum practical rate discharge from the site. The outfall invert level should be installed as high as practically possible to minimise potential submergence during wet times.

If planning permission is obtained for the development then the proposed 5 litres/second surface water discharge would require the consent of the Board, payment of application fee, agreement of technical details and payment of the necessary development contribution all in advance of any site works.

Informal discussions have been held in the background between the consulting engineers and the Board regarding applications for consent to alter a watercourse as well as a relaxation of the 9m byelaw.

6.9 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 development in accordance with the Flood Risk Assessment.

6.10 Anglian Water

Wastewater Treatment

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

Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment. 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 advise them of the most suitable point of connection.

No objections subject to 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.

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, we 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 reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off.

6.11 LCC Historic Environment Officer

Previous archaeological evaluations carried out in association with several earlier proposals for this site have revealed evidence for medieval salt making in the northern part of the site. We would therefore reiterate our previous advice that, if permission be forthcoming, a programme of archaeological topsoil, strip, map, and record covering the northern part of the site, be required ahead of development taking place.

This should be secured using South Holland District Council's standard conditions AR1, AR2, and AR3. This is in accordance with the National Planning Policy Framework, section 16, paragraph 205:

"They should .... require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part), in a manner proportionate to their importance

and the impact, and to make this evidence (and any archive generated) publically accessible."

If necessary, this office can produce a brief for this work, which would set out details of the archaeological work that is required.

6.12 LCC Highways & SUDS Support

The principle of extending Sunnydale Close for further residential development has already been accepted by the highway authority as not being expected to have an unacceptable impact upon highway safety or overwhelming the local highway network.

The site extent includes a strip of land that connects to Park Lane. A footpath connection to Park Lane, to promote recreational use of this lane would be a welcome addition to the layout.

Requested additional information and amendments regarding turning areas, footways, through way road layout, drainage details, splays to driveways to prevent damage to the drainage swales.

6.13 Revised scheme

Land to the east of Sunnydale Close has previously been granted Planning Consent for residential development so the principle of accessing the Application Site via Sunnydale Close has already been established.

Recommend a condition regarding an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority, and informatives.

6.14 LCC Education Planning Manager

Please see below table in relation to the number of places required and available in local schools from/for the proposed development:

Type	Children produced by scheme	Sufficient places 2024/25	Mitigation	Contribution
Primary	8	Y	0	£0
Secondary	8	N	8	£135,931
Sixth-form	1	N	1	£18,427

Total £154,358

Please note, where an application is outline a formulaic approach will be taken in a section 106 agreement, this may result in a higher contribution if a high proportion of large houses are built. This would be finalised at the reserved matters stage. All section 106 agreements should include indexation using the Tender Price Index of the Royal Institute of Chartered Surveyors Building Cost Information Services (RICS BCIS TPI).

6.15 The above contributions would be spent on the following:

Type	Amount	Scheme
Primary	£0	N/A
Secondary	£135,931	Towards an extension of a Spalding secondary school or towards the land or build of a new secondary school in Spalding.
Sixth-form	£18,427	As Secondary

We would suggest the s.106 monies are paid at the halfway point in the development to allow timely investment by the County Council whilst not adversely affecting the developer's viability.

Please note the County Council retains the statutory duty to ensure sufficiency of school places and this includes capital funding provision of sufficient places at maintained schools, academies and free schools. We would invest the funding at the most appropriate local school(s) regardless of their status, but ensure the s.106 funding is used only to add capacity as this is the only purpose for which it is requested.

6.16 NHS England

The above development is proposing 48 dwellings which, based on the average of 2.4 people per dwelling for the South Holland District Council area, would result in an increase in patient population of 115.

The calculations below show the likely impact of this new population in terms of number of additional consultation time required by clinicians. This is based on the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

Therefore an increase in population of 115 within the catchment area of the practices will place extra pressure on existing provisions, for example - extra appointments requires additional consulting hours. This in turn impacts on premises, with extra consulting/treatment room requirements.

The development will impact on the following practices: Gosberton Medical Centre, Beechfield Medical Centre, Munro Medical Centre, Kirton Medical Centre and Swineshead Surgery as the development is within their catchment areas.

