

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-1070-20 **Applicant:** Seagate Homes & Longhurst Group
Proposal: Erection of 95 Dwellings - outline approval H16-0668-16.
Location: Millfield Nursery Spalding Common Spalding
Terminal Date: 6th September 2021

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
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2021

Representations:

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

SUPPORT				
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	1
RESIDENTS	0	0	0	3

CASE OFFICER ASSESSMENT

Proposal

This application is the reserved matters scheme for Phase 2 of the development of this wider site, and proposes 95 dwellings. Access is via the access for phase 1, which is from Spalding Common. This scheme does not include an area of land accessed via Cradge Bank, at the north-easternmost part of the site.

The application is supported by a Design Statement, Materials Schedule, Drainage Statement and Drainage & Levels Strategy, including the siting of a pumping station.

The details and layout have been revised since submission to take into account consultation responses and to provide additional landscaping, which has also been added to the Condition Compliance application ref H16-0225-21, which is also under consideration.

The scheme proposes a mix of dwelling types, with all properties except a handful of mid-terraced units having parking on plot. The proposed house types and sizes proposed for the whole scheme of 135 homes are 15 x 1 bed houses, 57 x 2 bed houses, 55 x 3 bed houses and 8 x 4 bed houses. The supplementary design statement states that 46% (44 homes) will be provided as Rented housing, 19% (18 homes) as Shared Ownership housing and 35% (33 homes) as Rent to Buy housing; these are all recognised affordable housing tenures within the affordable housing definition as described in Annex 2 of the National Planning Policy Framework.

A significant quantum of open space is proposed, in accordance with the outline consent.

Site Description

The land is part of a wider site, allocated for development in the SELLP - Stm004. The last use of the site was nursery land, an art gallery and a motor repair business. There is also a single storey dwelling on site and a small paddock. The wider site sits between Spalding Common and Cradge Bank.

An existing access from Spalding Common lies at the southern end of the 75m frontage, which also serves the nursing home to the south of the site.

The site also holds the remnants of a listed mill, which has approval for removal.

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.

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

H16-0673-21. MODIFIED AGREEMENT. Modification of 106 Agreement restricting the occupancy of the bungalow to agricultural habitation (planning approval H16-0069-93). UNDER CONSIDERATION.

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. UNDER CONSIDERATION.

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). UNDER CONSIDERATION.

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). UNDER CONSIDERATION.

Consultation Responses

SHDC Housing Strategy

The Outline permission covering the whole of this site benefits from a S106 Agreement to provide 1/3 of the development as affordable housing. Since this scheme was permitted the South East Lincolnshire Plan has been formally adopted which requires about 25% of the development to be provided as affordable housing to meet district wide housing needs.

Should this application be permitted it will exceed the affordable housing requirement by proposing to deliver all 95 dwellings as affordable housing. The supplementary design statement states that 46% (44 homes) will be provided as Rented housing, 19% (18 homes) as Shared Ownership housing and 35% (33 homes) as Rent to Buy housing; these are all recognised affordable housing tenures within the affordable housing definition as described in Annex 2 of the National Planning Policy Framework dated February 2019.

Viewing this application alongside the permitted Reserved Matters application, H16-0984-19, the whole site is proposing to deliver 70 Rented homes (52% of the whole site), 32 Shared Ownership homes (23.6% of the whole site) and 33 Rent to Buy homes (24.4% of the whole site). Policy 18: Affordable Housing of the Local Plan recommends that a tenure split of 70% in favour of Rented and 30% Intermediate housing for sale dwellings will be sought. The suggested mix for this application combined with the permitted REM application proposes a 52/48 split in favour of Rented but given that the whole scheme is proposed as affordable housing this is still compliant with policy as it appreciates 'that this may vary on a site by site basis due to factors such as viability or affordable housing need'. The mix of affordable tenures will assist in diversifying the housing offer contributing to creating balanced and sustainable communities.

The Rented homes will assist with meeting demand from the Council's Housing Register with Spalding the preferred location for a significant proportion of those registered. In addition to the

Housing Register information the Strategic Housing Market Assessment identifies a need for 282 affordable homes a year, 85% of which should be available for Social or Affordable Rent. The joint applicant, Longhurst Group have indicated that they are prepared to enter into a Nominations Agreement with the Council to secure a minimum of 100% of first lets and 75% of subsequent re-lets.

The Shared Ownership homes will assist in allowing households a subsidised route to home ownership. The initial shares sold are likely to be available from 10% and the rented element should be set at no more than 2.75% of the remaining equity.

The Rent to Buy homes will assist those households that cannot yet gain a step onto the property ladder by allowing them an opportunity to rent for a period at a reduced market rental value, whilst saving for a deposit or improving their credit rating, and then providing them with an opportunity to purchase the property either as full or shared ownership.

