DECISION DELEGATED TO DEVELOPMENT MANAGER

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| **Application No:** | **H22-0304-20** | **Applicant:** | **Highgrove Homes (Spalding) Ltd** |
| **Proposal:** | Erection of 3 dwellings - approved under H22-0042-20. Amendment to layout of Plot 2 | | |
| **Location:** | Adj. 575 Broadgate Weston Hills Spalding | | |
| **Terminal Date:** | 30th April 2020 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

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|---|---|
| 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 |
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CASE OFFICER ASSESSMENT

**Proposal**

The applicant is seeking to amend the proposed dwelling type on Plot 2 from that previously approved under application ref. H22-0042-20.

The dwelling would still be a bungalow and materials of construction would remain the same, but the layout would be different. The most noticeable external changes to the front of the property as a result of this would be the relocation of the garage from the north to the south of the property and the front projection with a hipped roof would be reduced in height and replaced with a front gable. There would also be some alterations to fenestration on all elevations. In light of the amendment to the positioning of the garage, the access and driveway has been re-aligned and move southwards.

**Site Description**

The site is currently part of a wider agricultural field which fronts onto Broadgate. This field extends to the north and to the rear. 575 Broadgate is located to the south. There is a row of frontage dwellings opposite which extend around 90 metres further north than the site. The land immediately

to the north of the site benefits from reserved matters approval for 4 dwellings (H22-0039-20).

The northern, eastern and western boundaries are currently open.

## History

H22-0042-20 - Reserved matters application for erection of 3 dwellings - Outline approval H22-0645-18 (approved March 2020).

H22-0645-18 - Outline application for residential development - 3 plots (approved August 2018).

## 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 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 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. Concerns were not raised by third parties relating to the matter at hand;
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;
7. No potential overlooking issues would arise given the single storey nature of the dwelling and wider development;
8. The proposed alteration would not fundamentally alter the design of the development from that approved. The design of Plot 2 is in keeping with that of the wider development;
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 to Plot 2 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.