

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H23-1159-19 **Applicant:** Haycroft Homes Ltd

Proposal: Residential development comprising 33 dwellings - approved under H23-0761-17. Amend materials and position of some rear elevation windows and doors to Plot 20

Location: High Road Whaplode Spalding

Terminal Date: 25th December 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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 proposed amendments to plot 20 are:

- Amend the materials (bricks, roof tiles, windows and doors)
- Amend the position of some rear elevation windows and doors

Site Description

A previously greenfield site. Development has commenced and is progressing well with a number of dwellings having already been built.

History

H23-0723-19 - Residential development - approved under H23-0761-17. Modification of Condition 2 to allow amendments to previously approved plans (approved December 2019)

H23-0866-19 - Modification of Section 106 Agreement relating to affordable housing (planning

approvals H23-0508-16 and H23-0761-17) (approved December 2019)

H23-0793-19 - Details of specification and phasing in relation to landscape management plan (Condition 15 of H23-0761-17) (approved October 2019)

H23-0343-19 - Details of roads and footways, design and location of cycle storage, Management Plan for open space and outdoor play areas and boundary treatment (Conditions 3, 12, 16, and 19 of H23-0761-17) (approved May 2019)

H23-0786-18 - Details relating to Refuse Management Plan submitted (Condition 21 of H23-0761-17) (approved August 2018)

H23-0761-17 - Residential development comprising 33 dwellings - approved under H23-0508-16. Modification of Condition 2 to allow amendments to previously approved plans (approved June 2018)

H23-0508-16 - Residential development comprising 33 dwellings (approved February 2017)

Consultation Responses

None.

Planning Considerations

It is proposed to amend the materials of plot 20 from red brick walls and grey slate effect roof to red brick walls and red pantile roof. Windows would be changed from white/cream to grey. The materials would match other dwellings in the development and so are considered acceptable.

The ground floor living room/kitchen windows and patio doors of plot 20 would be swapped positions. This is only a very minor alteration and is acceptable.

Conclusion

Overall, it is considered that the proposed amendments 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.

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.