

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H14-0811-20 **Applicant:** Schofield Homes (Spalding) Ltd.

Proposal: Erection of 2 detached dwellings - approved under H14-0440-13. Amendments to driveway surface.

Location: 80 Milestone Lane Pinchbeck Spalding

Terminal Date: 21st October 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

Sections 5, 12 & 14 of the National Planning Policy Framework (2019)

5 - Delivering a sufficient supply of homes

12 - Achieving well-designed places

14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a non-material amendment application for the erection of 2 detached dwellings - approved under H14-0440-13 at 80 Milestone Lane, Pinchbeck. This application seeks amendments to the driveway surface.

The description of the proposed amendment on the application form reads as follows: "Proposed change of driveway surface. With the garage block not being built the area shaded in black is to be laid to a tarmac surface for easy access to the properties (via garden paths) from vehicles in the parking area. The area shaded in red would like to be changed to a gravel surface, as firstly it is a large surface to tarmac which would cause significant problems with drainage. Therefore gravelling the area would alleviate this problem, but still giving good access from the tarmacked area"

SITE DESCRIPTION

The proposal site is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and designs.

HISTORY

H14-0610-10

Outline - Residential development - erection of 2 dwellings - Approved - 17 September 2010.

H14-0516-11

Reserved Matters - Erect two dwellings (outline reference H14-0610-10) - Approved - 30 November 2011

H14-0440-13

Reserved Matters - Erection of two detached dwellings (outline application H14-0610-10) - Approved - 11 July 2013

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

"No objection to the amendments to driveway surface. Please be advised that this application is a minor application and it is the LPA's responsibility to satisfy themselves that the risk from surface water flooding is acceptable."

PLANNING CONSIDERATIONS

Principal of development

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. There is no alteration to the site boundary.
2. The proposal does not conflict with development plan policies or other government guidance.
3. No concerns raised at the original planning application stage have been exacerbated.
4. The proposed change is not contrary to a condition on the original approval.
5. The proposed garage to the rear has now been removed so there is not considered to be an impact on neighbouring properties.
6. No buildings are to be increased in height.
7. The amendment does not increase overlooking.
8. There is not a fundamental design change to a building as the garage where the tarmac is to be sited no longer exists.
9. The works do not impact any Environmental Statement submitted with the original application.

The proposal is considered to meet with all the non-amendment assessment criteria.

Impact of development

If the dwellings were complete then the proposed works could be commenced under permitted development as the properties would benefit from householder permitted development rights.

The proposal is considered to constitute a non-material amendment as the proposed tarmac area is to the rear of the property. The proposed tarmac area is assessed against Class F, Part 1 of the General Permitted Development Order (2015) titled.

Development is not permitted by Class F if:

"(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and
(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,
either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse."

The proposed tarmac area is to the rear of the property, therefore, an application for full planning permission is not required.

There is not considered to be a material impact from the proposal as the area is surrounded by boundary treatment and surface water can still be drained by the nearby gravel provision to the front, side and rear of the property.

CONCLUSION

The proposed tarmac area constitutes a non-material amendment not requiring full planning permission.

This application is recommended for 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.