

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0337-26 **Applicant:** Ashwood Homes

Proposal: Erection of 136 dwellings with associated garaging, roads and sewers - Approved under H04-0508-19. Amendment to fenestration to garage frontage of Plot 136

Location: Land Off Town Dam Lane Donington Spalding

Terminal Date: 5th May 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
RESIDENTS	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks consent for a non-material amendment (NMA) to permission H04-0508-19. Permission H04-0508-19 granted permission for 136 dwellings with associated garaging, roads and sewers on 26 November 2020.

The current application seeks to amend the approved plans listed in condition 2 by changing the fenestration of the garage frontage of plot 136, now 104 Town Dam Lane in Donington. The other approved garages would remain unchanged.

Site Description

The site comprises a parcel of land to the east of Town Dam Lane within Donington which features 136 dwellings. Plot 136 is now 104 Town Dam Lane, which includes a detached two storey dwelling and a detached single storey garage.

Relevant Planning History

H04-0842-87: (Full Application) Erection of new glasshouse unit - approved 14 September 1987

H04-0184-96: (Agricultural) Change from lawned area to concrete yard and car parking for customers and staff - refused 25 March 1996

H04-0326-96: (Agricultural Details) Change from lawned area to concrete yard and car parking for customers and staff - approved 25 June 1996

H04-0542-17: (S191 Application) Use of site for the manufacture and storage of fence panels and related materials - approved 18 October 2017

H04-0508-19: (Full Application) Erection of 136 dwellings with associated garaging, roads and sewers - approved 26 November 2020

H04-1156-21: (Full Application) Erection of 9 dwellings - Plots 17, 21, 22, 23, 25, 26, 27, 30 & 32 - previously approved under H04-0508-19 - approved 10 January 2022

H04-1104-20: (Discharge of Conditions) Details of Conditions 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 & 21 of H04-0508-19 - approved 18 February 2021 (conditions 7, 8 and 9 were not discharged)

H04-0200-21: (Discharge of Conditions) Details of surface water drainage scheme (Condition 10 of H04-0508-19) - approved 11 May 2021

H04-1133-21: (Full Application) The erection of 2no two storey dwellings with associated parking and garaging - amendment to previously approved permission H04-0508-19 - approved 20 December 2021

H04-0323-26: (Discharge of Conditions) Details of first 50 metre of estate road from its junction with the public highway, including visibility splays, having been completed to binder course level (Condition 8 of H04-0508-19) - pending determination

Consultation Responses

The local planning authority (LPA) has discretion regarding who to consult for NMA applications. Due to the nature of the proposed amendment, it was not considered necessary to consult neighbours or any specific statutory consultees.

Although no consultation requests were issued, a representation has been received from a member of the public setting out that provision should be made for swift nesting bricks within the development. As the current application only seeks to change the elevations of an approved garage building within plot 136, it is not considered relevant to the current proposals to require swift nest bricks.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the LPA makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024

(NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The Determination of NMA Applications

The LPA 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 LPA is satisfied that the change is not material. There is no statutory definition of "non-material" as this varies depending on the site context. As such, an amendment that is considered to be non-material in one context, may be material in another.

South Holland District Council (SHDC) 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.

SHDC'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 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; and
- 11 - There would be no change to the description of development in respect of number of proposed units.

The principle of development has already been found to be acceptable through the approval of permission H04-0508-19. The application seeks to change one of the approved garage plans set out within condition 2. It is considered that the proposed changes would be of a non-material minor nature and it is only necessary to consider the visual impact of the changes.

Design and Visual Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

Under permission H04-0508-19, the approved double garages feature two garage doors on their front elevations and no other windows or doors. The garages measure 6m by 6m, and 4.75m in height up to their ridgelines.

Under the current application, the garage for plot 136 (104 Town Dam Lane) is proposed to feature a glazed door and a window in place of one of the approved garage doors. A doorway is also proposed on the rear elevation. No changes are proposed on the side elevations of the garage and the dimensions of the garage would remain unchanged. It is considered that the changes to the front and rear elevations are acceptable in terms of their visual impact. The changes would not significantly alter the character and appearance of the building.

The proposed amendments would not cause an adverse impact to the character or appearance of the area. Therefore, the proposed amendments accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

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

The proposed changes are acceptable as a Non-Material Amendment to permission H04-0508-19.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved

under delegated authority.