

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1141-25 **Applicant:** Broadgate Homes Ltd & Broadgate Builders (Spalding) Ltd

Proposal: Modification of 106 Agreement to meet Homes England Requirements for the First Homes Application Process - Approved under H16-0116-22

Location: Site To South West Of Spalding With Access From Broadway To The North & B1172 To The South

Terminal Date: 20th January 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

18 Affordable Housing

National Guidance

National Planning Policy Framework December 2024

Section 106a of the Town & Country Planning Act 1990 (as amended)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application is for a deed of variation made under Section 106a of the Town & Country Planning Act 1990 (as amended).

The applicant seeks to allow for Armed Services Members to be included in the eligibility criteria for First Homes.

Site Description

The application site benefits from a broader scheme to erect a large residential development named

Holland Park, located to the south west of Spalding. This site in particular relates to the Northern Neighbourhood 'phase 2' (outline approval H16-0571-09).

History

H16-0956-04: (Full Application) Residential development - Erection of 142 dwellings - approved 28 February 2005

H16-1265-06: (Discharge of Conditions) Details of Archaeological Watching Brief (Condition 10 of H16/0956/04) - approved 18 October 2006

H16-0571-09: (Outline Application) Erection of 2,250 dwellings, district centre, 2 local centres, primary school, public open space, access and estate roads - approved 18 May 2012

H16-0904-13: (Full Application) Engineering works to man-made structure to accommodate surface water discharge for northern neighbourhood - approved 30 July 2015

H16-0905-13: (Discharge of Conditions) Details submitted relating to Conditions 14, 21-23, 25, 28-34, 37, 44-46, 50, 53, 54, 56, 69 and 75 of H16-0571-09 - withdrawn 09 June 2025

H16-0339-14: (Section 73) 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 Modification of condition numbers 38 and 39 - withdrawn 09 June 2025

H16-0355-14: (Section 73) 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 - withdrawn 30 June 2025

H16-0356-14: (Discharge of Conditions) Details of Condition 12 of H16-0571-09 relating to affordable housing (Plots 1 to 40 only) - approved 11 September 2018

H16-0370-14: Section 73) 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 - withdrawn 09 June 2025

H16-0372-14: (Discharge of Conditions) 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) - approved 05 November 2014

H16-0464-14: (Reserved Matters) Phase I covering part of the northern neighbourhood comprising 312 dwellings, including associated infrastructure and public open space - approved 21 October 2014

H16-0927-15: (Non Material Amendment) 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 - approved 25 May 2016

H16-0639-16: (Discharge of Conditions) Details of external materials for Plots 237-312 (Condition 3(2) of H16-0571-09) - approved 25 August 2016

H16-0640-16: (Discharge of Conditions) Details of landscaping and bat and bird box scheme (Conditions 2, 3 and 4 of H16- 0464-14) - approved 26 August 2016

H16-1153-16: (Discharge of Conditions) Details of scheme to deal with contamination (Condition 76 of H16-0571-09) - approved 04 January 2017

H16-0681-17: (Discharge of Conditions) Details of materials schedule for plots 71 - 105 part condition 3 (2) of H16-0571-09 - approved 20 July 2017

H16-1078-17: (Non Material Amendment) 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 - approved 07 December 2017

H16-0067-18: (Discharge of Conditions) Details of scheme to deal with contamination (Condition 76 of H16-0571-09) - approved 22 February 2018

H16-0704-18: (Discharge of Conditions) Details of affordable housing (Condition 12 of H16-0571-09) - approved 02 February 2021

H16-0279-19: (Discharge of Conditions) Details submitted relating to materials for Plots 106 to 236 (Part Condition 3(2) of H16-0571-09) - approved 30 April 2019

H16-0123-20: (Non Material Amendment) 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 - approved 05 March 2020

H16-0115-22: (Discharge of Conditions) 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) - approved 09 December 2022

H16-0116-22: (Reserved Matters) Erection of 150 Dwellings - outline approval H16-0571-09 - approved 01 December 2022

H16-0958-22: (Discharge of Conditions) Details relating to affordable housing (Condition 12 of H16-0571-09) - withdrawn 09 June 2025

H16-0178-23: (Discharge of Conditions) Details of bat & bird box scheme, kick rails, post & rail fencing, breakdown of land, archaeological assessment and final report. (Conditions 2, 3, 4, 5, 6 and 7 of H16-0116-22) - withdrawn 09 June 2025

H16-0746-25: (Modified S106 Agreement) Modification of 106 Agreement to allow allocated plots to be registered & sold under the first homes scheme, insertion of Insertion of a Mortgagee Protection Clause and amend clause 7.2 to allow for the transfer of the Phase 2 Affordable Housing Units to another party (registered provider). The allocated plots are identified in the Deed of Variation S106 (Listed in Section 5) on plan 1202-RM-AH Rev A Affordable Housing Plan - Approved under H16-0116-22 - approved 11 November 2025

Consultation Responses

Housing Strategy: We can confirm that this amendment has been agreed upon by both the Local Housing Authority and the applicant. As a result of this modification, the development will now deliver first homes with the appropriate eligibility to meet Homes England requirements. Accordingly, the Local Housing Authority raises no objections to the proposal, provided that an appropriate Deed of Variation is prepared and completed to secure the necessary changes to the existing agreement.

Cllr I H Sheard: This area has been greatly built up in recent years and there is going forward many more houses are proposed but not infrastructure for education doctor and dentist provisions or traffic control are being suggested.

Cllr S Chauhan: No response received.

LCC Education Planning Manager: No response received.

NHS: No response received.

Planning Considerations

Assessment

In this case, then the proposed deed of variation seeks to allow for Armed Services Members to be included in the eligibility criteria for First Homes. This is a requirement of Homes England for the

site. It is considered to be appropriate to allow for Armed Forces personnel to be specifically identified as being eligible for affordable housing. It is also considered that this amendment accords with the aims of Policy 18 (Affordable Housing) of the South East Lincolnshire Local Plan (2011-2036), which seeks to secure the delivery of affordable homes that meet local needs.

On balance, the proposed modification maintains the intent and public benefit of the original Section 106 agreement, ensuring continued delivery of affordable housing, with appropriate financial mitigation secured. Therefore, the proposal is considered to represent a fair and reasonable variation that continues to meet the relevant policy objectives and serves a useful planning purpose.

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.

Conclusion

The modification has been agreed (and is acceptable) allowing for Armed Services Members to be included in the eligibility criteria for First Homes.