

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H17-0085-24	Applicant:	Ashwood Homes Ltd
Proposal:	Residential Development of 48 dwellings with associated garages, roads and sewers - approved under H17-1187-21. Amendment to garage location for Plot 44		
Location:	Land Off Sunnydale Close Surfleet Spalding		
Terminal Date:	29th February 2024		

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
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
12	Reserve Sites
17	Providing a Mix of Housing
18	Affordable Housing
19	Rural Exception Sites
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2023

Sections:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT**Proposal**

This is a non-material amendment application to modify the scheme previously approved under H17-1197-21. The amendment hereby proposed is that the garage of Plot 44 would be moved southwards by approximately 2.5 metres.

Site Description

The site is situated within the settlement boundary of Surfleet, as outlined within the South-East Lincolnshire Local Plan, 2019. The site is within the south-east corner of the settlement. To the north, south and west are residential properties. To the east is agricultural land.

Planning History

H17-0811-22 - Condition compliance. Details of archaeological investigation, flood risk assessment and drainage strategy measures, proposed boundary treatments, publicly accessible open space, protected species report, open space management plan, storage and disposal of refuse and recycling, protection of trees, protection of existing hedge, swift nest bricks/boxes, external materials, Sunnydale Close access, gas and electricity external boxes, construction management, estate road phasing and completion plan, surface water disposal and design & location of road/footpath lighting. (Conditions 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of H17-1187-21). Approved 17/01/23.

H17-1187-21 - Full. Residential development of 48 dwellings with associated garages, roads and sewers. Approved 6/7/22.

H17-0793-20 - Full. Residential development of 75 dwellings with associated garages, roads and sewers. Refused 27/7/21.

H17-1035-17 - Section 73 modification. Residential development for 26 dwellings including roads, footpaths and open spaces, approved under H17-0652-15. Modification of condition 2 to allow amendments to previously approved plans. Approved 7/8/18.

H17-0732-17 - Condition compliance. Details of conditions 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22 and 23 of H17-0652-15. Approved 24/5/18.

H17-0652-15 - Full. Residential development for 26 dwellings including roads, footpaths and open spaces. Approved 3/4/17.

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 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

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 criteria, the following is considered:

1. There would be no change to the site boundary.
2. The amendment would not conflict with any development plan policy or Government guidance.
3. There would be no conflict with any conditions of H17-1187-21.
4. The proposal would not exacerbate any concerns raised during the original application.
5. The proposal would result in a building being moved by more than a metre, instead being moved 2.5 metres to the south. However, given the significant scale of the site and the works approved compared to the relatively small scale of the proposed amendment, the alteration proposed is still considered to be non-material.
6. There would be no change to the scale of development.
7. There would be no change to the height of the proposal.
8. The proposal would not fundamentally change the appearance of the approved scheme. The scale of the proposal is minor in proportion to the size of the initial application.
9. No environmental statement was submitted as part of this proposal.
10. The amendment would not increase overlooking.
11. There would be no change to the description of development in respect of number of proposed units.

While the proposal does not show full conformity to the SHDC guidance note on non-material amendments, it is considered that the proposed alteration in the siting of the garage at Plot 44 is non-material. The alteration is minor and would not result in any significant design or amenity impacts. Given the significant scale of H17-1187-21 and the minor scale of the proposed change, the alteration is considered to show full conformity to Section 96A of the Town and Country Planning Act, and therefore, can be considered non-material.

Conclusion

It is considered that the amendment proposed is acceptable and can be considered a non-material amendment. 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.