DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0171-23**	**Applicant:**	**Ashley King Developments Ltd**
Proposal:	Residential development of 81 dwellings, associated garaging, roads and sewers - approved under H09-0613-21. Amendments to Rutland house type on Plots 9 and 43.		
Location:	Land To The East Of Balmoral Way Holbeach Spalding		
Terminal Date:	21st March 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving Well Designed Places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

Proposal is for a non-material amendment to the scheme approved under H09-0613-21. This sees a change in the positioning of windows and the addition of grey cladding to the Nene House type located on plots 9 and 43. This revised house type is called Rutland.

Site Description

The application site is greenfield in nature and lies at the north-eastern side of Holbeach, south of the 17 and to the north-east of the recently completed Chaffinch Way/Balmoral way developments. All three of these sites lie within housing allocations Hob004 and Hob032 as shown in the South-East Lincolnshire Local Plan, 2019.

Plot 9 is to the south-west of the site. Plot 43 is more central, lying slightly to the north-east of the site.

History

H09-0613-21 - Full. Residential development of 81 dwellings, associated garaging, roads and sewers. Approved 01/03/22.

H09-0442-22 - Condition compliance. Details of written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters, construction management plan & method statement, estate road phasing & completion plan, surface water drainage scheme, existing & proposed site levels, survey work to ascertain whether water voles are present in drain to eastern boundary, landscaping, boundary treatments and management & maintenance schedule for areas of landscaping, incidental open space, refuse/recycling collection points & parking courts/private drives (Conditions 3, 5, 7, 8, 9, 11, 12, 13 & 14 of H09-0613-21). Approved 26/09/22.

H09-0985-22 - Condition Compliance. Details of Verification Report. (Condition 4 of H09-0613-21). Undecided.

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.

1.The proposed works would have no impact on the site's boundary
2.The amendment would not conflict with any guidance or development policies
3.The works would have no impact on third party concerns raised during the initial proposal
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 would not be increased.
7.The amendment will not result in any potential overlooking of any neighbouring property.
8.The works will not result in a fundamental change in the design of the building.
9.The proposal would not amount to new works or elements not considered by the Environmental Statement submitted with the application.

The proposal would conform to all of the above criteria, and therefore, can be considered a non-material amendment

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.

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.