

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H09-0786-22	Applicant:	Gleeson
Proposal:	Construction of 103 one, two, three and four bed 2 storey traditional residential homes with associated garages and infrastructure - approved under H09-0602-20. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	Tulip Fields Off Northons Lane Holbeach		
Terminal Date:	6th December 2022		

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
16	Holbeach West Sustainable Urban Extension
17	Providing a Mix of Housing
18	Affordable Housing
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 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	2	0	0	1

CASE OFFICER ASSESSMENT**Proposal**

S73A CONTINUATION. Construction of 103 one, two, three and four bed 2 storey traditional residential homes with associated garages and infrastructure - approved under H09-0602-20. Modification of Condition 2 to allow amendments to previously approved plans.

Specifically, the Affordable Housing Tenure Mix plan ref 3117-A16-01 Rev A as listed in condition 2 to be changed with revised plan 3117-A01-01 Rev C showing revised affordable housing allocation.

Previous approved mix

Plot numbers	No. of plots	Beds	Tenure
31,32,33,34	4	1	Affordable rent
6,29,39,68,73,78,79,81,84	9	2	Affordable rent
67,69,72,85,30	5	3	Affordable rent
22,48,74,75	4	2	Shared Ownership
7,23,49,82	4	3	Shared Ownership

Total 26

Previous proposed mix

Plot numbers	No. of plots	Beds	Tenure
31,32,33,34	4	1	Affordable rent
6,19,29,45,68,74,75,78,79	9	2	Affordable rent
7,20,30,46,69	5	3	Affordable rent
22,39,48,81	4	2	Shared Ownership
23,49,67,82	4	3	Shared Ownership

Total 26

Site Description

As host consent.

History

H09-0602-20. FULL. Construction of 103 one, two, three and four bed 2 storey traditional residential homes with associated garages and infrastructure.. APPROVED. 16-12-21.

H09-0337-22. CONDITION COMPLIANCE. Details of existing & proposed site levels, cross sections and boundary treatments (Conditions 11 & 13 of H09-0602-20). UNDERCONSIDERATION - PUBLIC CONSULTATION HAS TAKEN PLACE.

H09-1345-21. CONDITION COMPLIANCE. Details of surface water drainage scheme, construction management plan & method statement, details of precautions to prevent mud deposits on public highways, lighting for roads & footpaths, landscaping, details of management & maintenance for areas of incidental open space, refuse & recycling collection points & parking courts/private drives, management plan for areas of publicly accessible open space & outdoor play areas and schedule of materials (Conditions 5, 6, 7, 9, 12, 15, 16 & 17 of H09-0602-20). APPROVED 01-09-22.

Consultation Responses

SHDC Strategic Housing

The applicant previously secured planning permission H09-0602-20 to construct 103 homes on the site at Tulip Fields of Northons Lane, Holbeach. To provide 25% affordable housing 26 dwellings 70% Affordable Rented Homes 18 dwellings and Intermediate Affordable Homes 8 dwellings, to previously agreed housing mix and plots numbers. The applicant proposes a housing mix and tenure as granted under H09-0602-20, Indicated in the completed S106 agreement of 16th December 2021. The plot location changes as per in the Affordable Housing Statement do not change the change the overall housing mix of the scheme.

Re Amendment 1 revised labelled plan as requested identifying the location of the Affordable housing and their tenures on the scheme (3117-A16-01 Rev B)

The applicant previously secured planning permission H09-0602-20 to construct 103 homes on the site at Tulip Fields of Northons Lane, Holbeach. To provide 25% affordable housing 26 dwellings 70% Affordable Rented Homes 18 dwellings and Intermediate Affordable Homes 8 dwellings, and further provided an Affordable Housing Statement indicating plot amendments on application H09-0786-22. The housing mix and tenure in line with the planning permission granted on H09-0602-20.

Housing Strategy acknowledges the applicant has provided drawing 3117-A16-01 Rev B indicating where the amended plots are located throughout the site in line with the agreed housing mix and tenure.

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

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 amendment to the tenure of the consented dwellings would not be expected to result in an unacceptable impact upon highway safety and therefore does not wish to object to this planning application.

