

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H14-1079-23	Applicant:	Ashwood Homes
Proposal:	Hybrid planning application seeking full permission for 100 new homes, landscaping and infrastructure and outline planning permission (all matters reserved except access) for up to 300 new homes, landscaping and infrastructure - approved under H14-1218-21. Amendment to substitute house type Severn with Severn-V		
Location:	Land At Yews Farm Spalding Road Pinchbeck		
Terminal Date:	29th December 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an application under Section 96A of The Town & Country Planning Act 1990 (As amended). Planning Permission for 'Hybrid planning application seeking full planning permission for 100 new homes, landscaping and infrastructure and outline planning permission (all matters reserved except access) for up to 300 new homes, landscaping and infrastructure.' Was approved under H14-1218-21.

The applicant seeks the following amendments:

1. Substitution of house type Severn with Severn-V

Site Description

The application site comprises of open flat agricultural land, a railway line runs along the south west, Market Way in Pinchbeck to the north, Spalding Road to the east and Yews Farm is located to the south.

Planning permission for 'up to' 300 new dwellings was approved under planning permission H14-1218-21 which was a hybrid application including Outline and Full permissions. . Full planning was also achieved 100 dwellings.

History

H14-1218-21 - Hybrid planning application seeking full planning permission for 100 new homes, landscaping and infrastructure and outline planning permission (all matters reserved except access) for up to 300 new homes, landscaping and infrastructure. Approved 13-10-23.

Consultation Responses

Parish

In keeping with the proposed street scene.

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, Substitution of house type Severn with Severn-V

The following plans have been submitted in support of the amendment:

74-SL-01 - Rev.F Site Layout
Severn - V - Design Sheet

The seek to supersede:
74-SL-01 - Rev.D Site Layout
SEVERN-001 - DESIGN SHEET 1
SEVERN-002 - DESIGN SHEET 2

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 would see the Severn house type replaced with the Severn V house type. The main effect is that a gable element would be incorporated to the frontage with integral garage located below. To the rear a lean to would run the full width of the dwelling rather than partly across the rear. Fenestration changes are also included to the front elevation. The proposed new house type is considered to 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 H14-1218-21
- 4)The proposal would not make worse any concerns raised by third parties during the original planning permission was considered.
- 5)Dwellings are no re-sited.
- 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 are slightly larger than the previously approved house type but still contain 4 bedrooms and so commensurate with the plan.
- 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. The proposal is an updated (sequel) to what has been previously approved.
- 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 application 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 updated the Severn House Type throughout the site are not considered to have a material effect upon planning permission H14-1218-21

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.