DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H19-0545-20**	**Applicant:**	**S H & M B Properties Ltd**
Proposal:	Erection of 3 dwellings - approved under H19-0937-18. Amendments to design and internal alterations to Plot 3.		
Location:	Plot 3 251 Broadgate Road Sutton St Edmund		
Terminal Date:	6th August 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

Representations:

	Object	Support	No Obj.	Comments
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site has reserved matters approval for the erection of three dwellings following Outline approval H19-0539-16.

This application is for the following amendments to the design of the dwelling on plot 3:
- Removal of parapet walls
- Alteration to fenestration on first floor rear elevation to create juliette balcony
- Amendment to design of arched opening on rear elevation
- Internal alterations, including an additional bedroom within the rear staircase void and re-positioning of the bathroom.

Site Description

The site is located on the western side of Broadgate and is part of a former farmyard associated with No. 251. Barn conversions are situated to the south and a former chapel (no. 259) to the north-east. St Edmund's church (grade II listed) is situated some 50 metres to the north.

Planning History

H19-0539-16 - O/A - Residential development (3 dwellings) - Granted 28 July 2016

H19-0937-18 - RM - Erection of three dwellings following Outline approval H19-0539-16 - Approved 14 November 2018

H19-0279-20 - NMA - Erection of 3 dwellings - approved under H19-0937-18. Amendments to fenestration and design in relation to Plot 3 - Refused 11 June 2020

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.

The Council has therefore introduced a system whereby 'minor amendments' to a scheme can be considered as a way of allowing the planning system to respond in a reasonable and flexible manner to small changes to an approved scheme without seeking a fresh application.

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. There is no alteration to the site boundary;
2. The proposal would not conflict with development plan policies;
3. No objections were raised at the reserved matters stage concerning such matters as overlooking/lack of privacy. The proposal would not exacerbate such issues. The juliette balcony at the rear overlooks the neighbouring property to the south at an oblique angle, which is owned by the applicant. There are no significant alterations to the front elevation that would affect occupiers of the converted chapel (no.259 Broadgate Road).
4. The proposal would not be contrary to any specific condition;
5. The approved footprint would not be moved;
6. The height remains the same;
7. The amendment is considered acceptable in terms of potential overlooking issues;
8. The revisions are considered to be minor and would not erode the overall agricultural character of the building. The large archway at the front of the building is now being retained.
9. The proposal is satisfactory in this respect.

Conclusion

The proposal complies with relevant criteria of the South Holland District Council's "Development Control Procedure Note: Non-Material Amendments to Planning Permissions", and as such can be accepted 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 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.