DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-0642-21**	**Applicant:**	**Geda Construction**
Proposal:	Erection of 41 dwellings & associated works - approved under H02-0079-20. Amendments to include relocation of bin storage points and adjustments of tree locations.		
Location:	Land To East Of Crease Drove Crowland		
Terminal Date:	12th July 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
02	Development Management
03	Design of New Development
28	The Natural Environment
30	Pollution

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

Approval is sought for the relocation of a bin collection point to the end of the adopted highway to enable collection by the Local Authority; and adjustment of tree locations to accommodate requirements of technical highways approval and street lighting design.

Site Description

As original application.

History

H02-0721-20 - Details of improvement and widening of Crease Drove, roads and footways, drainage scheme, construction management and mud deposit prevention on roads (Conditions 7, 8,

10, 11 and 12 of H02-0723-16) (approved March 2021)

H02-0078-20 - Full application for the erection of 14 dwellings & associated works (approved August 2020)

H02-0452-20 - Modification of 106 Agreement to reflect the requirement for flexibility on the affordable housing requirement - planning approval H02-0723-16 (approved August 2020)

H02-0079-20 - Reserved matters application for the erection of 41 dwellings & associated works - outline approval H02-0723-16 (allowed on appeal) (approved June 2020)

H02-0383-20 - Details relating to archaeology (Conditions 15 & 16 of H02-0723-16) (approved May 2020)

H02-0723-16 - Outline application for residential development (allowed on appeal September 2017)

H02-0216-17 - Outline application for residential development - re-submission of H02-0723-16 (withdrawn September 2017)

Consultation Responses

Not applicable.

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.

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 application against the above criteria:

1. No alterations are proposed to the site boundary;
2. The proposal would not conflict with policies in the South East Lincolnshire Local Plan, 2019. Although it would have been preferable for the shared surface turning head to have been adopted to enable further kerbside refuse collection, a developer cannot be compelled to have a road adopted. Residents will have to carry refuse further than the distances set out in Building Regulations, but this is guidance and not an absolute requirement. On balance, the arrangement is acceptable.
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 positioning of buildings would not be materially altered;
6. There would be no height increase to buildings;
7. No potential overlooking issues would arise;
8. The amendments would not result in a fundamental change to the design of the scheme.

9. No Environmental Statement was submitted.

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

Overall, it is considered that the proposed amendments satisfactorily comply with the criteria of South Holland District Council's Development Control Procedure Note Non-Material Amendments to Planning Permission and, as such, are acceptable as a Non-Material Amendment.