This development would put additional demands on the existing GP services for the area and additional infrastructure would be required to meet the increased demands.

The contribution requested for the development is **£31,680.00 (£660 x 48 dwellings).** Please note that the expectation is that the appropriate indexation rate and any late payment penalties would also be paid on top of the value specified.

In order to support the practice it is requested that the trigger point for the release for funds for health care be set at payment of 50% of the money prior to occupation of 50% of the dwellings and remainder of money prior to occupation of 90% of the dwellings under this application. This will ensure the practices are not placed under undue pressure.

To ensure that there is sufficient time to carry out the works and allow the s106 funds to be spent in the most appropriate way, a repayment period of 10 years from receipt of the final payment transfer (for the entire development) to the relevant NHS body will be required.

6.17 Lincolnshire Wildlife Trust

No objection in principle to this development. However, we feel that more should be done to consider and add value to the natural environment.

The Extended Phase 1 survey report by Hiller Ecology dated Feb 2020 states that physical surveys were carried out on 4 February 2020. This is not an optimal time of year for ecological surveys.

Would like to see recommendations for species used in soft landscaping. I can see some details on the plans but these aren't easy to identify. Wherever possible, public open spaces should contribute towards biodiversity net gain on the development site. We would like to see how this has been calculated for this application. Sowing and planting should primarily include native species of local provenance and of known value to wildlife. This will enhance foraging opportunities for birds and bats and other protected species.

Would like to see a management and maintenance plan which details how these species and areas will be managed for continued wildlife benefit. More formal areas of open space should also include wildflower edges or borders, which can be used alongside shorter amenity turf. Native, locally sourced, species rich seed mixes (e.g. a flowering lawn mix) could be used on road verges, footpaths or in gardens.

Habitat links should be provided wherever possible to join up areas of green space around and within the development to ensure that they do not become isolated by the built environment and to allow movement of wildlife around the site and into the wider countryside. Pleased to see that hedgehogs have been considered within the survey report. We would like to see where adaptations for hedgehogs have been included on the plans.

Pleased to see that nest boxes have been recommended in the survey report. We would like details of where and how these are to be included in the plans.

6.18 Police Crime Prevention Design Advisor

Does not have any objections to this application.

6.19 The Rt Hon Sir John Hayes CBE MP

Over development of the site
Loss of amenity to neighbouring properties along Surfleet Road, Sunnydale Close and Woods Lane
Overlooking
Loss of views to open fields
Access via Sunnydale Close - car and construction traffic movements
Devalue of properties
Vehicles exiting and joining the B1356
Loss of prime agricultural land; must be better brown field sites in Surfleet
Impacts on local infrastructure, including doctors and dentists
Does design resemble surrounding properties or are of stock developer design

6.20 Public

21 objections and 1 comment have raised the following matters (summarised):

Scale of development
Viability statement submitted
Sunnydale Close is a cul de sac
Development would be a breach of conditions relating to H17-1119-98
Previous refusal of consent on this site
2015 consent should have been rejected
Significant proportion of the site is located in the countryside
Demonstrable 5-year supply of deliverable housing sites
Expiration of Planning Application H17-0652-15 suggests no local need
Excess supply of dwellings in Surfleet demonstrates lack of need
Vacant dwellings figures for South Holland demonstrates lack of need
Local Plan should have rated the land as unsuitable for development
It performs "very poorly" against the Sustainability Appraisal Objectives
No consideration of the charging of plug-in vehicles
No demonstration of sufficient infrastructure and services
Missing Property Type documentation
Incomplete documentation prevents required capacity planning
Does not meet the Local Plan requirements for affordable housing
A lower percentage of affordable houses than a previous plan
Does not provide a Travel Plan or Assessment
Lacks any analysis of likely travel patterns
Does not provide sufficient secure, covered space for bicycles
Should provide for street lighting
Should provide for the use of renewable low-carbon technologies
No Viability Assessment has been provided for the proposal
Access to a Mown Path via a private shared driveway
Extensive use of private shared driveways
Possibility of future site extension
Loss of light and overshadowing
Overlooking and loss of privacy
Visual amenity and views of rural edge to be lost
Highway safety and traffic generation
Access for emergency vehicles
No bungalows being proposed
Bungalows should be provided on plots 44, 45, 46, 47 and 48 to prevent overlooking of existing dwellings
Pedestrian safety
Impact on local services
Noise and disturbance
Remote from schools and village centre services
Drainage matters regarding existing sewer capacity
Surface water drainage inadequate
FRA inaccurate
Fresh water supply
Private roads and refuse collection
Reduction in property values

