DECISION DELEGATED TO DEVELOPMENT MANAGER

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Application No:	**H17-0524-20**	**Applicant:**	**NF Asset Management Ltd.**
Proposal:	Residential Development - 3 dwellings with associated parking and amenity space - approved under H17-0423-19. Amendments to design and construction method used for the boundary retaining wall.		
Location:	43-45 Reservoir Road Surfleet Spalding		
Terminal Date:	31st July 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

The following amendments are sought to the development scheme originally approved under application ref. H17-0423-19:
- Revised internal layout of Plot 3 - Kitchen to be relocated at the rear of the property at ground floor and a study created in its place. At first floor, an en-suite has been added to bedroom 1 (with an additional window on the front elevation), resulting in the bathroom and bedroom shifting slightly towards the rear.
- Front entrance door of Plot 3 to change from a single door to a double door, removing the small window; and
- Changes to the construction method used for the boundary retaining wall. To be constructed of a combination of sleeper/steel frame and feather board fencing to a height of 2.4m, and to fall with the fall of the site towards the rear boundary. The retaining element of the boundary treatment was originally proposed to be brick built.

Site Description

The site is situated between numbers 41 and 47 Reservoir Road. It was previously used as a storage yard and a car repair workshop and can therefore be classified as brownfield. The former workshop now has a lawful use certificate for use as a dwelling, although the building itself is somewhat unsightly.

Most of the site is relatively level, but does slope away considerably at the rear where it drops down to The Reservoir.

There are frontage properties extending along Reservoir Road either side of the site and there are properties to the rear on The Reservoir. Existing development in the area varies in terms of size and design. There are bungalows immediately to the west and a 2 storey property to the east, but only the first floor is readily visible from the road due to the slope of the site.

History

H17-0423-19 - Reserved matters application for residential development - three dwellings with associated parking and amenity space - outline approval H17-1149-18 (approved June 2019)

H17-1149-18 - Outline application for 3 dwellings (approved January 2019)

H17-0679-16 - Use of site as residential (Use Class C3) (approved September 2016)

H17-0600-13 - Demolish existing building and replace with two dwellings (refused and dismissed on appeal, February 2014)

H17-1167-07 - Demolish commercial vehicle repair unit and erect 2 dwellings (refused October 2017)

H17-0742-07 - Demolition of commercial vehicle repair unit and erection of dwelling (withdrawn July 2007)

Consultation Responses

Not applicable.

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.

Assessing the application against the above criteria:

1. No alterations are proposed to the site boundary;
2. The proposal would not conflict with policies in the South East Lincolnshire Local Plan, 2019;
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 positioning of the building would not be materially altered;
6. There would be no height increase to the building;
7. No potential overlooking issues would arise;
8. The amendment would not result in a fundamental change to the design of the building;
9. No Environmental Statement was submitted.

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.

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.