DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0157-22**	**Applicant:**	**Ashley King (Developments) Ltd.**
Proposal:	Proposed residential development, replacement allotments & new cemetery, including woodland burial plots, associated infrastructure & new accesses - approved under H02-0586-21. Amendments to the position of Plots 23-30.		
Location:	Parish Mews Crowland Peterborough		
Terminal Date:	21st March 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
11	Distribution of New Housing
12	Reserve Sites
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
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

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.

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

Proposed residential development, replacement allotments & new cemetery, including woodland burial plots, associated infrastructure & new accesses - approved under H02-0586-21. Amendments to the position of Plots 23-30.

Site Description

As host consent, although the development is well advanced.

History

H02-0586-21. S73A CONTINUATION. Proposed residential development, replacement allotments and new cemetery, including woodland burial plots, associated infrastructure and new accesses - approved under H02-0900-19. Modification of Condition 1 to allow amendments to previously approved plans. APPROVED 02-09-21.

H02-0900-19. SEC 73 MODIFICATION. Land off James Road. Proposed residential development, replacement allotments and new cemetery, including woodland burial plots, associated infrastructure and new accesses - approved under H02-0771-18 - Modification of Condition 5 relating to affordable housing. approved 19-02-20.

H02-0859-19. Details of scheme to deal with contamination (Condition 12 of H02-0771-18). Approved. 28-01-20.

H02-0898-19. Details of conditions 4, 8, 9, 10, 11, 13 & 15 of H02-0771-18. Approved. 06-01-20

H02-0899-19. Details of scheme of affordable housing (Condition 5 of H02-0771-18). Approved. 30-12-19.

H02-1045-19. Details of lighting for roads and footpaths and surface water drainage (Conditions 14 and 19 of H02-0771-18). Approved. 06-01-20.

H02-0771-18 - Proposed residential development, replacement allotments and new cemetery, including woodland burial plots, associated infrastructure and new accesses - approved under H02-0108-18 - Modification of Condition 5 relating to affordable housing. Approved 23-10-18.

H02-0039-19 RESERVED MATTERS. Erection of 49 dwellings and associated works - outline approval H02-0771-18. Approved 28.11.2019.

H02-0108-18 - Proposed residential development, replacement allotments and new cemetery including woodland burial plots, associated infrastructure and new accesses-approved under H02-0259-15. Modification of Conditions 2 and 20 to allow amendments to previously approved plans and Flood Risk Assessment. Approved 25-05-18.

H02-0579-17 FULL Proposed replacement allotments, storage building, new access and parking area. Approved. 07-08-17.

H02-0259-15 - OUTLINE. Proposed residential development, replacement allotments and new cemetery including woodland burial plots, associated infrastructure and new accesses. Approved 11-02-16.

Consultation Responses

N/A.

Planning Considerations

Section 96A of the Town and Country planning Act 1990 (introduced by S190 of the Planning Act, 2008) makes it possible to apply for a non-material amendment to existing planning permissions.

The Council has therefore introduced a system whereby 'minor amendments' to a scheme can be considered as a way of allowing the planning system to respond in a reasonable and flexible manner to small changes to an approved scheme without seeking a fresh application.

South Holland District Council's "Development Control Procedure Note: Non-Material Amendments to Planning Permissions" indicates that non material amendments will be approved subject to the following criteria being met:

1. There would be no alteration to the application site boundary (red edge).
2. The amendment would not conflict with Development Plan Policies or other Government Guidance.
3. The proposal would not exacerbate concerns raised by third parties at original planning application stage.
4. The proposed change would not be contrary to a condition on the original approval.
5. The approved footprint/siting of the building will not be moved materially and will not have a material impact on a neighbour.
6. The height of the building or extension would not be increased.
7. The amendment would not result in any potential overlooking of any neighbouring property.
8. The amendments must not result in a fundamental change in the design of the building.
9. The proposal does not amount to new works or elements not considered by any Environmental Statement submitted with the application.

The criteria set out above are designed to prevent amendments being accepted that would have a detrimental impact upon neighbours or amenity in the wider public interest.

Assessing the proposal against the above, it is considered that neighbouring residents would need to be re-consulted given the proposed alterations, specifically the removal of a tree covered by a Tree Preservation Order that has been removed and is under enforcement investigation, that has been excluded from the submitted plans.

Conclusion

The alterations go beyond the scope of non material amendments.

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.