Use of prime agricultural land
Requirements of existing deeds in the area
This is first phase of two phase development
Impact of lights on wildlife
New footpath along the rear of plots 48-44 creates a new public footpath along the rear of existing properties on Woods Lane; impacts on security. Should be removed and the existing public right of way route maintained
Route of diverted public footpath
Dwelling sizes are small
Causing concern to elderly residents
Increase in fence height does not overcome overlooking; impacts on mental health
Development does not solve flooding of an adjoining dwelling

6.21 1 Comment

Provisions for swifts

6.22 Revised Schemes 1 to 4

18 objections received, reiterating the matters above, and also raising the following matters (summarised):

The council should reject any application that does not meet the full s106 AND affordable housing requirements
Footpath remains unaltered
Lack of footings on nearby buildings; development may cause damage and monitoring should be put in place
Impact on No.14 Surfleet Road
Overlooking of adjoining bungalow of Amstel, in Park Lane

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
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 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.

7.7 The site, although agricultural land, is allocated as a housing site within the SELLP as Sur006 . Policy 11: Distribution of New Housing identifies that the site could accommodate 26 dwellings. Thus it can be seen that the principle of development of this site is set by the SELLP, albeit to a lesser density.

7.8 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.

7.9 The current application proposes 48 dwellings, which would be a density of 25.5 dwellings per hectare. This compares with recent redevelopments within the village H17-0236-20 (Land to the west of Coalbeach Lane South, Surfleet - Residential development of 60 dwellings) that was recently approved in the village at a density of 26 plots per hectare. Although each application is to be determined on its merits, the Colbeach Lane South site had similar boundary relationships to adjoining dwellings and the countryside to the application site.

7.10 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.

7.11 Developer Contributions and Viability

7.12 The policies of the SELLP, and supported by the provisions of the NPPF 2021 are clear with regard to the expectation of development to provide an appropriate level of affordable housing and other relevant contributions.

Affordable housing should be delivered in accordance with the affordable housing definition as described in Annex 2 of the National Planning Policy Framework dated July 2021, 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.

7.13 The applicant 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.

7.14 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 it is the opinion of CP Viability that this development proposal is viable and a fully policy compliant scheme could be provided on this site. The response of CP Viability is included as Appendix C.

7.15 The applicant clarified that they do not agree with the independent assessment undertaken however in order to secure the consent, they will accept the affordable housing and contribution amounts contained therein.

7.16 It is recommended that this full developer contribution package is provided and a delivery mechanism put in place via a S106 legal agreement to deliver this. 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.

7.17 Location of the site and Visual Impact on Surfleet

7.18 The site is on the boundary of Surfleet and is an allocated site within the SELLP. The site is bordered by residential development and has an open countryside boundary. It is considered that the scheme of 48 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.

7.19 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. 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 the development of this site is accepted via the allocation within the SELLP 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.

7.20 Layout and Design

7.21 The layout exceeds the notional quantum of development indicated by the SELLP as discussed above. 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.

7.22 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.

7.23 The layout now proposes a road layout which is to be largely adopted, with two storey dwellings facing. Rear garden areas are to adjoin existing dwellings and easements. Open space is proposed within the site. The parking for the site would accord with the SELLP standards.

7.24 The layout of the development seeks to provide garden to garden relationships as far as possible to existing dwellings surrounding the site. Illustrative site sections have been provided that show acceptable relationships in terms of overlooking and impacts on daylight and sunlight, however given the land levels and garden relationships, further information is sought via the imposition of a condition in order that fencing plans can be considered and privacy, daylight and sunlight matters can be finessed.

7.25 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.

7.26 Refuse collection

7.27 The application has been amended to provide a green way access to part of the site, enabling access by refuse vehicles on publicly adopted highway and minimising the length and extents of private driveways. This is in order to accord with the SHDC Waste Services "Private Drives - Waste Vehicle Collection Service - Guidance Note", which is not a planning policy but is a material consideration to be given significant weight, given its impact upon development layouts.

