

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H17-0631-23	Applicant:	RTW Construction & Developments Ltd
Proposal:	Residential development of 60 dwellings - approved under H17-0236-20. Amendment to position of double garage (Plot 40) and amendment to Boundary Treatment (Plots 39 & 40)		
Location:	Land Off Coalbeach Lane Surfleet Spalding		
Terminal Date:	9th August 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
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

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a non-material amendment application at Land off Coalbeach Lane, Surfleet. The parent application was for a residential development of 60 dwellings - approved under H17-0236-20. This application seeks an amendment to the position of a double garage (Plot 40) and amendment to boundary treatment (Plots 39 & 40).

This application seeks to move the Plot 40 detached double garage westwards and rotate eastwards at an angle of approximately 60 degrees. The ridge line of the garage will remain on a side elevation to elevation line dropping to the eaves at the front and rear of the building. Three off road parking spaces will be retained and position and design of the dwelling is not amended. The tree to be planted adjacent to the boundary with Plot 26 is not being moved.

The proposed 1.8 metre high close boarded fencing at Plot 39 and 40 is to be amended. The fence line from the boundary of Plot 41 to northern side elevation of Plot 40 is unaltered. A small fence and gate will then be added to the southern side elevation of Plot 40 across the paved rear access and connecting to the relocated detached double garage. The existing 1.8 metre high fencing at the boundary with Plot 39 will remain, with an additional parking space length of 1.8 metre fencing, then a 1.2 metre high post rail and fence at the boundary with the Plot 39 car parking space nearest to the estate road.

SITE DESCRIPTION

The site is within the settlement boundary of Surfleet, and is an allocated site referenced Sur016 in the SELLP, with an indicative site capacity of 44 dwellings.

The application site is located within Environment Agency (EA) Flood Zone 3a, and is a mixture of 'Low Hazard', 'Danger for Some' hazard, with a maximum predicted flood depth of 0.5 metres on the 2115 South Holland Strategic Flood Risk Mapping. The site is currently under construction with the dwellings specified in this application yet to be constructed.

RELEVANT HISTORY

H17-0236-20

Full - Residential development of 60 dwellings - Approved - 15 September 2021

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 November 2022.

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 March 2022.

H17-0162-22

Condition Compliance - 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 June 2022.

H17-1088-22

TPO Tree Works - Works to Surfleet Tree Preservation Order No 10 1996 - Approved - 20 December 2022.

H17-0148-23

Non-Material Amendment - Residential development of 60 dwellings - approved under H17-1138-21. Amendments to facing brickwork - Approved - 20 February 2023.

H17-0445-23

Condition Compliance - Details of roads and footways (Condition 10 of H17-0236-20) - Approved - 20 June 2023.

CONSULTATION RESPONSES

Lincolnshire County Council - Historic Places Team

No archaeological input required.

PLANNING CONSIDERATIONS

This application is assessed against the criteria for assessing whether the proposal amendments are non-material.

All of the following criteria must be met for amendments to be considered under this procedure:

- 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.

When assessed against the above criteria the following can be observed:

1. The red line application site boundary has not been altered.
2. The amendment does not conflict with any Development Plan Policies or other Government Guidance.
3. The amended garage location and boundary treatment would not be contrary to a condition on the original approval.
4. The proposed changes would not be contrary to a condition on the original approval.
5. The approved footprint / siting of the garage will not be moved materially and will not have a material impact on any neighbours. The estate has not yet been completed and the adjacent dwellings have yet to be constructed. It is therefore considered that the amended garage location and boundary treatment will not impact neighbour amenity. The proposed garage at Plot 40 is no closer to the rear boundary than the existing garage location.
6. The height of the garage and fencing would not be increased.
7. The amendments 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 garage.
9. The proposal does not amount to new works or elements not considered by any Environmental Statement submitted with the application.

CONCLUSION

The proposed is considered to accord with the non-material amendment assessment criteria.

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

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.