

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H08-0572-25	Applicant:	R K Wilson Builders Limited
Proposal:	Erection of 6 single storey dwellings and garages, formation of parking and bin collection point and reinstatement of existing access - approved under H08-0282-24. Amendments to include minor alterations to Housetype HTB (Plot 2) - removed concrete window sill to front elevation, increased height of garage door, addition of header brick course above entrance door, revised notes. Revised roof material notes to Housetypes HTA and HTC. Minor alterations to agreed Materials Schedule (revised window colour and brick colour-to-plot schedule).		
Location:	Riseholme Farm Windmill Lane Gosberton Risegate		
Terminal Date:	11th July 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

National Guidance

National Planning Policy Framework December 2024

- Section 12: Achieving Well-designed Places.
- Section 15: Conserving and Enhancing the Natural Environment.

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

Planning permission was granted in May 2024 for the construction of six single storey dwellings and garages on the site along with the reinstatement of an existing access (reference H08-0282-24).

This current application seeks a non-material amendment to the approved scheme and seeks to carry out the following changes:

- 1) Amendment to approved house type HTB (plot 2):

- i) remove the concrete window sill from the front elevation
- ii) increase the height of the garage door
- iii) addition of header brick course above the entrance door

2) Change in the roof material for all dwellings from the approved Fibre Cement slates to Russell Grampian Slate Grey tile.

3) Change in the colour of all approved windows from cream uPVC to anthracite uPVC.

4) Change to the brick to be used in the external walls of all plots other than Plot 5.

The non-material amendment seeks to replace the following approved drawings:

1443-4_PL-HTA_GA01

1443-4_PL-HTB-GA01

1443-4_PL-HTC_GA01

Materials Schedule

with the following drawings:

1443-4_PL-HTA_GA01 (Rev A)

1443-4_PL-HTB-GA01 (Rev B)

1443-4_PL-HTB_GA01 (Rev A)

Materials Schedule (Rev B)

Site Description

The application site is a parcel of land, previously occupied by commercial glasshouses, located within the defined settlement boundary of Gosberton Risegate and Clough.

History

H08-0282-24: Erection of 6 single storey dwellings and garages, formation of parking and bin collection point and reinstatement of existing access. Approved 30.05.2024.

H08-0760-24: Details of site section/levels, boundary treatment and external materials, landscaping, waste collection points of private refuse/ recycling collection, remediation method statement, construction management plan, acoustic fencing and acoustic window details, design and position of external meter boxes and scheme detailing external lighting (Conditions 4,5,6,7,8,10,11,14 and 15 of H08-0282-24). Approved 20.11.2024.

Consultation Responses

None undertaken.

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.

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.

Assessment

Assessing the application against the above criteria:

The proposal accords with points 1,2,3 and 4 above.

In respect of any additional impact on visual or residential amenity as required under points 5,6,7 and 8, the amendments do not seek to increase the footprint, height or scale of the permitted dwelling nor alter or introduce additional fenestration.

The external walling material is as approved, the amendment seeks to change the material schedule for each plot which is considered acceptable. The proposal seeks to change the roofing material for all dwellings but details of this have been provided and this reflects the colour and profile of the approved roof tiles. The proposed change in window material reflects that approved for the external doors and is considered appropriate. The proposed amendments will not materially detract from or diminish the visual appearance of the overall development.

Regarding point 9, the extant consent was not subject to the requirement of an Environmental Statement and as such this point is not a relevant consideration.

Conclusion

The proposed amendment complies with the criteria of the South Holland District Council's Development Control Note and do not materially alter the extant planning permission on the site. As such the proposal is considered 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.

Recommendation

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