DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-0557-26**	**Applicant:**	**Pippard Construction**
Proposal:	Proposed residential development comprising of 3 new build homes & conversion of rural building into 2 dwellings - Retrospective - approved under H01-1245-25. Amendments to gable end fenestration and addition of a roof light to bedroom 4 on both plots		
Location:	Pumping Station Mill Drove South Cowbit		
Terminal Date:	8th July 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

	Object	Support	No Obj.	Comments
RESIDENTS	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is an application made under S96A of the Town & Country Planning Act 1990 (as amended), seeking to amend planning approval H01-1245-25. The proposal seeks to add two new rooflights, and amend the fenestration on the northern and southern elevations.

Site Description

The site is within the settlement boundaries of Cowbit, as outlined within the South East Lincolnshire Local Plan, 2019. The site is located towards the north-east of the settlement, on the grounds of a former railway. The Pumping Station building on site is recorded in the Lincolnshire HER under reference: MLI126584, and can be considered a non-designated heritage asset (NDHA).

Relevant History

H01- 0871-18 - Outline - Residential development - up to 45 dwellings, including re-alignment of Mill Drove to Stonegate Road junction - Approved 15.03.2019

H01-1170-22 - Outline - Residential Development - Approved 16.03.2023

H01-0509-23 - Full - Proposed Residential Development of Four Detached Dwellings - Approved 22.11.2023

H01-0098-24 - Prior Approval App - Conversion of Barn to Dwelling - Approved 23.04.2024

H01-0076-24 - Discharge of Conditions - Details of written scheme of archaeological investigation, verification report & construction management (Conditions 4, 12 & 17 of H01-0509-23) - Discharged 26.03.2024

H01-0921-24 - Discharge of Conditions - Details of external materials of construction of buildings & hard surfaced areas, photographic building recording report, Biodiversity Net Gain Plan, scheme of landscaping & tree planting, contamination of land or pollution of controlled waters, surface water disposal, foul water disposal, site & floor levels, prevent the deposit of mud on public highways by vehicles travelling from the site during construction, frontage footway extended North to make connection at the access, with a suitable pedestrian crossing points with tactile paving to make connection with the existing footway on the opposite side of Mill Drove South & external boxes for gas & electricity supplies & of any gas flues & soil vent pipes (Conditions 3, 7, 8, 9, 11, 13, 14, 15, 18, 21 & 22 of H01-0509-23) - Refused 12.11.2024

H01-1045-24 - Discharge of Conditions - Details of external materials, landscaping & tree planting, means of surface water disposal, means of foul water disposal, existing & proposed site levels & proposal floor levels, boundary treatments, precautions to be taken to prevent the deposit of mud on public highways, frontage footway & paving and design & positions of all external boxes for gas & electricity supplies and any gas flues & soil vent pipes (Conditions 3, 9, 13, 14, 15, 16, 18, 21 & 22 of H01-0509-23) - Approved 31.01.2025

H01-0007-25 - Discharge of Conditions - Details of photographic building recording, Biodiversity Net Gain Plan and scheme to deal with contamination (Condition 7, 8 & 11 of H01-0509-23) - Approved 27.02.2025

H01-1245-25 - Full - Proposed residential development comprising of 3 new build homes & conversion of rural building into 2 dwellings - Retrospective - Approved 17.03.2026

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received.

This can be summarised as:

- Requests 10 swift nest bricks
- Requests an ecological survey for swifts is carried out.

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.

Notwithstanding the fact that there is no definition of 'Non-Material' South Holland District Council Local Planning Authority sets out guidance criteria for non-materials amendments. This is set out on the council webpages. It states that a change may be considered non-material if:

1 - There would be no change to the application site boundary and the proposal would be located

within it (red line boundary)

2 - The amendment would not conflict with development plan policies or other Government guidance

3 - There would be no conflict with any conditions on the planning permission

4 - The proposal would not make worse any concerns raised by third parties when the original planning permission was considered

5 - The approved footprint/siting of the building will not be moved in any direction by more than 1 metre

6 - The proposal would not result in an extension to development already approved

7 - The height/volume of the building or extension would not be increased or significantly reduced

8 - The amendments must not result in a fundamental change in the design of the building

9 - The change does not amount to new works or elements which have not been considered by any environmental statement submitted with the original application

10 - Amendments to windows/doors/openings must not have any overlooking impact on neighbouring properties

11 - There would be no change to the description of development in respect of number of proposed units

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, the following is considered:

1.There would be no change to red line boundary or application site

2.The amendment would not conflict with any government guidance or any provisions within the Local Plan

3. The amendment would not conflict with any of the conditions placed upon H01-1245-25

4. The proposal would not exacerbate any concerns raised during the consultation process of the original application.

5. There would be no change to the siting or footprint of any buildings

6. The proposal would not result in an extension to the approved development

7. There would be no change to the proportions of the extension/ dwelling

8.The amendments would not result in a fundamental change in the design of the building or the wider site. The same basic appearance of the building would be maintained. The repositioned windows would be within existing openings, and so less of the fabric of the building would be lost. The new rooflights would not be readily visible from the public realm, and would match the existing features in any event.

9.The original application did not contain an environmental statement.

10. The new windows would not overlook any property.

11.There would be no change to the number of proposed units

As such, when taking account of the above and the modest extent of the amendment proposed, the proposal is considered to be non-material.

Other Matters

A resident comment relating to swifts has been made. The requests are unrelated to this non-material amendment, and would not be something which could reasonably be recommended here due to the nature of this application type.

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

It is considered that the amendment proposed is acceptable and can be considered a non-material amendment.

Recommendation

The recommendation is for delegated approval