DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-1071-22**	**Applicant:**	**Minster Property Group**
Proposal:	Erection of 32 Dwellings - outline approval H04-0244-16 - approved under H04-1029-20. Amendments to house types A, B and E.		
Location:	Land West Of Malting Road Donington Spalding		
Terminal Date:	2nd December 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
07	Improving South East Lincolnshire's Employment Land Portfolio
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
12	Reserve Sites
17	Providing a Mix of Housing
18	Affordable Housing
19	Rural Exception Sites
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

N/A.

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

Erection of 32 Dwellings - outline approval H04-0244-16 - approved under H04-1029-20. Amendments to house types A, B and E.

Site Description

As host consent.

History

H04-0244-16.OUTLINE. Outline planning application for a residential development of approximately 73 dwellings (Class C3), all matters are reserved, except for access. APPROVED. 30-11-17.

H04-1029-20. RESERVED MATTERS. Erection of 32 Dwellings - outline approval H04-0244-16. APPROVED 02-11-21.

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.

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:

The purpose of the application is to increase the internal floor area of approved housetypes which currently fall marginally below the relevant NDSS standard, and to provide ensuite facilities to Housetype B and Housetype E.

The amendment is perceptible when closely comparing the proposed Site Layout Plan revision P04 with the approved version in respect of Housetype E (Plots 21 and 22). It is not considered that the amendments would be perceptible when viewing the development in situ, and they are therefore

considered appropriate to be determined under the Non-Material Amendment procedure.

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;
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 the dwellings would not be materially altered;
6.There would be no height increase to the dwellings;
7.No potential overlooking issues would arise;
8.The proposal would not result in a fundamental change to the design of the dwellings. The minor alterations would not result in any significant change to the appearance of the properties.
9.No Environmental Statement was submitted.

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.

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.