DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-0148-23**	**Applicant:**	**R T W Construction & Developments Ltd**
Proposal:	Residential development of 60 dwellings - approved under H17-1138-21. Amendments to facing brickwork.		
Location:	Land Off Coalbeach Lane Surfleet Spalding		
Terminal Date:	15th March 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
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
07	Improving South East Lincolnshire's Employment Land Portfolio
09	Promoting a Stronger Visitor Economy
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
24	The Retail Hierarchy
26	Primary Shopping Frontages
27	Additional Retail Provision
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
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 2021

Section 12 - Achieving Well Designed Places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

Proposal is a non-material amendment concerning the change of brick types on the development approved under H17-1138-21. The alterations are a change from Ibstock New Ivanhoe Cream bricks to Vandersanden Lindbloem bricks, as well as Ibstock Ivanhoe Westminster bricks to Vandersanden Bellona. These bricks are the same colour and are similar appearance.

Site Description

The site is within the settlement boundary of Surfleet, and is an allocated site referenced Sur016 in the South-East Lincolnshire Local Plan, 2019, with an indicative site capacity of 44 dwellings. The original permission granted 60 dwellings on the site.

Entry to the site is gained via the east along Coalbeach Lane. The site is to the west of Surfleet Seas End. To the south, north and east is housing, while to the west is agricultural land.

History

H17-0236-20 - Full. Residential development of 60 dwellings. Approved 15/09/21.

H17-1138-21 - Section 73 Modification. Residential development of 60 dwellings - approved under H17-0236-20. Modification of Condition 2 to allow amendments to previously approved plans. Amendment to new developer house type drawings. Approved 29/11/22.

H17-0127-22 - Condition Compliance. Details of surface water drainage scheme & proposed means of foul & surface water disposal (Conditions 12 & 17 of H17-0236-20). Approved 18/03/22.

H17-0162-22 - Details of boundary treatments, management plan for areas of publicly accessible open space & outdoor play areas, swift bricks/boxes, external materials, construction management plan & method statement, details of precautions to be taken to prevent mud deposits on public highways and lighting design (Conditions 4, 5, 8, 9, 13, 14 & 16 of H17-0236-20). Approved 06/06/22.

H17-1088-22. TPO Tree Works. Works to Surfleet Tree Preservation Order No 10 1996. Approved 20/12/22.

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 proposal would see 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 proposed change of bricks would not exacerbate concerns raised by third parties at original planning application stage.
4)The proposed change in brick type 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 buildings would not be increased.
7)The amendment to the brick type would not result in any potential overlooking of any neighbouring property.
8)The amendment would not result in a fundamental change in the design of the building. The bricks are extremely similar in appearance. There would be no change to the fundamental design of the dwellings and the colour would be virtually identical.
9)The proposal does not amount to new works or elements not considered by any Environmental Statement submitted with the application.

The proposed conforms to all requirements, and therefore can be considered a non-material amendment.

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 xxx 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 xxx 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.