DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0116-22**	**Applicant:**	**Broadgate Homes**
Proposal:	Erection of 150 Dwellings - outline approval H16-0571-09		
Location:	Site To South West Of Spalding With Access From Broadway To The North & B1172 To The South		
Terminal Date:	9th 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
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
35	Delivering the Spalding Transport Strategy
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

Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
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

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	1	0	0	2
RESIDENTS	11	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

Reserved matters approval is sought for the next phase of 150 dwellings of the Holland Park development.

The proposal follows the principles for density as set out in Figure 44 - Density Plan from the approved Design & Access Statement that accompanied the Outline Application. Here the higher density is concentrated across the central and south/eastern parts of the application site. Density reduces around the western fringes thus responding to the edge of development against open countryside. The application site would provide 150 dwellings over a gross site area of 7.6 hectares. The overall gross density would be 19.73 dwellings per hectare.

There would be a mix of dwellings from 1 bedroom to 5 bedroom properties:

In total there would be 20 different house types, the majority 2 storey but also (as with the first phase) 2 ½ and 3 storey houses, plus 6 bungalows.

38 (25%) of the 150 dwellings would be affordable. There is a separate condition compliance

application H16-0958-22 which seeks to discharge the affordable housing condition from the original outline permission. The affordable housing mix is 4 x 1 bed bungalows; 22 x 2 bed houses and 12 x 3 bed houses.

The application has been revised since submission to include layout and design changes.

SITE DESCRIPTION

Site of 7.5 Ha to the south and west of existing residential development and the first 312 plots of the outline permission. The site extends to The Raceground to the south.

RELEVANT PLANNING HISTORY

H16-0571-09 - Erection of 2,250 dwellings, district centre, 2 local centres, primary school, public open space, access and estate roads - Outline application approved 18/05/12.

H16-0904-13 - Engineering works to man-made structure to accommodate surface water discharge for northern neighbourhood. Full application approved 30/07/15.

H16-0905-13 - Details submitted relating to Conditions 14, 21-23, 25, 28-34, 37, 44-46, 50, 53, 54, 56, 69 and 75 of H16-0571-09. Condition compliance application undetermined.

H16-0339-14 - Erection of 2,250 dwellings, district centre, 2 local centres, primary school, public open space, access and estate roads - approved under H16-0571-09. Modification of condition numbers 38 and 39. S73 application undetermined.

H16-0355-14 - Erection of 2,250 dwellings, district centre, 2 local centres, primary school, public open space, access and estate roads - approved under H16-0571-09. Modification of conditions 12 and 13 relating to affordable housing. S73 application undetermined.

H16-0356-14 - Details of Condition 12 of H16-0571-09 relating to affordable housing (Plots 1 to 40 only). Condition compliance application approved 11/09/18.

H16-0370-14 - Erection of 2,250 dwellings, district centre, 2 local centres, primary school, public open space, access and estate roads - approved under H16-0571-09. Removal of conditions 5, 10, 15, 16, 17, 18, 19, 35, 60, 61, 62, 64, 66 and 68 and modification of conditions 4, 6, 7, 11, 63 and 67. S73 application undetermined.

H16-0372-14 - Details of energy strategy, renewable energy for Plots 1-40 and programme of archaeological works for Plots 1-132 (condition 8 and part condition 9 and 67 of H16-0571-09). Condition compliance application approved 03/02/15.

H16-0398-14 - Details of materials for Plots 1-70 (Part Condition 3(2) of H16-0571-09). Condition compliance application approved 05/11/14.

H16-0464-14 - Phase I covering part of the northern neighbourhood comprising 312 dwellings, including associated infrastructure and public open space - Reserved Matters approved 21/10/14.

H16-0927-15 - Erection of 2,250 dwellings, district centre, 2 local centres, primary school, public open space, access and estate roads - approved under H16-0571-09. Modification of Condition 1 to extend the time period for the submission of reserved matters to 20 years - NMA approved 25/05/16.

H16-0639-16 - Details of external materials for Plots 237-312 (Condition 3(2) of H16-0571-09). Condition compliance application approved 25/08/16.

H16-0640-16 Details of landscaping and bat and bird box scheme (Conditions 2, 3 and 4 of H16-0464-14). Condition compliance approved 26/08/16.

H16-1153-16 - Details of scheme to deal with contamination (Condition 76 of H16-0571-09). Condition compliance approved 04/01/17.

H16-0681-17 - Details of materials schedule for plots 71 - 105 part condition 3 (2) of H16-0571-09. Condition compliance approved 20/07/17.

H16-1078-17 - Phase I covering part of the northern neighbourhood comprising 312 dwellings, including associated infrastructure and public open space - approved under H16-0464-14 - Amendments to include change of surface treatment and addition of tree. NMA approved 07/12/17.

H16-0067-18 - Details of scheme to deal with contamination (Condition 76 of H16-0571-09). Condition compliance approved 22/02/18.

