DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-1248-25**	**Applicant:**	**Ashwood Homes Ltd**
Proposal:	Non-material amendment to reference H09-0432-25 (Erection of 285 dwellings including parking, public open space, drainage, infrastructure, landscaping, access, appearance, layout and scale (Phase 3) - Approved under H09-1044-23), to omit garages from plots 415-430 inclusive.		
Location:	Land Off Hallgate & Fen Road Holbeach Spalding		
Terminal Date:	13th January 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

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

This application seeks consent for a non-material amendment (NMA) to omit garages from 15 plots - 415-430 inclusive, and install alternative wall mounted cycle storage.

The removal of the garages impact cycle storage for these plots, as the storage was previously proposed to be within them. This application therefore also seeks to provide storage provision in the gardens by way of a bracket attached to the house wall. This means of providing cycle storage has been agreed on other plots within the development.

Condition 1 of permission H09-0432-25 listed the approved plans that the development needs to be

carried out in accordance with. As such, the current application seeks to update this condition by replacing two of the approved plans which refer to the garages and cycle provision.

The plans to be superseded are:
137-SL-11 Rev E
137-CSP-13 Rev E
The new plans are:

137-SL-11 Rev F
137-CSP-13 Rev G

Site Description

The site lies within a wider housing estate development towards the edge of Holbeach. This proposal pertains to phase 3 which was for the erection of 285 dwellings including parking, public open space, drainage, infrastructure, landscaping, access, appearance, layout and scale.

Relevant Planning History

H-09-0432-25. Section 73A to vary Condition 7 of planning approval H09-1044-23 (see below), to allow amendments to the timescale for the implementation of the off-site highway works in Fen Road and the provision of the pedestrian and cycle link in the north eastern corner of the development site. Approved.

H09-1044-23. Reserved Matters. Erection of 285 dwellings including parking, public open space, drainage, infrastructure, landscaping, access, appearance, layout and scale (Phase 3) - Approved

H09-0521-14 outline approval H09-0521-14 - Residential development of up to 900 dwellings, with access off Hall Gate and Fen Road, including public open space, drainage infrastructure, landscaping, including demolition of two dwellings and agricultural buildings (but not listed Manor Farm and adjacent buildings). Outline planning permission - Approved 07.12.16.

Consultation

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 for a consultation to be undertaken.

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 proposal complies with the relevant criteria and would not conflict with any other condition on the planning permission save for those requested as part of this amendment.

Proposed Deletion of Garages

The applicants have indicated that the removal of the garages would help make these plots more affordable to buyers.

The plots would still meet planning policy in terms of car parking provision, which is set out in Appendix 6 as being for two parking spaces to be provided for dwellings up to three bedrooms.

The proposal would not meet the standards in policy 36 for cycle provision which seeks a secure, covered, convenient space to store at least two bicycles is provided within each residential plot; however, it meets the condition in the Outline approval to which the reserved matters pertains.

Condition 22 of the Outline stated that 'no dwelling permitted in any phase of the development hereby permitted shall be occupied until provision for a secure area for the storage of at least one bicycle has been provided in accordance with details which shall first be submitted to and agreed in writing by the District Council as local planning authority'. Details were provided previously and the condition discharged.

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 H09-0432-25.

Recommendation

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