DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0871-20**	**Applicant:**	**R K Wilson Builders Ltd**
Proposal:	Residential Development 3 plots - approved under H13-0036-20. Position of dwelling amended in respect of trees.		
Location:	Rear Of 29 River Lane Moulton Spalding		
Terminal Date:	5th November 2020		

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
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Paragraph 127 of Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is a non-material amendment for alteration of dwelling position in respect of trees of the residential scheme at the rear of 29 River Lane, Moulton, Spalding.

Full planning permission was granted under application ref. H13-0036-20 to 3 building plots.

Site Description

The site is adjoining the ribbon development beyond the crossroad between Church Lane and High Road/A151. The proposed scheme would constitute backland development to the rear of a defined frontage development that extends southwards on the eastern side of River Lane towards High Road/A151.
The frontage comprises a varied mixture of house types, ages, design and appearances. Whereas late C19-early C20 semi-detached cottages adjoins High Road/A151, modern two-storey detached houses and bungalows are to the south of the site onto Church Lane.

The application site is currently greenfield. To the front, there is one large two-storey detached house, one detached garage to the side, a set of outbuildings and greenhouses to the rear. These buildings will be demolished to erect two detached dwellings which has recently obtained full planning permission under application ref. H13-0056-20.

Two bungalows are to the west/south-west and one large two-storey detached house to the north-west, all of them recently built.

History

H13-0449-20 - Residential Development - 3 building plots - approved under H13-0036-20. Amendments to include changes to garage and layout and reposition plot 3 and addition of double garage door - Approved

H13-0382-20 - Details of external materials and external boxes, gas flues and soil vent pipes (Conditions 3 & 4 of H13-0036-20) - Approved

H13-0036-20 - Residential development - 3 no. building plots (re-submission of H13-0094-19) - Approved

H13-0094-19 - Erection of 2 detached houses and 1 detached bungalow - Approved

H13-0986-17 - Residential development - Approved

Consultation Responses

Not applicable.

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 amendment 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.

In relation to the approved plans of H13-0036-20, permission is sought with this application for the following amendments:

- The separation distance of the dwelling in Plot 1 with the northern boundary with Plot 2 is

increased by 1 metre, from 2 to 3 metres.
- The separation distance of the dwelling in Plot 1 with the southern boundary is reduced by 2 metres, from 5 to 3 metres.

The proposed amendment will entail the reposition of the dwelling footprint in Plot 1 and therefore it might not comply with criterion 5 of the above-mentioned SHDC Development Control Procedure Note.

Notwithstanding this, the intended relocation will not create any material impact on the nearest neighbours living in the dwelling of Plot 2. In fact, the separation distance is increased with that building and there is no other residential properties adjoining the southern boundary of Plot 1 where the separation will be reduced.

In summary, the proposed amendment will not cause any harm upon the design standards, neither residential amenity nor the character of the local area.

Conclusion

Taking into account the considerations above, the amendments comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; and Paragraph 127 of the National Planning Policy Framework (NPFF), 2019.

On balance, the proposed amendment is acceptable in view of South Holland District Council's "Development Control Procedure Note: Non-Material Amendments to Planning Permissions" when taken as a whole.

It is accordingly recommended to approve this planning application via delegated powers.

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.