DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-1133-21**	**Applicant:**	**Ashley King (Developments) Ltd.**
Proposal:	The erection of 2no two storey dwellings with associated parking and garaging - amendment to previously approved permission H04-0508-19		
Location:	Grant Close Donington Spalding		
Terminal Date:	31st December 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
12	Reserve Sites
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural 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 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments

PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning application seeking the erection of 2 three-bed dwellings in lieu of 3 one-bed houses, that were approved on the previous planning layout. This scheme proposes using the developer's standard Avon house type.

Access is gained from the private drive already consented.

Site Description

The site is part of a wider development site, an irregular parcel of land of some 5.5 hectares, to the east of Town Dam Lane. The land is allocated for development for residential development (Don006) within Policy 11 Distribution of New Housing of the South East Lincs Local Plan (SELLP).

History

H04-0508-19. FULL. Erection of 136 dwellings with associated garaging, roads and sewers. APPROVED 26-11-20.

Consultation Responses

SHDC Strategic Housing

The applicant is amending the scheme to reduce the overall numbers to 132 new dwellings, reducing the number of 1 bed and 2 bed houses and increasing the number of 3 bed houses.

The scheme subject to planning consent H04-0508-19 was subject to a viability assessment that was independently tested by the Council. This concluded that only 1 affordable home and reduced education and NHS contributions were viable. At the time (May 2020) Strategic Housing questioned whether the applicant would deliver the 1 bedroom houses, and requested that any future revisions to the house types and sizes would be subject to further viability testing. Therefore, I request that the viability is revisited based on these revisions to establish whether any additional developer contributions can viably be sought.

LCC Highways and SUDS

Does not wish to restrict the grant of permission.

The amended layout of these plots would not be expected to cause any unacceptable impact upon highway safety and therefore, having 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) does not wish to object to this planning application.

Third Parties

One comment has been received regarding provisions for Swifts.

Planning Considerations

The main issues in this case are:
Principle of Development
Layout and Design
Highway safety and parking
Impact of neighbouring Residents/land users
Flooding considerations
Foul and Surface Water Drainage
Developer Contributions

Principle of Development

The principle of development is accepted by the extant full consent for the erection of 136 dwellings with associated garaging, roads and sewers APPROVED on 26-11-20 (H04-0508-19 refers).

Layout and Design

The proposed layout relies on the plot approved for one of the 3 one-bed houses, that were approved on the previous planning layout. The pair of semis would have on plot parking and a garage each.

The proposal would use a standard design used elsewhere in the District. The layout would accord with the overall layout of the wider development.

Refuse collection would be from the adopted highway to the immediate east.

The scheme accords with Policies 2 and 3 of the SELLP.

Highway safety and parking

The parking arrangements are considered to be acceptable and no objection has been received from LCC as Highway Authority.

The scheme accords with Policies 2 and 3 of the SELLP.

Impact of neighbouring Residents/land users

The proposal is part of a wider layout and integrates well into the overall scheme. The separation distances are no less than other properties in this development. It is not considered that such a degree of overlooking or of loss of daylight and/or sunlight would be caused that this proposal could be refused.

The scheme accords with Policies 2 and 3 of the SELLP.

Flooding considerations and Foul and Surface Water Drainage

As an allocated site the sequential test is deemed to have been passed. Mitigation measures only require finished floor levels to be raised by 300mm which will be secured by condition.

The foul and surface water drainage arrangements are part of the wider development approved.

Developer Contributions

Although the SHDC Strategic Housing Officer has raised the matter of viability, given that this application is essentially for a substitution of house types, which would reduce the overall number

of dwellings on site from 136 to 134, together with the fact that the existing S106 would remain in place to provide 1 x 4 bed rented unit and NHS and education contributions each of £67,000, the figures involved are such that it is not considered necessary to revisit the viability of the overall scheme as part of the determination of these applications.

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

The proposed development would not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking and access facilities. Taking into consideration the factors and considerations set out above, the proposal is considered to comply with Policies 1, 2, 3, 4, 5, 6, 10, 11, 17, 18, 28, 29, 30, 31, 32, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF) 2021.

Conclusion

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

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.