

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H23-0427-24	Applicant:	RTW Construction & Developments Ltd
Proposal:	Proposed residential development of 28 bungalows including estate roads, public open space and landscaping - approved under H23-0179-23. Amendments to garage doors and additional side doors to garages		
Location:	Land Off Cobgate Whaplode Spalding		
Terminal Date:	18th June 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework (December 2023)

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

The proposal relates to a non-material amendment, under Section 96A of the TCPA 1990, to an approval gained under a Section 73 application H23-0179-23.

H23-0179-23 granted permission through a Section 73 application for the proposed residential development of 28 bungalows, including estate roads, public open space and landscaping. The Section 73 application specifically sought to amend the elevations of plot 1 to 7 and to amend the floor plan layouts and elevations of plots 8 to 28. The general layout form remains the same and the roads/ Public Open Space remain the same.

The initial permission, granted via a Full Planning Application, was approved under reference H23-0714-18.

This non-material amendment application seeks to amend the design of garage doors and provide additional side doors to the previously approved garages.

Site Description

The application site, as per the initial grant full planning permission, is approximately 2.4 ha of agricultural land, located on the south-western periphery of Whaplode, which is a minor service centre. The northern and western boundaries are defined by watercourses controlled by South Holland Internal Drainage Board.

Properties off Abbots Gardens are situated to the east and frontage residential development is situated on the opposite side of Cobgate.

History

H23-0179-23. Section 73. Proposed residential Development of 28 bungalows including estate roads, public open space and landscaping - approved under H23-0714-18 - Modification of Condition 2 to allow amendments to previously approved plans. Approved 05.10.2023.

H23-0180-23. Details of lighting, finished surface levels, estate road phasing and completion plan, surface water drainage scheme and foul water disposal. (Conditions 6, 8, 9, 11 and 12 of H23-0714-18). Approved 01.06.2023.

H23-0714-18. FULL Proposed Residential Development of 28 Bungalows including estate roads, public open space and landscaping. APPROVED 06-03-19, with S106. This development has commenced.

H23-0495-17 - Outline Planning for up to 18 dwellings granted 19 Jan 2018.

H23-0018-17 - Outline Planning consented for 5 dwellings and access road from Cobgate granted 6/3/17.

Consultation Responses

No consultation responses have been received.

Planning Considerations

The Local Planning Authority has powers under Section 96A of the Town and Country Planning Act 1990 to make a "non-material" change to a planning permission if the Local Planning Authority is satisfied that the change is not material. There is no statutory definition of "non-material"; this is because it is dependent on the context of the overall scheme. As such, an amendment that is considered to be non-material in one context, may be material in another.

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 is designed to prevent amendments being accepted that would have a detrimental impact upon neighbours or amenity in the wider public interest, or comprise a notable and material change to the proposed scheme.

The proposal is for a non-material amendment to the previously approved development, which seeks only to amend the arrangement of garage doors in terms of scale and design, alongside the addition of single entrance doors to the garages. The proposal does not seek to extend, increase the height, or alter the siting of the development within these plots.

The revised scheme, comprising solely the changes to garage doors and insertion of entrance doors to these garages, is not considered to result in a fundamental change to the initially permitted development. The amendments are considered to be modest in nature and the context of the overall scheme, and would not result in a conflict with any of the criteria outlined above; therefore, it is considered that they would not lead to a significant alteration to the character of the approved development.

The proposal satisfactorily complies with the criteria of the South Holland District Council's "Development Control Procedure Note: Non-Material Amendments to Planning Permissions", and as such is acceptable as a Non-Material Amendment.

Conclusion

It is considered that these details are acceptable and can be considered as a non-material amendment to the scheme.

It is therefore recommended that this application 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.