7.28 Highway and pedestrian safety

7.29 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.

7.30 The road layout has been amended to accommodate the inclusion of sufficient adopted road

surface that would accommodate emergency vehicles and other large vehicles.

7.31 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).

7.32 The specific objection regarding the new footpath along the rear of plots 48-44 has been raised with the developer with a view to deleting this footpath, and the developer has amended the scheme to remove this.

7.33 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.

7.34 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.

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

7.36 Impact of neighbouring Residents/land users

7.37 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.

7.38 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 considered and would accord with the form of development in the area.

7.39 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.

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

7.41 One pinch point would be the relationship of 14 Surfleet Road with the side elevation of a proposed dwelling, and this distance would be circa 11.8 metres. Details have been submitted to show that an unacceptable loss of daylight and sunlight would not be caused.

7.42 The relationship of the development to Amstel, on Park Lane, is comparable to the relationship set out within H17-0793-20, which, although refused, was not refused for reasons relating to impacts upon this or other neighbouring dwellings. It is considered that the careful consideration of fencing, which is required by the suggested conditions, would resolve matters regarding overlooking from ground floor accommodation.

7.43 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.

7.44 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.

7.45 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, set out in the recommendation below. 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.

7.46 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.

7.47 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.

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

7.49 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 conditions below. The proposal would satisfactorily comply with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

7.50 Flooding considerations

7.51 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.

7.52 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.

7.53 Development 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.

7.54 Foul and Surface Water Drainage

7.55 Foul water would be disposed of to the mains sewer. As can be seen from the Anglian Water response above to the scheme.

7.56 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.

7.57 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.

7.58 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.

7.59 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.

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

7.61 Contaminated Land

7.62 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.

7.63 Heritage considerations and Archaeology

7.64 "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.

A draft Archaeological Evaluation has been submitted to support this application and initial archaeological exploration has commenced on the site.

7.65 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.

7.66 Biodiversity

7.67 An Extended Phase 1 Survey of the land accompanied the initial submission, however this expired in 2021. An updated report is required by suggested condition.

7.68 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.

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

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

7.71 **Further Considerations**

7.72 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.

7.73 Planning Balance

7.74 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.

7.75 The site is within the settlement boundary and is 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.

7.76 With regard to Policy 1 of the SELLP the application site is within and the settlement boundary and as such accords with Policy 1 of the SELLP. The proposed development is considered to 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), 2021.

7.77 Conclusion

7.78 As set out above in the Planning Balance, the proposal is 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 benefits which in this case are considered sufficient to outweigh other material considerations.

7.79 **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.

8.0 RECOMMENDATIONS

8.1 **Authorised to grant permission, subject to the applicant entering into a Section 106 agreement to secure the full provision of financial contributions to health and education, the provision of 12 units of affordable housing with appropriate payment triggers agreed within the S106 to ensure**

that payments for health and education are paid at key points of occupation and the undertaking of an archaeological evaluation 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 and Access Statement. November 2021 Rev B
   Combined Phase I Desk Study & Phases II Exploratory Investigation. Project No: D40008. Date: 31st March 2020
   Protected Species Report. February 2020
   Draft Archaeological Evaluation. APS Report No: 92/20
   Flood Risk Assessment AHL-1583-01-FRA-001. November 2021
   Construction Management Plan. 118-CMP-01 D
   118-LP-01 B
   118-SL-01 I
   118-BT-01 H
   118-ES-01 G
   118-SL-02 G
   118-MSL-01 H
   118-DG-001 A
   118-SG-001 A
   118-DSG-001 A
   118-MCCP-01
   118-SS-01 D
   A575(R)-001
   A732(R)-001
   A902(R)-001
   AIRE-001
   AVON-01
   CORONATION-001
   DEE-001
   LOCK-001
   MERE-001
   RIBBLE-V-001
   RUTLAND-001
   SEVERN-001
   SEVERN-002
   19.0TAY-002
   AY-002
   TAY-003
   AHL-1583-01-HW-003
   118-SS-01 F

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

3. Notwithstanding the draft document submitted to support this application, no development shall take place until a formal written scheme of archaeological investigation 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, 2021. 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.

