DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0886-20**	**Applicant:**	**RTW Construction & Development Ltd.**
Proposal:	Residential Development of 1, 2, 3 and 4 bed houses and bungalows - approved under H22-0202-16. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	Land Off Dean Close/Small Drove Weston Spalding		
Terminal Date:	29th November 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
02	Development Management
03	Design of New Development
04	Approach to Flood Risk

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a s73a application relating to original application ref H22-0202-16 (Residential Development of 1, 2, 3 and 4 bed houses and bungalows). Approval is sought for changes to the appearance of dwellings on the scheme as the site has subsequently been sold to another developer.

The proposed changes include:
- White windows replaced with anthracite grey
- Door canopies changed from traditional pitched to flat contemporary
- Brick arches and solider courses and reconstituted stone cills removed
- Robin house type (formerly Stirling) - layout of adjoining semis exactly replicated rather than mirrored
- Brick detailing added at first floor or ground floor to some properties
- Merlin house type (formerly Cheveley) - alterations to internal layout (revised positioning of some rooms) resulting in minor alterations to fenestration (in terms of size)
- Weatherboarding added to some properties (grey or pewter in colour)
- The Dunnock (formerly Tiverton) - Bay window to bedroom 1 removed
- The Peregrine (formerly Sherbourne) - Bay window to lounge removed
- The Nightingale (formerly Carisbrooke) - Bay window to bedroom 2 removed
- Garages - Corbelling and brick detailing at the eaves removed, bargeboards added

The intention is to provide a more contemporary appearance than that previously approved.

In addition, the positioning of boundary treatments has been altered in some locations and the levels of areas of open space have been increased due to the works creating a surplus of topsoil.

Site Description

As original application, except development has now commenced.

History

H22-0231-20 - Modification of 106 Agreement to reduce level of affordable housing units from 33% to 25% (planning approval H22-0202-16) (approved August 2020)

H22-0424-20 - Modification of 106 Agreement to remove affordable housing provision - planning approval H22-0202-16 (refused July 2020)

H22-0620-19 - Residential development of 60 one, two, three and four bed houses and bungalows - approved under H22-0202-16. Amendments to show removal of GRP chimneys (approved July 2019)

H22-0306-19 - Proposed Pumping Station (approved May 2019)

H22-0070-19 - Details of external materials, design and position of external boxes, gas flues and soil vent pipes, boundary treatment and Management Plan for Public Open Space (Conditions 4, 5, 7 and 8 of H22-0202-16) (approved April 2019)

H22-0305-19 - Amendments to include re-positioning of Plots 37 and 38, garage to Plot 38 and parking to Plot 39 (approved April 2019)

H22-1071-18 - Details of Conditions 3, 6, 9, 12, 13, 14, 15 and 17 of H22-0202-16 (approved December 2018)

H22-0202-16 - Residential development of sixty 1, 2, 3 and 4 bedroom houses and bungalows (approved August 2017)

Consultation Responses

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

SHDC Environmental Protection (land contamination) - I Have reviewed the following reports

prepared by Humberside Materials Laboratory Limited: 'Phase 1 Desktop Report for the Proposed Development Off Dean Close, Weston Report 860/4067/P dated September2016' and 'Site Investigation Report for the Proposed Development Off Dean Close, Weston Report Ref 860/4067/P Dated November 2016' and make no further comments. As always, the developer is reminded that in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to Environmental Health.

SHDC Environmental Protection (noise/odour) - No objection.

Planning Considerations

Principle

The site benefits from an extant and implemented planning permission for 60 dwellings (H22-0202-16). The principle of residential development on the site is therefore established.

Visual Appearance

The proposed changes relate to the external appearance and internal layout of the dwellings, the positioning of some fencing and the levels of the areas of open space. The layout of the overall development remains as previously approved.

In terms of the external appearance of dwellings, cladding has been introduced as an alternative to render and the previously approved multi red brick has been replaced with two others. The buff brick has been replaced with cream. Other features such as the door canopies, brick arches and solider courses and reconstituted stone cills have been amended or removed to achieve a more contemporary appearance.

With regard to internal alterations, these affect the Robin house type (formerly Stirling) (with the layout of adjoining semis exactly replicated rather than mirrored) and the Merlin house type (formerly Cheveley) (with the revised positioning of some rooms resulting in minor alterations to the size of fenestration).

In terms of the fencing, on certain plots this has had to be set back in order to allow to allow parking spaces to be moved so that they can be increased in width. Whilst the resulting increase in hardstanding is not ideal, given that this only impacts a limited number of plots it is, on balance, acceptable.

Due to the works generating surplus topsoil, it is proposed that the levels of open space be increased as a way of re-utilising this. The areas of open space are located around the edges of the site and the increase in levels would generally be between 700-900mm. Given the scale of this site, this would not have a material impact on visual appearance and each area of open space would be raised to the same height (i.e. across its width and length) and should not materially impact the functionality.

Overall, it is considered that the proposed alterations would be acceptable in terms of their visual impact and liveability/functionality and accord with Policies 2 and 3 of the Local Plan.

Drainage

Consideration has been had to the impact that raising levels would have on the operation of the drainage system and potential for run-off.

The Lead Local Flood Authority have been consulted on the proposal to raise the open space levels and have advised that whilst this may theoretically displace surface water in an extreme flood situation, it would not be expected to impact upon the day to day operation of the drainage of the development. Accordingly, they do not wish to raise an objection to this proposed operation.

The proposal therefore satisfactorily complies with Policies 2, 3 and 4 of the Local Plan in this regard.

Planning Balance

The proposed changes relate to external appearance and internal layout of the dwellings, the positioning of some fencing and the levels of the areas of open space and would be acceptable in terms of their visual impact and liveability/functionality and drainage. The layout of the overall development remains as previously approved.

The planning balance is considered to be in favour of the proposal.

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

Taking the above into account, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019), as well as Section 12 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.