DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-1110-22**	**Applicant:**	**D & R Property Services Ltd.**
Proposal:	Residential Development - 8 Dwellings - approved under H07-0109-22. Modification to Condition 2 to allow amendments to previously approved plans.		
Location:	Millfield Nursery Mill Lane Gedney Hill		
Terminal Date:	11th January 2023		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 3. Plan Making;
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 9. Promoting Sustainable transport;
Section 11. Making effective use of land.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0

WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Section 73 of the Town and Country Planning Act 1990 allows the variation or removal of conditions associated with a planning permission. Under this Section, this planning application seeks to modify condition 2 of planning permission H07-0109-22 to allow amendments to previously approved plans. The only amendments proposed are the addition of underground LPG bulk storage tanks to the front of each plot.

The original application was for the erection of eight dwellings consisting of the following:
Plots 1 and 2 - 3 bedroom semi-detached houses;
Plots 3, 4, 5 and 6 - 4 bedroom detached houses;
Plot 7 - 3 bedroom detached house;
Plot 8 - 4 bedroom detached house.

It should be noted that conditions 8 (Method Statement re construction traffic), 11 (Foul & surface water disposal) and 14 (Archiving of Final Archaeological Report) relating to H07-0109-22 have already been discharged.

Site Description

The site (some 0.36ha) is situated on the northern side of Mill Lane and forms part of nursery premises. It is split by an existing house (Birchwood). A bungalow (Millfield Lodge) is situated to the west. A hedge and footway run along the site's frontage. A cottage (Half Acre) is situated to the north-west set back from West Drove North. Residential development is situated opposite and Gedney Hill Mill (grade II listed) further to the west.

Relevant Planning History

H07-0109-22 - Residential Development - 8 Dwellings - Approved 23 September 2022

H07-1005-22 - Details of archaeological monitoring and recording (Condition 14 of H07-0109-22) - Approved 1 December 2022

H07-0549-22 - Details of final report relating to archaeology (Condition 14 of H07-0109-22) - Approved 11 July 2022

H07-0397-22 - Details of method statement detailing how construction traffic, site personnel vehicles, etc will be managed and foul & surface water disposal (Conditions 8 & 11 of H07-0109-22) - Approved 31 May 2022

H07-0366-22 - Residential Development - 8 Dwellings - approved under H07-0109-22. Amendment to brick type - Approved 1 April 2022

H07-0927-21 - O/A - Proposed Residential Development of up to 9 dwellings - Granted 4 November 2021

H07-0179-18 - O/A - Residential Development - 2 plots on land to north-east - Granted 9 April 2020.

H07-0179-18 - O/A - Proposed residential development for 9 dwellings - Granted 7 March 2019

Consultation Responses

South Holland Internal Drainage Board

No comments as the Sec 73 Modification application does not meet our threshold for commenting.

LCC Highways/SUDs

No objections.

Planning Considerations

Principle

The site has full planning permission for the erection of 8no dwellings which was approved under application H07-0109-22. As such the principle of development has already been granted and this is not disputed.

The main issues in this case are whether the amendments to the previously approved plans would be sympathetic to the character and appearance of the site and wider area, and acceptable on amenity grounds. These are discussed below.

Layout, Design, Size and Scale

The proposed storage tanks would be underground therefore they would not be visible. As such they would not change the appearance of the previously approved plots

In light of the above, the amendments are considered to be acceptable on character/design grounds and in accordance with Policies 2 and 3 of the Local Plan in this regard.

Impact upon Residential Amenity

Given the proposed storage tanks would be underground it is not considered that they would result in any unacceptable impact on the amenity of neighbouring dwellings.

As such the proposed amendments are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of residential amenity.

Other matters

As the proposed storage tanks would be underground there may be potential land contamination issues. The standard contamination condition to the original permission is considered sufficient as it advises the applicant that should any contamination be found when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority.

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 amendments to the previously approved plans are acceptable and will not materially harm the character or appearance of the locality or amenity of nearby residents.

The planning balance is considered to be in favour of the proposal.

Conclusion

The planning balance lies in favour of the proposal and the development is considered to accord with Policies 1, 2, 3, 4, 10, 11, 28, 29, 30, 31, 36 and Appendix 6 of the SELLP as well as Sections, 2, 4, 5, 9, 11, 12, 14, 15 and 16 of the NPPF.

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.

Recommendation

That the application be approved under delegated powers.