4. The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 3 above in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

5. A copy of the final report required in connection with Condition 3 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

6. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment AHL-1583-01-FRA-001. November 2021 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 (FFLs) of the buildings will be set at a minimum of +3.7m AOD.

- flood resilient construction will be incorporated up to a minimum level of 300mm above FFLs of +3.7m AOD.

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, 2021.

7. 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.

As levels are to be 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.

8. Prior to the commencement of the development hereby permitted beyond oversite, a plan illustrating all areas of publicly accessible open space shall be submitted to and approved in writing by the Local Planning Authority. The areas so approved shall be laid out and made available for use in accordance with a specification and phasing that shall first be agreed in writing by the Local Planning Authority, and shall thereafter be so maintained.

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 Policy 32 of the South East Lincolnshire Local Plan, 2019.

9. Notwithstanding the plans and details submitted to support this application, including the Protected Species Report. February 2020, an up to date Protected Species Report for the site and a 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 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 at 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 fences.
- Suitable vandal proof interpretation could be included on site to explain the features provided and their importance for wildlife.

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 Policy 32 of the South East Lincolnshire Local Plan, 2019.

10. The development hereby permitted shall not be occupied before details of the means of storage and disposal of refuse and recycling, as well as appropriate management and maintenance, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of relevant dwellings and shall thereafter be retained.

Note: For residential development, reference should be made to the Council's published PRIVATE DRIVES - WASTE VEHICLE COLLECTION SERVICE - GUIDANCE NOTE when submitting these details.

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.

11. 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, 2021.

12. 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, 2021.

13. 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 section(s) 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, 2021.

14. Swift nest 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: In the interests of biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

15. Notwithstanding the plans and details submitted to support this application, 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.

16. 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 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.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019

17. Notwithstanding the elevational details submitted, details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

No external boxes for gas or electricity supplies shall be installed on a front elevation.

Reason: To ensure that the Local Planning Authority retains control over these details 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.

18. Notwithstanding the plans and details submitted to support this application a detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along the local road system and residential amenity.

The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;
- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction

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

Reason: In the interests of the safety and free passage of those using the adjacent public highway 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.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

19. 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.

20. Before the commencement of the development hereby granted beyond oversite, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

21. 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.

22. 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.

23. 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 to 7 inclusive, plots 13-22 inclusive, plots 44, 45, 46, 48.

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.

24. 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 the site on plots 1 to 7 inclusive, plots 13-22 inclusive, plots 44, 45, 46, 48.

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.

25. 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

26. Under the Wildlife and Countryside Act 1981 (as amended) all birds, their nests and eggs are protected by law and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built. In the event of query please contact Natural England at their Lincoln office on 03000 603900.

27. Bats are protected species under the Wildlife and Countryside Act 1981 (as amended) and in the event that bats are living in any cavities in the tree(s), or if they are discovered while the works are taking place please inform Natural England at their Lincoln office on 03000 603900 before works proceed.

28. Notes:

This Notice does not override any prohibition or restriction imposed by or under any other enactment, for example the Wildlife and Countryside Act 1981(as amended), the Forestry Act 1967, Section 198 of The Town and Country Planning Act 1990 relating to Tree Preservation Orders, Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to trees in Conservation Areas, the Ancient Monuments, and Archaeological Areas Act 1979 or any other legal obligations or statutory provisions, nor does it override any contractual obligations including those of the landlord and tenant or under grant schemes where there may be a requirement to retain hedges.

Under the Wildlife and Countryside Act 1981 (as amended) all birds, their nests and eggs are protected by law and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built. In the event of query please contact Natural England at their Lincoln office on 03000 603900.

29. The construction access strategy set-out in the submitted Construction Management Plan for this current Application will be helpful in reducing the traffic and environmental impacts upon the residents of Sunnydale Close during the construction phase of the proposed development. There will though be some impacts upon Park Lane both to the residents of that road and to the road itself. In accordance with Section 59 of the Highways Act 1980, the developers must be considerate of avoiding causing damage to the fabric of the highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway
Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.

30. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

31. The highway improvement works referred to in Conditions above are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

32. 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

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Background papers:- Planning Application Working File

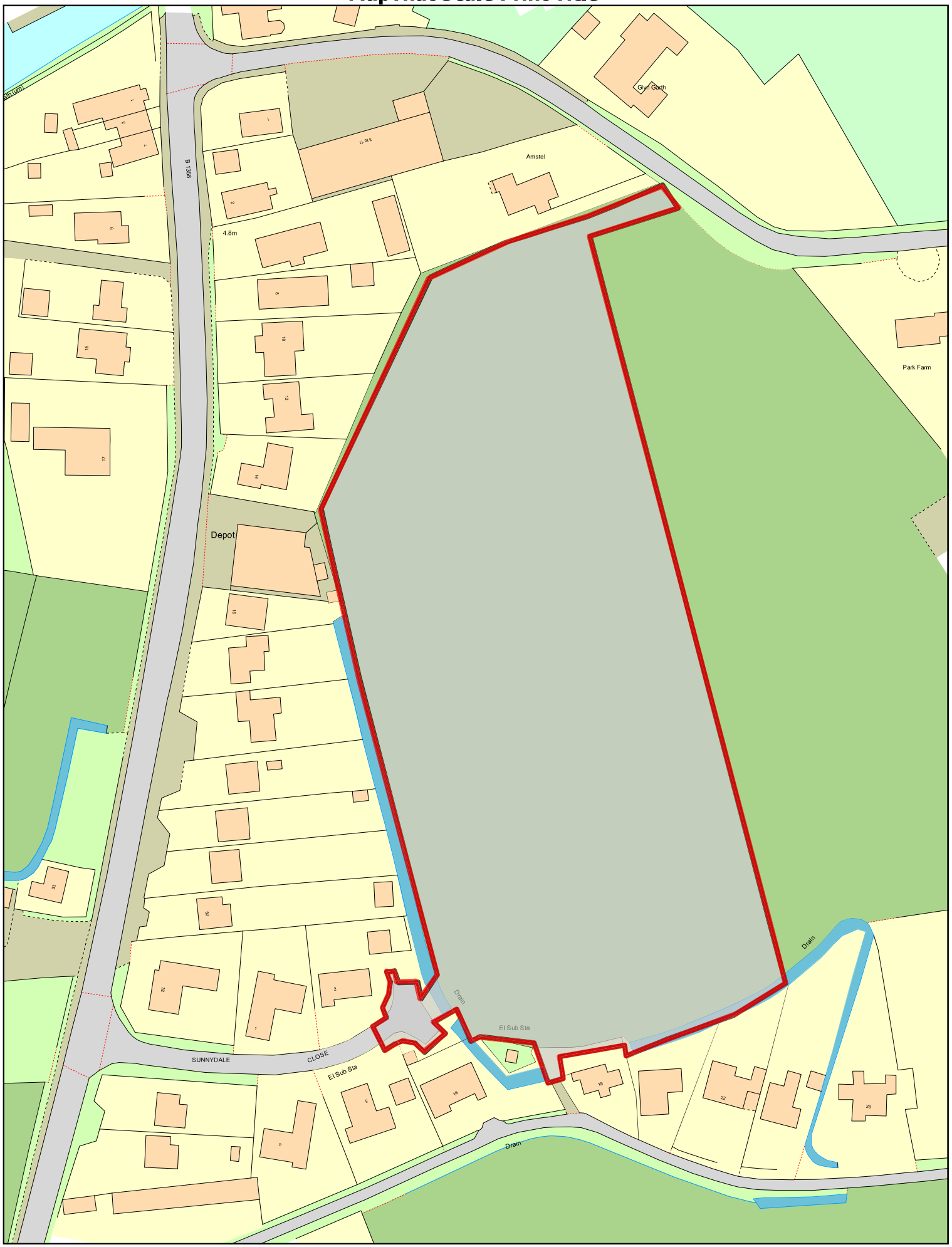
Lead Contact Officer

Name and Post: Richard Fidler , Development Manager
Telephone Number: 01775 764428
Email rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A
Appendix B Applicants Viability Submission
(i) Maxey Grounds Viability Assessment 09/12/21
(ii) Email from Applicant 02/03/22
Appendix C Response of Independent Assessment prepared by CP Viability 28/02/22

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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