The proposed house types and sizes proposed for the whole scheme of 135 homes are 15 x 1 bed houses, 57 x 2 bed houses, 55 x 3 bed houses and 8 x 4 bed houses. 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, including those for our ageing population. Taking account of housing needs it would be preferable for the applicant to consider amending the plans to deliver more 1 bed houses as part of the Rented Mix. They have indicated they will be revising the plans to include a number of 2 bed bungalows for Shared Ownership which will assist in diversifying the mix and providing suitable homes for the districts ageing population. It would be preferable to understand and agree the full affordable housing mix with the applicant.

The proposed internal sizes of the homes, with the exception of one of the 4 bed houses, are less than the Nationally Described Space Standards, some significantly so. The applicant should consider amending these sizes to reflect the standards, as advised but not a requirement of the Local Plan policy.

The 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 low carbon use or emissions initiatives, again encouraged in the Local Plan but not a policy requirement.

The Outline permission benefits from a S106 Agreement which is unlikely to include the Mortgagee Protection Provisions to satisfy the Registered Provider. Therefore, clarity should be sought on this matter with the applicant.

One of the joint applicants, Longhurst Group, is a Registered Provider, and benefits from a strategic partnership with Homes England. As a result of this, should the application be approved, the Council should be reasonably confident that it is a deliverable development assisting with not only meeting the affordable housing demand but also the housing growth figures required in the district. They have advised that the whole scheme will be built out over a 3 - 4 year development programme.

LCC Historic Environment Officer

Remind the developer of our earlier comments on the original outline application. Outline permission was granted subject to a number of archaeological conditions numbered 20, 21 and 22. This was to ensure that heritage assets both above and below ground are recorded prior to their destruction.

This site lies within an area of extensive prehistoric and Roman cropmarks and it is likely that these remains survive to some extent under the buildings and hardstanding on the site. This is a large site and if it hadn't already been developed this section would require more information at the outline application stage about what survives on site and the importance of these remains. However, the site has been developed and so a mitigation strategy needs to be devised in order to record these remains prior to destruction.

Although it is perfectly possible to have the all of the groundworks for the entire development monitored by an archaeologist during development it would probably be advisable to have an evaluation stage after demolition of existing structures on the site. This would mean that archaeological monitoring, if required, could be targeted at areas where remains survive rather than

undergo blanket recording across the entire site including areas where they may already have been impacted. 'They should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part), in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible' National Planning Policy Framework Section 16, paragraph 199.

LCC Highways & SUDS Support

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 the submitted details are satisfactory and therefore, does not wish to object to this planning application.

The Applicants' consultants have been liaising directly with the highway authority to agree technical details for the highways and the surface water drainage details on this development in order that the highways may be adopted as public highways upon completion. The cross-falls on the carriageways have now been correctly shown on the drawings and confirmation has been given that the roadside filter drains, that will collect and convey highway surface water run-off, will be lined so that they will therefore not adversely affect the foundations of the adjacent dwellings

A visibility splay has now been included at the frontage of plot 128.

Additionally, a French drain/fin drain has been included on the western and northern boundaries of the site, where the site abuts existing residential properties. This will intercept any surface water run-off from the development, which will be set higher than the surrounding land, and thereby prevent that surface water run-off increasing flood risk to those adjacent, existing residential properties.

The highways conditions are already included on the Decision Notice for the Outline Consent.

Welland and Deepings Internal Drainage Board

No comment to make with regard to this application.

Anglian Water

Anglian Water has reviewed the submitted drainage strategy and can confirm that the proposal is acceptable. AW therefore recommend discharge of condition 17 of outline planning H16-0668-16.

No comments have been made regarding surface water arrangements.

Spalding & District Civic Society

The Society notes that no written scheme of archaeological investigation has been submitted with this application, as required by condition 20 of the outline consent given under reference H16-0668-16.

As the name of the site infers, there was a Windmill on this site, which was the last of the mills in the Spalding area to survive. Known as Spalding Common Mill, the Mill dates back to 1816. From visual comparison of aerial maps and historical ordnance survey map available at Windmill World <https://www.windmillworld.com/millid/1995.htm> it appears that the remaining part of the mill may still be standing. This does not seem to be reflected on the proposed site plan suggesting that what remains may be lost forever. Whilst it would be desirable to see the archaeology preserved in some way, in the absence of that we feel that it is vital that it is recorded as required by National Planning Policy Framework Section 16, paragraph 199.

Third Parties

Two comments received:

"Until I know more about the plans for the future development of the area of land leading on to Cradge Bank I cannot give my approval. "

Provisions for Swifts.

Planning Considerations

The main issues in this case are:

Principle of Development

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

Biodiversity

Principle of Development

The principle of the wider development is agreed by the granting of the outline consent. The quantum of development has not altered and the level of open space is comparable to the outline consent.

An objection has been received regarding the future development of the area. The outline consent and reserved matters schemes clarify this, with a small area adjacent to Cradge Bank being left for a small amount of future development. All plans and documents are in the public realm.

Layout and Design

The layout as now proposed would provide a pleasant and spacious form of development, indicating dwellings each with an area of private garden and parking as near as possible to the dwelling. The development links from the Phase I already approved and is considered to represent an acceptable form of development.

The design of the dwellings are standard house types for this developer and are seen elsewhere in the region.

