DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-0935-23**	**Applicant:**	**Loosegate Developments (Long Sutton) Ltd**
Proposal:	Erection of 171 dwellings and associated works - approved under H11-1346-21. Amendments of private drive to plots 96 & 108 and to external appearance to all plots.		
Location:	Land Between Seagate Road & Wisbech Road Long Sutton Spalding		
Terminal Date:	20th December 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

Section 96A of The Town & Country Planning Act 1990 (as amended)

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is an application under Section 96A of The Town & Country Planning Act 1990 (As amended). The applicant seeks the following amendments:

1)Adjustment of private drive to plots 96 & 108, to improve rear access to plot 109.
2)Adjustment of all plot types to improve external cosmetic appearance and street views throughout the site.

- Window head fantails replaced with brick soldiers.
- Stone cills provided on the front elevation only, for all plot types
- Stones quoins removed on relevant types

Site Description

The application site is stretches between Seagate Road (on the west) and the B1359 / Wisbech Road (to the east). The land is farmed and forms part of a wider agricultural unit. A planning permission for the erection for 171 dwelling was achieved under planning application H11-1346-21.

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.

History

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 March 2022)
H11-1346-21 - Erection of 171 dwellings and associated works - outline approval H11-1207-17. Approved under 01-09-22
H11-0882-21 - Full - Erection of 9 Dwellings (approved February 2022)
H11-1207-17 - Outline - Residential development of approximately 215 dwellings (approved September 2019)

Consultation Responses

None-required

Planning Considerations

South Holland District Council Local Planning Authority sets out criteria for non-materials amendments. This is set out on the council webpages. It states:

Non-material amendment criteria

Each application will be considered on its merits. The proposed change may be a non-material amendment if:
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
These criteria are designed to prevent amendments being accepted that would have a harmful impact. If the above cannot be met:
·a Section 73 application or
·a new full application may be required.

Assessment

The applicant seeks the following amendments:

1)Adjustment of private drive to plots 96 & 108, to improve rear access to plot 109.

The applicant states that this is required for the following reasons:

The private drive accessing Plots 96 & 108 has been adjusted northwards by approximately 1 meter. The current arrangement is presenting issues on site for the installation of fencing, slabs and general buildability on site. The proposed adjustment improves access to the rear garden space, footpath area, fences and similar. The proposed adjustment can be seen on included drawing LDC3699-PL-02 P.

2)Adjustment of all plot types to improve external cosmetic appearance and street views throughout the site.

- Window head fantails replaced with brick soldiers.
- Stone cills provided on the front elevation only, for all plot types
- Stones quoins removed on relevant types

The applicant states that this is required for the following reasons:
All of the house types have had external cosmetic changes. These include the replacement of window head fantails for brick soldiers, stone cills only to front elevations and removal of stone quoins. This has been done to improve the overall look of the individual plots, to create much more superior street scenes and in turn enhance the on-site buildability of the house types.

Assessment against non-material amendment criteria

The non material amendment criterial provides a framework for analysis to test whether or not the proposed changes are material.

1)The changes would not result in an extension of the previously approved red line boundary, shown on the site location plan.

2)The proposals are two fooled. Firstly, the changes to private drive to improve access is outside of the adopted highway. Furthermore the changes are to make improvements to this drive to allow for the installation of fencing, slabs and general buildability on site. The proposed adjustment improves access to the rear garden space, footpath area, fences and similar. The proposal would not give rise to any highway safety issue, amenity or character issue that would be contrary to the plan.

Secondly the changes relate to aesthetically changing the elevations of house type across the scheme, the changes to these elevations (changes to cill and lintel details, removal of quoins as well as fantails being replaces by soldier courses) would only subtlety change the character of the development. Given that the scale, and massing and previously approved palate of materials remain unchanged it is considered that the above changes would accord with policies 2 and 3 of the SELLP, being acceptable in character.

3)The changes would not result in conflict with conditions applied to H11-1346-21

4)The proposal would not make worse any concerns raised by third parties during the original planning permission was considered.

5)The private drive is adjusted by 1m. No buildings are are to be moved.

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, changes relate to detailing of dwellings.

8)The amendments, whilst across the entire scheme are so minor that they would 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) The changes are unlikely to lead to harmful amenity impacts.

11)There would be no change to the description of development in respect of number of proposed units

It is therefore considered that the changes proposed by this applications are considered not to have a material effect upon the previously approved scheme.

Conclusion

Having regard to the effect of the change, together with previous changes made under section 96A. it is considered that the proposal to Adjustment of private drive to plots 96 & 108, to improve rear access to plot 109 and Adjustment of all plot types to improve external cosmetic appearance and street views throughout the site are not considered to have a material effect upon planning permission H11-1346-21

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.