DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0673-22**	**Applicant:**	**Seagate Homes**
Proposal:	Residential Development		
Location:	Land Off Cradge Bank Spalding		
Terminal Date:	6th January 2023		

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
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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Sections:
2 - Achieving Sustainable Development;
4 - Decision Making;
5 - Delivering a Sufficient Supply of Homes;
11- Making Effective Use of Land;
12- Achieving Well-Designed Places;
14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change;
15- Conserving and Enhancing the Natural Environment.

Representations:

	Object	Support	No Obj.	Comments

WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	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	3
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This outline planning application, with all matters reserved except access, proposes the residential redevelopment of an area of former horticultural land, located on the western side of Cradge Bank.

The illustrative plans accompanying the application identify five dwellings served from Cradge Bank, and the application form sets out that the application is for 5 dwellings; 1 x 3 bedroom and 4 x 4 bedroom units. The Design and Access Statement sets out that the number of dwellings is not included within this application, however the application form is clear.

This application is to be read in conjunction with the consents below, as this site is part of a wider landholding.

Site Description

The site, which has an area of approximately 0.2ha, comprises part of a former nursery site set between B1172 Spalding Common and Cradge Bank. The nursery site (Millfield's Nurseries) has an area of approximately 4.66ha. The site was, until recently, largely covered in glasshouses. The present application site is located in the north-eastern corner of the former nursery site, and has an approximate 70m frontage onto Cradge Bank. To the north of the site are two detached dwellings set on the western side of Cradge Bank (197 & 199 Cradge Bank). These comprise relatively modern detached properties dating from the 1980's.

The overall nursery site, including the present application site, comprises a residential allocation within the South-East Lincolnshire Local Plan (allocation ref: Stm004). The site falls within the defined settlement boundary for Spalding and Pinchbeck.

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

H16-0551-22 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). APPROVED 24-08-22.

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 H16-0551-22 the major site which provides for the affordable homes across the whole site.

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.

Planning Application H16-0551-22 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 18,19,20,2136,37.38,39,94,95.96,97
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.

SHDC Environmental Protection

No objection.

Request the standard land contamination conditions be applied at this location and a construction management plan condition.

Also request a construction management plan.

LCC Highways & SUDS Support

Requests that any permission given by the Local Planning Authority shall include recommended conditions:

As a 'stand-alone' residential development, the proposal would not be acceptable in highway terms as the proposed dwellings are separated from the edge of the established development area of the town and would front onto a highway that has no frontage footway so residents would have to walk along the carriageway in order to access the services and facilities within the town on foot.

However, the Application site is part of a larger brownfield site that has had previous Outline approval for residential development and the indicative layout for that Application (albeit with all matters reserved) did show dwellings fronting onto Cradge Bank. The principle of residential development in this form might also be considered to be supported by the presence of the two existing dwellings immediately to the north of the Application Site.
The dwellings, as proposed would however be disconnected from the remainder of the former nursery site that has extant Consent for residential development.

In the interests both of connecting residents of both parts of the site and providing residents of the dwellings being proposed in this Application with an alternative to walking along the carriageway of Cradge Bank, would it be possible for a footpath link to be provided between Cradge Bank and the internal footway network of the Consented development? This could be either by the submission of an amended block plan or by the imposition of a Grampian style Planning Condition.

Also suggest informatives.

LCC Historic Environment Officer

An archaeological evaluation has recently been completed on the adjacent Millfield Nurseries site (including a trench in the area of the proposed 5 houses) but the final report has not yet been produced. Remains are understood to have been found on this site during the trial trenching and therefore it is likely that some form of mitigation may be required by condition. It is recommended that the final report on the evaluation is submitted with this application in order that any mitigation can be agreed when the application is determined. It is understood that the larger adjacent development is being constructed on artificially elevated ground above the current land surface. If this method of construction is also proposed for this site then this should be clarified by the developer, because this will have an influence the potential impacts on below ground archaeological remains. Please reconsult this office once the final report on the evaluation has been provided.

LCC Education Service

Request a contribution of £25,503.

Welland and Deepings Internal Drainage Board

If this application progresses to a full or reserved matters stage, the foul and surface water disposal methods should be confirmed to the Board.

If plot accesses require any alterations to watercourses in the site vicinity then the prior written consent
of the Board will be required.

Environment Agency

No objection subject to a condition setting the finished floor levels and the inclusion of flood resilient measures.

Planning Considerations

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

Principle of Development

The principle of the development of this site is agreed by the outline consent granted on the wider landholding.

Developer contributions

Developer contributions for the NHS and Education are to be provided and are ensured by the Section 106 legal agreement of 22 December 2022.

The affordable housing requirement has been considered in the light of the wider development site and is to be provided on the larger parcel of land. This is reflected in the decision on H16-0551-22 and the associated S106 legal agreement.

Layout and Design

This consent sets the principle and certain levels parameters for the development of this site for 5 dwellings. The design and layout, together with landscaping shall be considered by the reserved matters applications to be submitted.

Highway safety and parking

LCC Highways have no objection to the proposals. Pedestrian connectivity with the wider site has been suggested by LCC but such provision was not included within the wider site design. For this reason it is not included as a condition.

Adequate parking would need to be provided for each dwelling, and this is to be considered by the reserved matters applications to be submitted.

Impact of neighbouring Residents/land users

Any impacts would be considered at reserved matters stage and in the light of the SELLP policies and standards.

Flooding, Foul and Surface Water Drainage

A Flood Risk Assessment was submitted to support this application and the recommendations within it are to be achieved via condition.

Before the commencement of the development full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems. This is controlled by condition.

Contaminated Land

The response of the SHDC Environmental Protection team are set out above. Due to the potential for land contamination, a condition has been suggested to seek detailed submission.

Heritage and Archaeology considerations

The LCC Historic Environment Officer has clarified that although an archaeological evaluation has recently been completed on the adjacent Millfield Nurseries site (including a trench in the area of the proposed 5 houses) but the final report has not yet been produced. Remains are understood to have been found on this site during the trial trenching and therefore it is likely that some form of mitigation may be required by condition.

Conditions are suggested to ensure that full details are submitted via a final report and any suggested mitigation is undertaken.

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.

Taking into consideration the factors set out above, the proposal is considered to comply with Policies 1, 2, 3, 4, 6, 10, 11, 12, 17, 18, 28, 29, 30, 31, 32 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2021.

The 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, subject to the S106 legal agreement.

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.