DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0764-25**	**Applicant:**	**RTW Construction & Developments Ltd**
Proposal:	Proposed Residential Development Comprising 20 Dwellings - approved under H08-0870-22. Amendments to include external materials plan, boundary treatment plan, porches amended to Goldfinch, Kingfisher, Heron & Starling house type and personal door amended to Swan house type		
Location:	Site Adjacent Silverdene Boston Road Gosberton		
Terminal Date:	5th September 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
30	Pollution

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 H08-0870-22. Permission H08-0870-22 granted consent for 20 dwellings on land adjacent to Silverdene, Boston Road, Gosberton. The approved plans are listed under condition 2 of permission H08-0870-22.

Consent is sought to amend the approved plans through the following key changes:

-External Materials Plan - amended brick types are proposed.
-Boundary Treatment Plan - amended boundary treatments are proposed around plots 1, 2, 3, 15, 19 and 20.
-Amended porch types are proposed for the Goldfinch, Kingfisher/Heron and Starling house types.
-For the Swan house type, an additional external door has been added on the side elevation which is connected to the integrated garage.

The application appears to be partly retrospective as some of the proposed changes have been installed such as the amended porch types.

Site Description

The site comprises a greenfield site covering approximately 2.2ha of land. There are a number of mature trees along the southern and eastern boundaries. A pedestrian track runs along the southern boundary. There are frontage properties facing onto Boston Road to the south and north and a small number of frontage dwellings opposite. The site is bounded by drains to the north and west.

Relevant Planning History

H08-0866-18: (Outline Application) Residential development - for up to 18 dwellings - approved March 2019

H08-0435-19: (Section 73) Residential development for up to 18 dwellings - approved under H08-0866-18 - Modification of Condition 1 to extend the timescale for Reserved Matters submission to 2 years - not determined

H08-0518-19: (Outline Application) Residential development (re-submission of H08-0866-18) - refused July 2019

H08-0218-20: (Reserved Matters) Residential Development of 18 Dwellings - outline approval H08-0866-18 - approved July 2020

H08-1183-21: (Full Application) Proposed residential development comprising 20 dwellings - refused March 2022

H08-0259-22: (Discharge of Conditions) Details of construction management plan & method statement and management & maintenance schedule for landscaping, refuse/recycling collection points & private drives (Conditions 2 and 8 of H08-0218-20) - approved 04 May 2022

H08-0260-22: (Discharge of Conditions) Details of construction management, details of precautions for prevention of mud deposits on public highways, plan illustrating areas of publicly accessible open space and management plan for publicly accessible open space & outdoor play areas (Conditions 6, 7, 13 & 14 of H08-0866-18) - approved 04 May 2022

H08-0257-22: (Section 73) Residential Development of 18 Dwellings - approved under H08-0218-20. Modification of Condition 1 to allow amendments to previously approved plans - approved 13 May 2022

H08-0870-22: (Full Application) Proposed residential development comprising 20 dwellings (Re-submission of H08-1183-21) - approved 04 May 2023

H08-0538-23: (Discharge of Conditions) Details of precautions to prevent mud deposits on public highways, on-site foul water drainage works, existing & proposed site levels, construction management plan and method statement, finished surface levels, estate road phasing & completion plan, surface water drainage scheme, additional boundary treatment for northern boundary, plan illustrating all areas of publicly accessible open space, management & maintenance schedule for landscaping, incidental open space etc, refuse/recycling collection points and design & position of external boxes etc (Conditions 3, 4, 5, 7, 9, 10, 11, 13, 14, 15, 16 & 17 of H08-0870-22) - withdrawn 29 November 2023

H08-0417-24: (Discharge of Conditions) Details of precautions to be taken to prevent mud deposits on public highway etc, scheme for on-site foul water drainage works, existing & proposed site levels & proposed floor levels, construction management plan & method statement, finished surface levels

for estate roads & footways, estate road phasing & completion plan, surface water drainage scheme, additional boundary treatment for northern boundary of Plot 1, plan to illustrate all areas of publicly accessible open space, details of management and maintenance schedule for areas of landscaping, incidental open space, refuse/recycling collection points & parking courts/private drives, management & maintenance including refuse/recycling collection points for Plots 12-14 and design & position of all external meter boxes & gas flues & soil vent pipes (Conditions 3, 4, 5, 7, 9, 10, 11, 13, 14, 15, 16 & 17 of H08-0870-22) - refused 12 July 2024