H16-0704-18 - Details of affordable housing (Condition 12 of H16-0571-09). Condition compliance approved 02/02/21.

H16-0279-19 - Details submitted relating to materials for Plots 106 to 236 (Part Condition 3(2) of H16-0571-09). Condition compliance approved 30/04/19.

H16-0123-20 - Phase 1 covering part of the northern neighbourhood comprising 312 dwellings including associated infrastructure and public open space - approved under H16-0464-14. Amendments to dwelling substitution, layout and design. NMA approved 05/03/20.

H16-0115-22 - Details of large scale drawings, sustainable drainage scheme, surface water drainage, flood risk details of collection & disposal of surface water run off (Conditions 3 (2), 27, 28, 35 & 37 of H16-0571-09). Condition compliance undetermined.

H16-0958-22 - Details relating to affordable housing (Condition 12 of H16-0571-09). Condition compliance undetermined.

REPRESENTATIONS

SHDC Housing Strategy

Happy to proceed with a property split below for 25% affordable:

-4 x 1 bed bungalow
-22 x 2 bed houses
-12 x 3 bed houses

Understand that the proposed design of the current phase of Holland Park make it challenging to accommodate an alternative form of mix of housing types to meet the affordable housing requirement. That said, it is a proposed mix which will provide a quantum and split of housing that will make a demonstrable contribution to meeting local housing need. Therefore consider the property mix as per above to be an acceptable proposal for this phase of the development, given that future phases will present an opportunity for other forms of housing type to be provided within the wider scheme.

In terms of tenure type, Policy 18 indicates a tenure split of 70% in favour of Rented and 30% Intermediate housing for sale dwellings will be sought. It is on this basis that we would look to split the tenures of the properties proposed, and would welcome an early discussion with the developer to define the tenure of each individual property within the cohort of affordable homes provided through the scheme.

LCC Historic Environment Officer

Confirms that the submitted written scheme of archaeological investigation for a trial trench evaluation would meet the requirements outlined in our previous consultation response. Would welcome the opportunity to monitor the evaluation when it is carried out. A report detailing the results of the evaluation should be submitted prior to determination of this application so that they can inform the decision making process, and any requirements for archaeological mitigation that may be required by condition.

LCC Highways & LLFA

No Objections. The missing or unsatisfactory highway and surface water drainage details of the original submission, listed in the HA & LLFA interim response dated 14 June 2022, have been addressed in the submitted amended layout drawing numbered 2101-RM-P2-PL Rev. B dated 06.07.22. The highway and surface water drainage Conditions of the Outline Consent H16-0571-09

remain binding upon the development that is the subject of this Reserved Matters Application and so there should be no cause to have to repeat those Conditions for any Consent that might be granted for this Application. Therefore, having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and does not wish to object to this planning application.

Welland & Deepings IDB

Originally objected as the extra surface water run-off created by this phase of development will effectively discharge at an unattenuated rate. Objection was lifted following discussions with the developer's consulting engineers. A total flow discharge of 3 litres per second into a brand new separate basin has been agreed in principle. We suspect, should the system be looked to be adopted by Anglian Water, that they will require a total flow discharge of 5 litres per second as a minimum practical rate. If so, this is also agreeable with the Board in principle. If planning permission is granted then any proposed surface water discharge is subject to the submission of the correct application form, the agreement of technical details, payment of the application fee and payment of the relevant development contribution, all in advance of connection.

Lincolnshire Police

No objections.

Sir John Hayes MP

My constituents are concerned about the detrimental impact this number of properties will have on traffic movements on neighbouring streets. The roads are narrow with on street parking so this could lead to congestion. Furthermore, my constituents are particularly concerned about the number of parking spaces that have been allocated for the scheme. As we know, most households now have two cars so, to avoid inconsiderate parking and to allow better access for refuse and emergency vehicles, I agree with my constituents' view that the number of parking spaces should be increased.

I have also been advised by residents of Kipling Avenue that they were advised by the developer that the area detailing plots 371 to 385 was to be a green open space with a play area. Surely, a development of this size should include a green open space?

My constituents are also concerned about the location of the proposed foul pumping station. Current residents are concerned that they may be affected by noise and odour pollution from the plant. They have asked if it could be re-positioned near plots 408 to 412 as the occupiers of these, yet to be built homes, would be aware of the pumping station before they proceeded with their purchase.

From experience, refuse sites are most undesirable, leading to flytipping and refuse being left out all week, which is not only unsightly, but could attract vermin.

Public

12 representations received raising issues which may be summarised as follows:

Inadequate parking for the size of the development, there are multiple existing parking problems in the already developed areas and this will only increase these problems;
Lack of green space;
Proximity of sewage pumping station to existing houses;
Believe it will affect the wildlife from the nature reserve next door;
Previous phase not built to the approved plans.

PLANNING CONSIDERATIONS

Principle

The principle of residential development was established with the granting of the outline planning permission. The key issues therefore in this application are the details of the reserved matters submission in relation to the layout, appearance, scale, means of access and landscaping. This

also ties into the provision of affordable housing which is the subject of the condition compliance application.

