

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0584-24 **Applicant:** South Lincolnshire Developments Ltd

Proposal: Residential Development - 8 dwellings including private drive - approved under H23-0535-18. Modification of Condition 2 to allow amendments to previously approved plans - Approved under H23-0118-21. Amendments to Bungalow Design to Plot 4

Location: The Sycamores Farmyard Churchgate Whaplode

Terminal Date: 1st August 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
11	Distribution of New Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This is a Non-Material Amendment application to amend the bungalow design to Plot 4 at land at The Sycamores Farmyard, Churchgate in Whaplode. The application relates to Section 73 application ref. H23-0118-21, which allowed amendments to previously approved plans on application H23-0535-18.

Site Description

The site (some 0.58 ha) is a former farmyard located on the eastern side of Churchgate, Whaplode. The northern boundary is de-lined by an open drain, with a public footway and residential development beyond. Open agricultural land is situated to the east and a public playing field to the south west. Dwellings are located to the west between the site and Churchgate and St Mary's Church (grade I listed) is situated on the western side of Churchgate behind a row of dwellings.

History

H23-1082-14 - O/A - Residential development for 10 units on redundant farmyard (re-submission of H23-1026-14) - Granted 16 March 2015.

H23-0535-18 - Full - Residential development - 8 dwellings including private drive - Granted 21 August 2018.

H23-0480-19 - C/C - Details of Ecology Report (Condition 16 of H23-0535-18) - Approved 5 July 2019.

H23-0223-20 - C/C - Details of construction management and contamination assessment (Conditions 8 and 11 of H23-0535-18) - Approved 1 May 2020.

H23-1055-20 - C/C - Details of external materials, landscaping, boundary treatment, driveway details and surface water drainage scheme (Conditions 3, 4, 7, 12 and 14 of H23-0535-18) - Approved 5 January 2021.

H23-0118-21 - S73 - Residential Development - 8 dwellings including private drive - approved under H23-0535-18. Modification of Condition 2 to allow amendments to previously approved plans - Approved 30 March 2021

Consultation Responses

No consultation responses have been received.

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.

Assessing the proposal against the above:

1. No alterations are proposed to the site boundary;
2. The proposed alterations are minor and would not conflict with the South East Lincolnshire Local Plan, 2019;
3. No concerns were raised by third parties relating to the proposal;
4. No specific conditions were imposed on the original approval;
5. No building would be moved;
6. The height would not be increased;
7. No potential overlooking issues would arise as a result of the amendment;
8. The amended proposal description does not result in a fundamental change in the design of the proposal/building;
9. No Environmental Statement was submitted.

Conclusion

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.

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.