

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H22-0128-21 **Applicant:** Coda Builders Ltd.

Proposal: Erection of 3 dwellings - approved under H22-0864-19. Change colour of windows, omit canopy above entrance doors (all plots) and omit 3 windows on west elevation of Plot 1

Location: 315 Broadgate Weston Hills Spalding

Terminal Date: 11th March 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This is a non-material amendment application that seeks planning permission for amendments of an approved residential scheme.

The erection of 3 dwellings at 315 Broadgate, Weston Hills, Spalding was granted under permission ref. H12-1137-20.

Site Description

The site is located within the built-up area of Weston Hills and its settlement boundary as set out in the South East Lincolnshire Local Plan, 2019.

The site is a sizeable corner plot facing the junction between Broadgate and Old Fendike Road. The site accommodates the property No. 315 which is currently an existing dilapidated old cottage. The remainder of the site is long grass but of discreet biodiversity value. A verge extends along the front boundary adjacent to the highway. 3 no. silver birches and one sycamore are in close proximity to the verge.

History

H22-0864-19 - (RM) Erection of 3 dwellings - outline approval H22-0941-17 - Approved

H22-0941-17 - (OUT) Residential development for up to 4 dwellings - Approved

H22-1694-88 - Residential development - Approved

H22-0302-82 - Erection of dwelling and garage with access - Approved

H22-0344-79 - Erection of dwelling and garage with access - Approved

Consultation Responses

None.

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 amendment 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 approved material for the windows of all dwellings was UPVC white. The amendment hereby proposed is to replace white colour for Anthracite grey. No harm would occur upon the visual amenity. It is considered that the dark colour would equally relate well with Vandersanden Flemish Antique facing brickwork. No cumulative impact would occur in conjunction with roof tiles of identical appearance.

The removal of the approved canopy above entrance doors of all dwellings is the second amendment hereby proposed. In fact, the canopy would be replaced by brick lintel matching with those of the remainder of openings. This replacement is not considered harmful upon the overall detailing of the buildings.

Lastly, the windows on western side wall of the house in Plot 1 would be removed other than the first-floor windows for en-suite. This alteration would not decrease the enjoyment of daylight for the future dwelling occupiers. The main windows would remain for living room, kitchen and bedrooms.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

No adverse impacts of granting permission to the proposed amendments would significantly and demonstrably outweigh the benefits of doing so.

Conclusion

On balance, the proposed amendment is acceptable in view of South Holland District Council's "Development Control Procedure Note: Non-Material Amendments to Planning Permissions" when taken as a whole.

It is accordingly recommended to approve this planning application via delegated powers.

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.