The extent of this RM application is located within the Northern Neighbourhood as set out in condition 7 of the outline permission and covers the most southerly part of two defined character areas, St Johns View and Church View. The submitted layout follows the principles established within the outline planning permission

Scale

The proposed development follows the principles set within Section 17 and Figure 46 of the Design & Access Statement of the outline permission in terms of both Scale and Building Heights. 6.2 It follows a traditional urban structure and profile where buildings are at their highest through the centre of the development and then reduces towards the edge of development. 6.3 The Scale of buildings simply coincides with the defined Character Areas. 2 to 3 storey properties are consistent along The Primary Street and within St Johns View. These properties form the highest block of housing and where building heights reach 10.5 metres. The housing blocks within Church View have the greatest variation in building height where 1 to 2.5 storey properties respond to the transition of St Johns View and the fringes of development along the western edge. Those properties within Church View that run adjacent to St Johns View are 2 to 2.5 storey with building heights between 7.4 and 8.7 metres. Those properties that run along the outer edge of Church View and along the western edge of the development are 1 to 2 storey with building heights ranging between 5.5 and 9.0 metres. 6.4 The Scale and Building Heights reinforce the legibility of the scheme and help provide clear definition between the Character Areas.

Appearance

The principles of building form, detailing and external materials within Table 11 of the Design & Access Statement of the outline application have been followed within this application. It is considered the appearance of the detailed design responds and reflects those principles set out at the outline stage.

The materials are shown within the submitted character areas plan and are considered to be acceptable.

Car Parking

Condition 54 of the Outline Planning Permission states that the scheme should look to achieve a maximum average of 1.5 car parking spaces per residential unit. It also states that a car parking regime needs to facilitate adequate parking in accessible locations which reduces the impact of inappropriate car parking on the public network. The applicant has sought to avoid unallocated parking spaces on this phase of development and now looks to increase the provision for allocated parking on-plot with 356 parking spaces for the 150 dwellings, including 118 garages.

A pedestrian/cycle link has also been included adjacent to plot 315 to connect to The Raceground. With the exception of cycles, no vehicular access is proposed by this development to The Raceground.

Private Drives

There are a number of private drives generally around the western edge of the development which serve a low density mix of one and two storey detached properties that face outwards over the open countryside. The applicant seeks to justify this by stating the intention is to soften the edge of development, hence the use of private drives that are considered to be less intrusive than adopted public highway which would appear out of character if it was extended to serve all the fringe plots.

There are 3 plots 411, 412 and 462 which originally exceeded the carrying distance of 30 metres. The applicant submitted details to overcome this matter, and the scheme is now considered acceptable.

Full Maintenace details of the refuse collection points indicated on drawing 2101-RM-P2-PL rev D have not been provided. In order that these facilities are correctly maintained, a condition is suggested seeking these details.

Landscaping and Open Spaces

A satisfactory landscaping scheme has been submitted which has been supplemented with a Management & Maintenance Plan for public spaces beyond the extent of areas that fall within a Section 38 agreement with Lincolnshire County Council.

The placement of play equipment was addressed in the approved Master Plan that accompanied the Outline application ref: H16-0571-09. Figure 45 - Play Provision Distribution Plan was included within the Design & Access Statement and showed 2no. LEAP and 1no. NEAP within the Northern Neighbourhood. These provisions were included in the first Reserved Matters ref: H16-0464-14. There is no reference to any further play provision associated with the area contained in this application, consequently no play provision is proposed.

The details to ensure public safety in relation to the balancing pond have not been submitted. It is considered that a kick rail, post and rail or similar fencing arrangement is put in place and is maintained for the life of the development. A condition is therefore recommended to ensure this.

Affordable Housing

The outline permission included a condition requiring one third of the overall development to be affordable housing, which was in accordance with the Local Plan policy in place at that time. The first phase has delivered a considerable shortfall of affordable housing, providing just 20 of the 312 dwellings. This was accepted as an acknowledgement of the increased direct costs incurred in association with the Spalding Western Relief Road. Thus, whilst there is a separate condition compliance application which deals specifically with the discharge of the condition for this phase, it is relevant to the reserved matters application in that the layout includes 38 units (25%) of affordable housing. This complies with the current South East Lincolnshire Local Plan policy requirement for this phase, taken in isolation.

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 principle of residential development on this site has been established by the outline planning permission. It is considered that the current reserved matters application generally accords with the design principles and parameters set out within that outline planning permission.

Conclusion

On balance it is considered that this phase of development is acceptable, subject to minor revisions in relation to refuse collection and private drives, and accords with the outline planning permission and relevant planning policies.

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.

RECOMMENDATION

That the application be approved under delegated powers.

The application was considered at the Chairman's Panel meeting of 25 Nov 2022 at which it was concluded that this application can be dealt with via a delegated route, rather than by the Planning Committee.