

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0732-25 **Applicant:** Mr S Mcauley

Proposal: Erection of Dwelling - re-submission of H06-1002-19 - approved under H06-0470-20. Amendment for the omission of one velux roof window to the roof of bedroom one.

Location: Olive Tree Lodge Marsh Road Gedney Drove End

Terminal Date: 27th August 2025

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 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

The application seeks consent for a non-material amendment (NMA) to permission H06-0470-20. Permission H06-0470-20 granted consent for one dwelling on land adjacent to The Old Chapel House, Mash Road, Gedney Drove End. The dwelling within the site is now known as Olive Tree Lodge.

Consent is sought to amend the approved plans by proposing one rooflight on the southern roof slope, rather than two roof lights. The approved plans are listed under condition 2 of permission H06-0470-20. No other external changes are proposed.

Site Description

Olive Tree Lodge comprises a three-storey detached dwelling with a front driveway and a rear garden. There is a former Methodist Chapel to the north-west of the site, which is used as a

dwelling. To the south-east, the property known as 'The Bungalow' is a single-storey detached dwelling built in 1980s.

Relevant Planning History

H06-1002-19: (Full Application) Proposed dwelling - approved 30 January 2020

H06-0138-20: (Discharge of Conditions) Details of landscaping, boundary treatment and foul and surface water disposal (Conditions 5, 6 and 7 of H06-1002-19) - approved 07 April 2020

H06-0470-20: (Full Application) Erection of Dwelling - re-submission of H06-1002-19 - approved 08 August 2020

H06-0400-25: (Non Material Amendment) Erection of Dwelling - re-submission of H06-1002-19 - Approved under H06-0470-20. Amendment to viewing room to mezzanine bedroom/viewing room - approved 23 May 2025

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.

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 H06-0470-20. The application seeks to amend the approved plans by proposing one rooflight on the southern roof slope, rather than two roof lights. The approved plans are listed under condition 2 of permission H06-0470-20. No other external changes are proposed.

The visual and amenity impact of the proposed change is acceptable. The proposed change to one rooflight instead of two rooflights is considered to be a non-material change that would not significantly affect the appearance of the dwelling. Furthermore, the loss of one of the rooflights would have an acceptable impact on living conditions within the dwelling as there would still be sufficient light within the bedroom that the rooflight would have connected to. Lastly, the proposed change would not undermine any of the other conditions that were previously imposed.

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 is acceptable as a Non-Material Amendment to permission H06-0470-20.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under delegated authority.