

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H16-0551-22	Applicant:	Seagate Homes
Proposal:	Residential Development - approved under H16-0107-21. Modification of Condition 1 to allow amendments to previously approved plans. (Variation in house-type design/elevational treatment, based on the same overall footprints(areas)/general site layout, with exception of the previously approved plots 8-11, 23 and 75/76).		
Location:	Millfield Nursery Spalding Common Spalding		
Terminal Date:	25th August 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
06	Developer Contributions
10	Meeting Assessed Housing Requirements
12	Reserve Sites
11	Distribution of New Housing
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
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
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WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

SEC 73 MODIFICATION. Residential Development - approved under H16-0107-21. Modification of Condition 1 to allow amendments to previously approved plans. (Variation in house-type design/elevational treatment, based on the same overall footprints(areas)/ general site layout, with exception of the previously approved plots 8-11, 23 and 75/76).

An amendment was submitted altering the affordable housing mix to accord with the requirements of the end operator. Also, details of works in accordance with Section 38 of the Highways Act 1980, which are to be considered in detail by LCC as Highway Authority.

Site Description

As host consent. The site is in the process of being cleared for development.

History

H16-0668-16. OUTLINE. Residential development. APPROVED 13-03-18. Subject to a S106 agreement, which set the development for "up to 135 dwellings".

H16-0984-19. RESERVED MATTERS. Residential development - comprising 40 dwellings - outline approved H16-0668-16. 13-02-20. 100% affordable dwellings.

H16-0225-21. CONDITION COMPLIANCE. Details of contamination report, boundary & landscaping, public open space, landscape management & maintenance plan, refuse & recycling storage, external boxes, flues etc, cycle storage, construction management, road construction specification, road levels, surface water & foul water schemes and existing & proposed site levels (Conditions 4, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17 and 19 of H16-0668-16). Approved 02-09-21.

H16-0021-21. SEC 73 MODIFICATION. Residential Development comprising 40 dwellings - approved under H16-0984-19. Modification of Condition 1 to allow amendments to previously approved plans. Approved 16-07-21.

H16-1070-20. RESERVED MATTERS. Erection of 95 Dwellings - outline approval H16-0668-16. Approved 03-09-21.

H16-0543-21. CONDITION COMPLIANCE. Details of written scheme of archaeological investigation (Condition 20 of H16-0668-16). APPROVED. 02-06-21.

H16-0107-21. SEC 73 MODIFICATION. Residential Development - approved under H16-0668-16. Modification of Conditions 2 & 18 relating to Flood Risk (new Flood Risk Assessment submitted). APPROVED 04-10-21

Consultation Responses

SHDC Housing Strategy

The site is part of a larger development under approved Outline Planning application H16-0668-16. Across the whole development there are 140 dwellings. The development benefits from a S106 which provides for 33% affordable housing across the major adjoining site of 135 dwelling and developer contributions of NHS and Education across the 5 dwellings which from the minor adjoining site.

The Housing Strategy response should be read in conjunction with Planning Application H16-0673-22 the minor for the provision of developer contributions NHS and Education.

Policy 18: Affordable Housing of the Local Plan indicates 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.

Drawing MNSC-SH-SPTMP-1007 Tenure Mix Plan Amendment 1 states the developer proposes to deliver the following 45 affordable dwellings across the major site.

32 Affordable rented homes

12 x 1 bed houses Type A on plots 14,15,16,17,48,49,50,51,61,62,63,64

12 x 2 bed houses Type D on plots 18,19,20,21,36,37,38,39,94,95,96,97

6 x 3 bed houses Type F on plots 25,26,65,66,115,166

2 x 4 bed houses Type H on plots 65, 66

13 Intermediate shared ownership homes

6 x 2 bed homes Type C on plots 6,7,30,31 Type D on plots 77,78

7 x 3 bed homes Type E1 on plot 29 Type G on plots 57,58,59,60, 75,76

To meet needs and adhere to local and national policy and met the s106 contribution the proposed affordable housing mix is 32 Affordable Rented homes comprising of 11 x 1 bed houses, 13 x 2 bed houses, 6 x 3 bed house and 2 x 4 bed house and 13 x Shared Ownership homes comprising of 7 x 2 bed houses and 6 x 3 bed house. The developers proposed affordable housing contribution tenure and mix broadly accords with the proposed affordable housing mix.

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 storeys, 2 bed 4 person 2 storey and 3 bed 5 person 2 storeys, although this is encouraged but not a requirement of policy. I note from the sizes listed within the planning statement that none of the homes meet NDSS, but they do meet at least 85% of NDSS which is often a minimum requirement for Registered Providers (RPs). 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.

The applicant should also seek to secure a 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.

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

NO OBJECTION.

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 amendments to the previously

approved details would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application.

Planning Considerations

Principle of Development is accepted by the previous decision on this site, The main issues in this case are:

Layout and Design
Highway safety and parking
Impact of neighbouring Residents/land users
Foul and Surface Water Drainage
Heritage considerations
Archaeology
Developer Contributions

Layout and Design

The layout proposed does not vary significantly from the previous layout and is considered to be acceptable, when looking to apply the policies set out above, in particular relationships with existing development, which is not significantly altered. The change of house types to other house types already constructed elsewhere is considered to be acceptable and not out of keeping with the mixed forms of development in the locale.

The dwelling mix now proposed broadly accords with the Strategic Housing requirements; the one-bedroom units are built in blocks of 4, so it is impractical to provide 11, so 12 are proposed, swapping one unit for a 2-bedroom unit.

Highway safety and parking

The highway layout and parking arrangements are considered to be acceptable and accord with Policy 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021.

Impact of neighbouring Residents/land users

The development has minimal impact on neighbouring land uses and is considered to be acceptable and accord with the policies of the South East Lincolnshire Local Plan (SELLP), 2019 that are set out above, plus advice within the National Planning Policy Framework (NPPF), 2021.

Foul and Surface Water Drainage

The overall drainage strategy for the wider Millfield Nursery site is acceptable. LCC as Highway and Lead Flood Authority raise no objections.

Heritage and Archaeology considerations

The heritage and archaeological value of the site and the remnants of the windmill have been addressed by the consents listed above.

Developer Contributions

The site is now to deliver a 100% affordable housing scheme, which assists in the delivery of the affordable housing forms required across the District.

UJPlanning Balance

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 development seeks to provide a significant contribution to affordable housing within the

District. The detailed layout changes do not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 6, 10, 12, 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.

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.