The proposals accord with policies 2, 3, 11, 17 and 18 of the SELLP and the provisions of the NPPF 2021.

Highway safety and parking

The highway layout is considered to be acceptable, and would provide safe passage for vehicles and pedestrians. The greater part of the highway is to be adopted, with short private driveways in 4 locations.

Impact of neighbouring Residents/land users

The development has been designed to relate to the existing development form in the area, however there will be a change in the nature of development adjacent to some existing dwellings. In particular along the northern boundary of the site, the relationship of new dwellings backing on to existing dwellings has been looked at very carefully. As a result additional landscaping has been requested and supplied.

Given the proximity of the development to adjoining dwellings, it is considered appropriate that further changes are controlled via condition. It is considered that this is a reasonable and proportionate response and further changes can be considered at that time.

The proposals accord with policies 2 and 3 of the SELLP and the provisions of the NPPF 2021.

Flooding, Foul and Surface Water Drainage

A Flood Risk Assessment formed part of the outline submission (H16-0668-16 refers) and is included as an approved document. The requirements of the FRA are controlled by condition 18 of the outline consent.

A drainage strategy has been submitted to support this reserved matters application and a further drainage strategy was submitted for the Phase 1 development reserved matters application which discharged the drainage related conditions of the outline permission (condition nos. 16 and 17) relative to the Phase 1 development.

FOUL DRAINAGE - It is proposed to make a connection to an existing manhole (MH 4301) to the north located in the rear garden of an existing residential property off Cradge Bank. To dispose of foul sewage from the site it is proposed to provide a gravity private foul drainage network and an adoptable gravity and pumped foul sewer system which will discharge to the existing Anglian Water foul sewer network. Due to level constraints it will be necessary to provide an adoptable foul pumping station to pump the foul sewage from the site to the discharge point to the north.

SURFACE WATER DRAINAGE - Site Investigations have been carried out previously on the development site at the outline planning stage. The investigations found ground conditions that were considered as having a 'poor' drainage potential, according to BS8004:1986 due to low/nil infiltration rates and relatively high water table. Infiltration is therefore not thought to be a viable method of discharge of surface water from the development for the adoptable areas due to the high groundwater table and poor infiltration rates, but shallow partial infiltration features such as permeable paving may be feasible for the private driveways with an overflow connection to the below ground drainage system.

The development lies within the Welland and Deeping Internal Drainage Board District. There is an existing watercourse along the site boundary to the east which is believed to be riparian owned. This is connected to the Soke Dyke via a 300 mm dia culvert under Cradge Bank which has been surveyed on site and found to be clear of blockages and faults. The Soke Dyke is controlled and maintained by the Welland and Deepings Internal Drainage Board.

Currently the existing site discharges surface water into the riparian watercourse at an unrestricted rate from an impermeable area of approximately 2.861 ha. The proposed impermeable area of the proposed development site (Phase 1 and 2) is 2.042 ha being a 28% reduction. The current discharge rate from the existing site is considerably greater than the proposed 10 l/s restricted discharge rate.

Runoff from roofs will be collected and connected into adjacent permeable paved driveways/shared private drives which in turn will be connected to proposed adoptable (Anglian Water) infiltration sewer/trench or adoptable surface water sewer within or adjacent to the proposed adoptable highway. All private driveways and shared private access drives will be formed in a permeable construction with a voided stone sub-base.

The adoptable infiltration sewer/trench and surface water sewer system will collect all runoff from domestic curtilages and from adoptable highways and discharge to a detention basin located within a public open space area adjacent to the eastern site boundary. The detention basin will form part of the Anglian Water adoptable sewer system and be designed to provide a storage volume required to accommodate the 30-year return period storm with a restricted discharge of 10 l/s and a maximum depth of water during this return period not exceeding 600mm.

The proposed adoptable surface sewer system will require approval and adoption under a Section 104 Agreement with Anglian Water.

Although the site has constraints and a complex system will be required, LCC as Lead Flood authority does not wish to restrict the grant of permission and Welland and Deepings Internal Drainage Board have no comment to make with regard to this application. The response of Anglian Water is also positive and is set out above.

The surface water & foul water schemes are also under consideration by submission 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).

Contaminated Land

Issues of contaminated land are under consideration by submission 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).

Heritage and Archaeology considerations

The outline consent considered the demolition of a listed mill on the site, and H16-0543-21, listed above considered the details of written scheme of archaeological investigation, in accordance with Condition 20 of H16-0668-16.

The proposals accord with policies 2, 3 and 29 of the SELLP and the provisions of the NPPF 2021.

Biodiversity

The biodiversity value of the landscaping is to be considered by H16-0225-21. **CONDITION COMPLIANCE**, mentioned above.

Provision is to be made via condition for Swifts in the development.

Planning 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 proposed development would provide an appropriate mix of dwelling types and tenures, and would not materially harm the character or appearance of the locality, or amenity of nearby residents, and would be served by adequate parking arrangements. Matters of flood risk and drainage are considered by the development and have been separately submitted in accordance with conditions appended to the outline consent.

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 29 and 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.