

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0984-19 **Applicant:** Seagate Homes
Proposal: Residential development - comprising 40 dwellings - outline approved H16-0668-16
Location: Millfield Nursery Spalding Common Spalding
Terminal Date: 28th February 2020

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

National Guidance

National Planning Policy Framework 2019

NPPF 2019

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SPALDING & DISTRICT CIVIC SOCIETY	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Residential development - comprising 40 dwellings - outline approved H16-0668-16.

This application proposes 40 dwellings on part of the wider site as a first phase, together with an element of landscaping and open space with a swale, and the provision of additional garden space to Ashwood Nursing Home.

The development proposed on this part of the site, as a first phase, would take the form of 40 detached and semi detached two storey dwellings with on plot parking and private garden spaces. It is intended that this proposal is 100% affordable dwellings.

Site Description

The application site part of a wider site allocated in the SELLP as Stm004 (Land east of Spalding Common - 4.66ha. 140 dwellings).

The reserved matters application site the subject of this application forms the southern part of the wider site, and is located between the B1172 and Cradge Bank. The site is the site of a former horticultural nursery enterprise and has a boundary with Ashwood Nursing Home.

The land is flat in nature and located in between the B1172 and Cradge Bank.

History

H16-0668-16. OUTLINE. Residential development. Approved subject to a S106. 13-03-18. An indication in the application that the development would be up to 135 dwellings was expressed in the application, but this was not secured by condition.

Consultation Responses

SHDC Strategic Housing

No further comments to make on the revised scheme.

LCC SUDS (as Highway Authority and Lead Local Flood Authority)

Does not wish to restrict the grant of permission. Highway requirements to make this proposal acceptable in Planning terms are already covered by Conditions within the Outline Consent and should not therefore require repeating in any Consent that may be granted for this Reserved Matters 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 is acceptable and accordingly, does not wish to object to this planning application.

Suggest an informative.

Internal Drainage Board

Comment on planting and landscaping on western boundary.

Officer note - The plans have been amended in accordance with the IDB requirements. The IDB have been reconsulted but no response has been received.

Spalding & District Civic Society

Comments -

Agree with LCC Archaeology request for full recording of the remains of the windmill and archaeological survey.
Disappointed that the design of the proposed houses is unimaginative and gives no sense of place.

Planning Considerations

Principle of Development

The principle of the wider development is agreed by the granting of the outline consent. This application is a reserved matters submission for part of the site, and relates to the provision of 40 affordable dwellings.

The S106 on the wider site still applies; clarification of the acceptability of the S106 on this reserved matters scheme has been sought of the applicant and no adverse comment has been received. It is on this basis that this report is prepared. If in the future a variation to the S106 is required this would be a separate submission for a Deed of Variation and would be considered at that time.

Layout and Design

Since submission the layout has been amended to provide on plot parking. Also, the landscaping has been revised and this is discussed below. The layout would effectively provide the entrance to the wider development and is a low key design approach to this part of the site.

Comment has been made that the design of the dwellings gives no sense of place, however officers do not agree with this assessment; the development would fit well in to the mixed form of development within this part of Spalding Common when viewed from both Spalding Common (the B1172) and Cradge Bank, which is mixed in character and form.

The dwelling mix would be of one, two, three and four bedroom two-storey dwellings, in the form of detached, semi detached dwellings and short terraces.

Access

The vehicular and pedestrian access to the site, from Spalding Common, is considered to be safe and would not impact unduly on the free flow of traffic.

The access road is from Spalding Common and includes footways along one side of the carriageway in to and around the site.

Landscaping

Since submission the landscaping proposal has removed planting from the western (Spalding Common) boundary to enable access for the IDB. This is a retrograde step however it is a requirement that access is kept to the IDB interests. At this point the dwellings are set back and accessed from a private drive, so an element of visual openness will be kept. A knee rail fence is proposed to discourage parking on the green edge.

Flooding and Drainage

Conditions appended to the outline consent, which are to be discharged, cover matters of drainage and it is not appropriate at this time to fetter this reserved matters application. LCC SUDs raise no objection to the proposals, as can be seen above.

S106 considerations

There is a S106 on the outline consent, the provisions of which apply to this consent. The applicant has been contacted via their agent to clarify whether a Deed of Variation is required to ensure the applicant's requirements with regard to mortgagee exclusion or possession clauses and a substantive response has not been received. It is therefore assumed that the current S106 is suitable.

Conclusion

Approve, subject to the matters set out above.

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.