DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0708-21**	**Applicant:**	**Larkfleet Homes**
Proposal:	Erection of 86 dwellings and associated works - approved under H13-1215-18. Amendments to layout to swap Plots 26 & 28 and schedule of house types		
Location:	Land At Roman Bank Moulton Chapel Spalding		
Terminal Date:	15th October 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 5. Delivering a sufficient supply of homes.
Section 12. Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

The site has full planning permission for the erection of 86 dwellings (ref. H13-1215-18) consisting of 8 no. 2 bed, 35 no. 3 bed, 38 no. 4 bed and 5 no. 5 bed properties, approved 8 March 2021. Vehicular access is off Roman Road with a pedestrian link to the residential estate to the west.

The scheme includes a range of dwelling types which, with the exception of plots 13, 14 and 17, are all two storey. The properties are mainly detached houses, other than three rows of terraced houses (plots 8, 9, 10, 34, 86, 35, 82, 83 and 84) , two pairs of semi-detached houses (plots 4, 5, 32 and 33) and a pair of semi-detached bungalows (plots 13 and 14). The density is approximately 22 units per hectare (8.8 units/acre).

This application is for straight exchange of dwelling types on plots 26 and 28 (house types 2434 and 2513) and to alter the names of some of the dwelling types (eg, 2308-2309, 2324S-2318 and 2224-2228).

Site Description

The site (some 3.9 ha) is mainly agricultural land located on the northern side of Roman Road. A drain runs along its northern boundary with agricultural land beyond. A shallow drain runs across the entrance area.

Land associated with Greystones is situated to the east and a residential estate to the west. Dwellings are located to the south each side of the access fronting Roman Road.

Planning History

H13-1215-18 - Full - Erection of 86 dwellings and associated works - Granted 8 March 2021.

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.

The 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 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 proposal against the above:

1. No alterations are proposed to the site boundary;
2. The proposed alterations are minor and would not conflict with the South East Lincolnshire Local Plan, 2019;
3. No concerns were raised by third parties concerning the dwelling type on plots 26 and 28, or the names of the properties;
4. No specific conditions were imposed in relation to the proposed amendments;
5. The proposal is a straight exchange of dwellings on plots 26 and 28. The footprint/siting of the dwellings would not be moved to a significant degree;
6. The proposal is a straight exchange of dwellings on plots 26 and 28. The height of the dwellings would not be increased to a material degree.
7. Plots 26 and 28 are within the site and not close to a boundary with neighbouring property. No potential overlooking issues would arise as a result of the amendment;
8. The alterations wouldn't fundamentally alter the design concept of the development;
9. No Environmental Statement was submitted.

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.

Conclusion

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.