DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0537-19**	**Applicant:**	**Seagate Homes Ltd**
Proposal:	Residential development of 10 dwellings with associated parking and garages on former builders yard - approved under H16-1163-15 - Amendments to landscaping and boundaries and replace previously approved decking with patio to rear of Plots 1-3		
Location:	Banbury Close Spalding		
Terminal Date:	25th June 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This application seeks to amend the approved plans for a residential development of 10 dwellings off Banbury Close, Spalding.

The 1.2m post and rail fence along the western boundary is proposed to be moved eastwards slightly for the IDB/future maintenance of the drain along that boundary.

The refuse store/collection area is proposed to be removed and landscaped instead given that refuse is to be collected by private waste contractor.

Lastly, the previously approved decking to the rear of Plots 1-3 is proposed to be replaced by a patio area.

Site Description

The site is located at the end of Banbury Close and is accessed between an existing residential property, no. 5 Banbury Close, and a commercial warehouse. The site was formerly in commercial use as a builders yard. To the north, south and east are residential properties, to the west is

Spalding cemetery separated by a dyke and with a number of large mature trees on the cemetery side of the dyke.

The approved dwellings are currently under construction.

History

H16-0422-19 - Details of landscape management, maintenance schedule, refuse and recycling collection (Condition 9 of H16-1163-15) (approved May 2019)

H16-0113-19 - Residential development of 10 dwellings with associated parking and garages - approved under H16-1163-15. Amendments to include revised chimney position to plots 1-3. Changing first floor plan/layout of plots 4 and 5 including additional roof light to make better use of space. Updating landscaping and boundary drawings to changes for Internal Drainage Board regarding access (approved February 2019)

H16-1033-18 - Details of scheme to deal with contamination, site and floor levels and surface water drainage scheme (Conditions 5, 7, & 10 of H16-1163-15) (approved December 2018)

H16-0854-18 - Residential development of 10 dwellings with associated parking and garages on former builders yard - approved under H16-1163-15. Amendments to remove chimney breast to Plots 1-3 and change window style to comply with building regulations (approved September 2018)

H16-0509-18 - Details of prevention of mud on public highways, cycle racks, boundary treatment, schedule of external materials/hard surfaced areas, external gas and electricity boxes & biodiversity enhancements (Conditions 3, 4, 8, 11, 12, 13 & 15 of H16-1163-15) (approved July 2018)

H16-1163-15 - Residential development of 10 dwellings with associated parking and garages on former builders yard (approved January 2017)

Consultation Responses

None.

Planning Considerations

The proposed amendments are minor and would not fundamentally alter the design of the proposed development.

Conclusion

Overall, it is considered that the proposed amendments satisfactorily comply with the criteria of South Holland District Council's Development Control Procedure Note Non-Material Amendments to Planning Permission, and as such are acceptable as a Non-Material Amendment.

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 to grant permission 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.