

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0897-22 **Applicant:** Postland Developments Ltd.

Proposal: Residential Development - Comprising 58 dwellings and associated works - approved under H13-1096-19. Modification of Condition 1 to allow amendments to previously approved plans.

Location: Centurion Street South Of Roman Road Moulton Chapel

Terminal Date: 12th December 2022

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019****National Guidance****National Planning Policy Framework 2021**

Section 12 - Achieving well-designed places

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an application to modify Condition 1 of H13-1096-19, which is a Reserved Matters approval relating to the residential development of 58 dwellings on land south of Roman Road, Moulton Chapel.

The reason for seeking to amend the plans according to the application's cover letter is that "The designs for this estate were conceived some years back and the demand for housing has changed. To meet this demand, we are proposing changes to house types as shown on the submitted plans."

17 plot substitutions are proposed, with two new house types being proposed. The layout of the majority of the scheme remains unaltered, but the north-eastern corner has seen an increase in the number of units from 4 to 8 and the terraces of townhouses in the central crescent have been replaced by large detached dwellings. An additional private drive is also included to serve Plot 57.

Site Description

Development has commenced on site. The cover letter accompanying the application states that "some 43% (25) have been built or are under construction in Phase 1. At the time of writing some 8 units are sold or under offer.

The central spine access road has been fully built to base course level, and about 50% of the footpaths have been created. Phase 2 - has yet to start."

Relevant History

H13-0479-20 - Modification of Section 106 Agreement to reduce affordable housing provision - planning approval H13-0844-17 - Undecided

H13-1096-19 - Reserved Matters - Residential development - comprising 58 dwellings and associated works - outline approval H13-0844-17 - Approved February 2020

H13-0844-17 - Outline - Proposed development of up to 58 houses with vehicular access (garages to be removed) (resubmission of H13-1280-16) - Approved October 2018

Consultation Responses

LCC Highways/SUDS

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 on the understanding that this Application is to amend only the house types and that there is to be no change made to the Consented estate road layout and principal drainage system, the proposed development would not be expected to have an unacceptable impact upon highway safety or increase surface water flood risk and therefore does not wish to object to this planning application.

South Holland Drainage Board

The site has been granted consent to discharge surface water to a watercourse (our ref: 22_05992_C) based on a total impermeable area of 13,245m². As a result of the proposed layout change I note that the impermeable area onsite will increase. The current consent will not be valid for any impermeable area over the area consented, therefore I request that the applicant contacts us to supply the new total impermeable area of the site to the Board and begin the process of making a non-material amendment to their consent if required. Until we are able to confirm that the applicant's site plan reflects their consent, we cannot recommend the approval of this application.

SHDC Strategic Housing

The applicant previously secured planning permission H13-1096-19 to construct 58 homes on the site at Centurion Park, South of Roman Road, Moulton Spalding. To provide 25% affordable housing 15 affordable homes 10 affordable rent and 5 shared ownership. The applicant undertook

an independent viability examination and submitted planning application H13-0479-20 to reduce the provision of affordable housing. South Holland District Planning Committee has granted permission to reduce the affordable housing provision based on the independent viability study and the proposed affordable housing provision is 3 Affordable Dwellings, 2 Affordable Rented dwellings 2 x 2 bed houses and 1 Shared Ownership, 1 x 2 bed house. We would ask the applicant to provide the plot numbers of the 3 affordable dwellings for our records. The current application H13-0897-22 seeks to change the list of approved drawings listed in the planning permission. Proposing design changes to house types as shown on the submitted plans. However, it is Housing Strategy's understanding this will not affect the provision of the 3 affordable housing units. We welcome the provision of much needed affordable housing.

Public (1 objection received, summarised)

- Overlooking / loss of privacy by virtue of additional 3 storey Blakely houses
- Increase in density in north eastern corner of site

Planning Considerations

The site already benefits from extant Outline and Reserved Matters consents which have been implemented. The key issues for consideration are therefore whether the proposed amendments to the scheme are acceptable.

The layout of the majority of the scheme remains unaltered, but 17 plot substitutions are proposed, with two new house types. The terraced townhouses that flanked the middle terrace in the central crescent have been replaced by large 2 and 2.5 storey detached dwellings of similar appearance to the Kinsley. As a result in the reduction in the number of units in this part of the site, the number of units in the north-eastern corner has been increased from 4 to 8. There is a minimum separation distance of 25m from any dwelling on site to the rear elevation of any property to the north. The only side facing windows to Plots 30 and 34 would be obscure glazed and the rear of Plots 28 and 29 will look over an agricultural structure. The front and rear facing windows of those plots would be at an angle to the rear gardens of 65, 67 and 67a Roman Road. The separation distance to the rear of properties on Cekhira Avenue would be substantial (approx. 44m). There would therefore be no material overlooking, overbearing or loss of light impact as a result of the changes to this part of the site.

Plot 57 has been substituted and an additional private drive included to the front, rather than parking and access being to the rear. This change is an improvement in terms of access and parking arrangements

Parking provision still accord with the standards set out in Appendix 6 of the Local Plan.

The only other changes are to Plot 39-41 where there have been Plot substitutions and the garage to 41 has been moved from the side to the front. There will be no new amenity impact as these plots adjoin either agricultural land or an underutilised area of land that accommodates a pumping station.

On the basis of the above, the proposed amendments are considered to satisfactorily accord with Policies 2 and 3 of the Local Plan in design and amenity terms.

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.

Conclusion

Taking the above into account, the proposed amendments are considered to satisfactorily accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Section 12 of the National Planning Policy Framework (2021).

The recommendation is therefore for a delegated approval.