H08-0814-24: (Discharge of Conditions) Details of precautions to be taken to prevent the deposit of mud on public highway etc, scheme for on-site foul water drainage works, proposed site & floor levels, construction management plan & method statement, finished surface levels for estate roads & footways, estate road phasing & completion plan, surface water drainage scheme, additional boundary treatment for northern boundary of Plot 1, publicly accessible open space, management & maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points & parking courts/private drives & management & maintenance including refuse/recycling collection points for Plots 12-14 (Conditions 3, 4, 5, 7, 9, 10, 11, 13, 14, 15 & 16 of H08-0870-22) - approved 20 November 2024

H08-1015-24: (S106 Modification) Modification of 106 Agreement relating to affordable housing and cash contributions (planning approval H08-0870-22) - refused 22 January 2025

H08-0763-25: (Discharge of Conditions) Details of design & position of all external boxes for gas & electricity supplies and any gas flues, & soil vent pipes (Condition 17 of H08-0870-22) - 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.

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 H08-0870-22. The application seeks to amend the approved plans making minor changes. The proposed changes are considered in turn below.

External Materials Plan

The materials for the proposed boarding, roof materials, windows, doors, soffits, fascias, meter boxes, rainwater goods and porches are all proposed to remain unchanged.

It is proposed to install solar panels on the roofs of all of the plots, except for plot 20. The visual impact of this is acceptable and the provision of renewable technologies such as solar panels is generally encouraged. Furthermore, the panels could likely be installed at a later time using permitted development rights.

The main changes in terms of the external materials relate to the proposed brickwork. Previously, the following brickwork types were approved:

-Vandersanden Lindebloem (Plots 3, 10, 11, 17 and the pumping station)
-Vandersanden Bellona (Plots 7, 8, 9 and 18)
-Ibstock Ivanhoe Cottage Blend (Plots 1, 2, 4, 5, 6, 12, 13, 14, 15, 16, 19, 20)

The amended brick types are as follows:

-Hengrace Red Multi (Plots 3, 10, 11, 17 and the pumping station)
-Knebworth Red Multi (Plots 7, 8, 9 and 18)
-Vandersanden Flemish Antique (Plots 1, 2, 4, 5, 6, 12, 13, 14, 15, 16, 19, 20)

The amended brick types would be similar in appearance to the previously approved brick types. Red brickwork is proposed throughout the site, whereas previously, the Vandersanden Lindebloem feature a yellow base / cream colour. The visual impact of the proposed changes is acceptable.

Boundary Treatment Plan

Within the approved Boundary Treatment Plan, 1.2m post and rail fence was proposed next to plots 3, 15, 19 and along the site frontage between Boston Road and plots 1 and 2. Under the amended plan, this is proposed to change to a 1.2m estate rail fence. The visual impact of this is considered to be acceptable.

On the northern boundary of plot 20, additional 1.2m post and rail fencing is proposed. The fencing would be partially visible from the street scene on Boston Road. The visual impact of this is acceptable as the fencing is considered to be of a suitable scale and appearance. Furthermore, the fencing could likely be installed using permitted development rights.

The 1.8m brick wall between plots 1 and 20 is proposed to be replaced with 1.8m timber fencing. An additional section of brick wall is proposed near the access to plot 20. This should not affect visibility splays. The visual impact of these changes is acceptable as the brick wall boundary treatment would be retained along the access road next to plot 2. The change to timber fencing next to plot 1 is acceptable as this would not be particularly visible from the street scene due to its position towards the rear of the plot.

Porches

Amended porch types are proposed for the Goldfinch, Kingfisher/Heron and Starling house types. Previously, the porches comprised a flat roof element above the doorways. The amended porch types comprise gable end roof structures with posts. For the Kingfisher / Heron and Starling house types, the porches will comprise glass reinforced plastic. The Goldfinch porch is proposed to feature oak posts with tiles to match the roof of the dwelling. The visual impact of the amended porches is acceptable as the porches would remain proportionate to the host dwellings.

Personnel Door

For the Swan house type, a door is proposed to be added on the side elevation to allow side access to the integrated garage. The visual impact of this is acceptable.

Other Changes

There are some other minor changes including the omission of raised brickwork on some elevations and this has been replaced with brick solider course detailing above windows. This change is considered to be non-material and acceptable.

Some door and window locations have been switched and both the visual and amenity impact of the altered door locations is acceptable as the changes would not result in an unacceptable degree of overlooking.

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 H08-0870-22.

Recommendation

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