

## DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H11-0171-25	Applicant:	Loosegate Developments (Long Sutton) Ltd
Proposal:	Erection of 171 dwellings and associated works - outline approval H11-1207-17 - approved under H11-1346-21. Amendment to replace brick types (Plots 17-90, 97-107 & 115-180)		
Location:	Land Between Seagate Road And Wisbech Road Long Sutton Spalding		
Terminal Date:	21st March 2025		

### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

#### National Guidance

#### National Planning Policy Framework December 2024

12 - Achieving well designed places

### Representations:

	Object	Support	No Obj.	Comments

## CASE OFFICER ASSESSMENT

### Proposal

This is a non-material amendment application seeking permission to amend the brick types for the remaining houses to be built, in association with the outline approval H11-1207-17 and reserved matters approval H11-1346-21.

The amendment is to replace brick types for plots 17-90, 97-107 & 115-180.

### Site Description

The application site is substantial and stretches between Seagate Road (on the west) and the B1359 / Wisbech Road (to the east). The land was farmland and forms part of a wider agricultural unit.

There are open field views to the south and partially to the east, frontage development to Seagate

Road and Wisbech Road either side of the site and a grassed strip of land with ditches and dense hedgerow to the northern boundary, beyond which are further dwellings.

The site is under construction and frontage dwellings and some dwellings in the interior are completed.

## History

H11-1207-17 - Outline. Residential development of approximately 215 dwellings. Approved 26th September 2019.

H11-1346-21 - Reserved Matters - Erection of 171 dwellings and associated works. Approved 1 September 2022.

H11-0882-21 - Full - Erection of 9 dwellings. Approved 16 February 2022.

H11-0076-22 - S73 - Residential Development of approximately 215 dwellings - approved under H11-1207-17. Modification of condition 12 to allow amendments to wording relating to Flood Risk Assessment. Approved 10 March 2022.

H11-0972-22 - NMA - Erection of 171 dwellings and associated works - outline approval H11-1207-17 - approved under H11-1346-21. Amendment to position of plots 143, 144 and 172. Amendments to design of Yew, Blackthorn & Elder house types and solar panels added to all plots. Approved 3rd November 2022.

H11-0923-22 - Removal of 106 agreement relating to financial viability of the development - Planning approval H11-1207-17 - Refused 19 January 2023.

H11-0367-23 - Details of contamination, landscaping, boundary treatment, refuse & recycling, archaeological details, estate road & associated footways, surface water drainage scheme, travel plan, public open space including management plan and construction management including precautions to prevent mud deposit on public highway (Conditions 5, 6, 7, 8, 9, 16, 17, 18, 20, 21, 22 & 23 of H11-1207-17) - Undetermined.

H11-0365-23 - Details of external materials of construction of buildings and hard surfaced areas and management and maintenance schedule for areas of landscaping, incidental open space, drainage features, refuse & recycling collection points & parking courts/private drives (Conditions 2 & 5 of H11-1346-21) - Approved 1 March 2024.

H11-0349-23 - Modification of 106 Agreements relating to the removal of the affordable housing obligation from both the outline planning approval H11-1207-17 and full planning approval H11-0882-21. Approved 11 June 2024.

H11-1047-23 - Section 73 - Erection of 171 dwellings and associated works - approved under H11-1346-21. Modification of Condition 1 to allow amendments to previously approved plans. Approved 1.5.2024.

H11-1122-23 - Full - Erection of 4 dwellings. Previous extant permission for 2 dwellings. Withdrawn 14 February 2024.

## Consultation Responses

None necessary.

## Planning Considerations

The Local Planning Authority has powers under Section 96A of the Town and Country Planning Act 1990 to make a "non-material" change to a planning permission if the Local Planning Authority is satisfied that the change is not material. There is no statutory definition of "non-material"; this is because it is dependent on the context of the overall scheme. As such, an amendment that is considered to be non-material in one context, may be material in another.

South Holland District 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 change to the application site boundary and the proposal would be located within it (red line boundary)
- 2 - The amendment would not conflict with development plan policies or other Government guidance
- 3 - There would be no conflict with any conditions on the planning permission
- 4 - The proposal would not make worse any concerns raised by third parties when the original planning permission was considered
- 5 - The approved footprint/siting of the building will not be moved in any direction by more than 1 metre
- 6 - The proposal would not result in an extension to development already approved
- 7 - The height/volume of the building or extension would not be increased or significantly reduced
- 8 - The amendments must not result in a fundamental change in the design of the building
- 9 - The change does not amount to new works or elements which have not been considered by any environmental statement submitted with the original application
- 10 - Amendments to windows/doors/openings must not have any overlooking impact on neighbouring properties
- 11 - There would be no change to the description of development in respect of number of proposed units

The sole consideration of this application is the need to consider the design aspects of utilising replacement materials for those no longer available. In this case, the approved brick types are no longer available. As a result new brick types are proposed.

The affected plots are:

- Plots 17 to 90
- Plots 97-107
- Plots 115-180

These are in the majority of the site but not on the street frontage of Seagate Road.

The changes are:

-Ivanhoe Olde Village Brick is to be replaced by Fonterra St. Lawrence Mellow elements.

These are similar looking brown/beige variable bricks with mottled elements.

-Ivanhoe Antique Brick is to be replaced by Vandersanden Autumn Red.

These are red mottled variable red brown bricks

-Bradgate Light Buff to be replaced by Vandersanden Drayton Cream

These are both light cream bricks.

Whilst these changes would be present over the majority of the remaining area of the site to be built out, the changes are fairly subtle, and are not significantly different to the approved brick type. They are also grouped together in the layout.

In terms of points 1 to 11 above, none of the above points are affected.

Overall, the changes are not considered to be significant in terms of the overall impact on the street scene or general character of the area.

It is considered that this will not lead to significant deterioration in design terms.

As a result the revised brick types are considered satisfactory.

## Conclusion

The revised details are considered satisfactory.

The proposal satisfactorily complies with the criteria of the South Holland District Council's "Development Control Procedure Note: Non-Material Amendments to Planning Permissions", and as such is acceptable as a Non-Material Amendment.

## Recommendation

The recommendation is to approve the 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.