DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0423-23**	**Applicant:**	**Mr & Mrs M Thomas**
Proposal:	Erection of a Self-Build Zero Carbon Home - approved under H14-0449-22. Repositioning of chimney.		
Location:	Land Off Glenside North Pinchbeck Spalding		
Terminal Date:	2nd June 2023		

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
19	Rural Exception Sites
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

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 a non-material amendment concerning a change of location of the chimney on the development approved under H14-0449-22. The change moves the stack from the east to the west.

Site Description

The site is greenfield in nature and forms part of a wider agricultural field that extends to the north. There are residential properties adjoining the site to the east and west, however, built development in the vicinity of the site is limited and sporadic, and the overriding character is rural. The application site wraps around the rear of Glenholme. The river Glen is opposite the site, beyond which are extensive agricultural fields. The site is not within any settlement boundaries.

History

H14-0449-22 - Full. Erection of a Self-Build Zero Carbon Home (Re-Submission of H14-1299-21). Approved 13/03/23.

H14-1299-21 - Full. Erect self-build zero carbon dwelling. Refused 02/02/22.

H14-0297-21 - Full - Proposed dwelling and garage. Withdrawn 18/05/21.

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 scheme would not alter the site boundary
2.The amendment would not conflict with any policies or guidance
3.The amendment would not worsen any concerns raised by third parties
4.The proposal would not be contrary to any condition
5.The siting of the building would not be altered
6.The height of the building would not be altered
7.No overlooking would occur due to the relocation of the chimney
8.There would not be a fundamental change in the design
9.No Environmental Statement was submitted.

The proposal conforms to the South Holland District Council's Development Control Procedure Note on Non-Material Amendments criteria and therefore can be classified as a non-material amendment.

Conclusion

The recommendation is for delegated approval.

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.