Third Parties

3 objections have been raised, precised below:

- volume of extra traffic which will be coming through Oakwood Glade and Cedar Drive
- over looking to rear garden
- require access to rear fence for maintenance
- require details of fencing to cycle path for reasons of security
- revised locations of affordable housing; potential for noise and animals traying into garden

1 comment have been raised, precised below:

- concerned for the welfare of hedgehogs via a hedgehog highway constructed. Would be really helpful if the developers could leave at least a foot between the existing boundary fences and the new fencing they are proposing to erect as this will leave sufficient space for them to come and go between the existing properties.

Planning Considerations

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.

The application site is part of a wider housing site allocation set out in Policy 16: Holbeach West Sustainable Urban Extension of the SELLP. The application site is part of a wider housing allocation site of 42.2 hectares, Hob048 (Land east of the A151 (SUE)) of the SELLP, which is allocated for development of around 750 dwellings within the Local Plan period. The principle of the development of this land in the form proposed is agreed by the host application. There have been no national or local plan policy changes that would impact on the suitability of the principle of this development.

The matters raised by this Section 73 application relate to the locations of the affordable elements of the previously approved scheme. No other changes are proposed. As can be seen from the above history, there is an extant condition discharge application (H09-0337-22 refers) that proposes the details of levels and boundary treatments that are referred to above in the objections and comment received.

Policy 18: Affordable Housing, of the SELLP sets out the need identified for the plan period. Within South Holland the expectation on major sites is that residential developments shall provide about 25% affordable housing. The proportion of affordable housing that can be provided on market housing sites may vary according to the site specific considerations such as viability, other infrastructure requirements and the type of affordable housing need to be met. Within the District this expectation is a mix of about 70% affordable for rent and about 30% intermediate housing for sale.

Policy 18 does not require affordable dwellings to meet the nationally described space standard (NDSS). However the supporting text in Policy 17: Providing a mix of housing, para 5.9.3 advises developers to, at least, meet the minimum space standards in national guidance but does not differentiate between the number of bedspaces and storeys. Policy 16: Holbeach West Sustainable Urban Extension, states that the overall housing mix to include housing designed to meet the national space standards but again this does not differentiate between the number of bedspaces and storeys.

Affordable for rent may include social rented, affordable rented or intermediate rented and intermediate housing for sale may include shared ownership, shared equity and starter homes depending on the identified need.

The affordable housing contribution within this application proposal is set out above, and accords with the SELLP policies.

The applicant has accepted the requirement to deliver affordable housing and other developer contributions in accordance with the SELLP. Specifically, the application sets out provision of 26 affordable dwellings, payment to LCC Education of £547,112 and to the NHS payment of £68,598. These provisions are to be delivered via the Section 106 legal agreement in place.

It is considered that as currently presented the scheme accords with Policies 6, 10, 11, 17, and 18 as well as Appendices 6, 8 and 9 of the SELLP and the intentions of the NPPF 2021.

With regard to the details within this Section 73 application, the revised layout of the development provides garden to garden and garden to side elevation relationships to the adjoining two storey houses and bungalows adjoining the site. The garden lengths being provided are largely comparable to or exceed the existing garden lengths on to which the development bounds. The separation distances within the development and the relationships to existing neighbouring dwellings is considered to be adequate. The changes of tenure on certain plots is not considered to be an issue on which a sound planning reason for refusal could be based; the management of the

occupants of the affordable dwellings on this site would be a matter for the managing RSL.

Regarding the issues raised by residents, the issues of the principle of the development are addressed above. With regard to the siting of affordable dwellings, it is not considered appropriate to seek an amended siting, as the wider intentions of the Council's approach to affordable housing is to seek integrated and balanced communities. Any matters regarding the management of these units would be a matter for the relevant RSL to resolve.

Planning Balance

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

The proposed development would contribute to the provision of open market and affordable housing and the associated developer contributions in accordance with the policies of the SELLP. The development would not materially harm the character or appearance of the locality, or amenity of nearby residents, and would provide adequate highway and pedestrian arrangements. The development proposal takes in to account the need for flooding, foul and surface water drainage measures, as well as impacts of landscaping and biodiversity that are covered within conditions appended to the host consent.

Given the allocation of this site within the SELLP, 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.

Conclusion

Approve.

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.