

DECISION DELEGATED TO HEAD OF PLANNING**DECISION DELEGATED TO HEAD OF PLANNING**

Application No: H13-0924-25 **Applicant:** Allison Homes Ltd.

Proposal: Erection of 86 dwellings and associated works - approved under H13-0483-24. Amendments to House Type 1206 to remove porch

Location: Land North Of: Roman Road Moulton Chapel Spalding

Terminal Date: 24th October 2025

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019****National Guidance****National Planning Policy Framework December 2024**

Section 96A of the Town & Country Planning Act 1990 (as amended)

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT**Proposal**

This is an application made under S96A of the Town & Country Planning Act 1990 (as amended) to amend a previously approved permission. A section 73 application was approved under the reference H13-0483-24 , for the following:

Erection of 86 dwellings and associated works - approved under H13-1215-18. Modification of Condition 2 to allow amendments to previously approved plans.

As part of that amendment, plans for house type '1206' were approved. This house type includes a gable porch roof, perched on corbels. This house type was on plots 113 and 114 of the approved site layout plan, representing only two dwellings.

Under this application the applicant seeks to alter the approved House Type Drawing 1206 to remove the porch.

Site Description

The site (some 3.9 ha) is located on the northern side of Roman Road and was formerly agricultural land. A drain runs along its northern boundary with agricultural land beyond.

Frontage dwellings are located to the south off Roman Road, including nos. 52 and 58 adjacent the new access roadway. Land associated with Greystones is situated to the east and residential development off Braybrooks Way, Wiles Avenue and Benton Close to the west.

The development is almost complete.

History

H13-1215-18 - Full - Erection of 86 dwellings and associated works - Approved 8 March 2021.

H13-0846-21 - Cond Comp - Details of external materials, boundary treatment & construction management (Conditions 3, 5 & 7 of H13-1215-18) - Withdrawn 10 October 2022.

H13-0977-21 - Cond Comp - Details of scheme to deal with contamination, estate road & footways, surface water drainage & foul water drainage including connection points & discharge rates (Conditions 9, 15, 16 & 17 of H13-1215-18) - Withdrawn 10 October 2022.

H13-1082-21 - Cond Comp - Details of existing & proposed site levels & floor levels and hard surfaced areas (Condition 6 of H13-1215-18) - Refused 9 June 2022.

H13-0352-22 - Cond Comp - Details of scheme of landscaping and means of storage & disposal of refuse & recycling (Conditions 4 & 12 of H13-1215-18) - Withdrawn 13 October 2022.

H13-0606-22 - Cond Comp - Details of existing & proposed site levels & proposed floor levels of the buildings & hard surfaced areas (Condition 6 of H13-1215-18) - Withdrawn 13 October 2022.

H13-0876-22 - Cond Comp - Details of archaeological investigation. (Condition 20 of H13-1215-18) - Withdrawn 18 October 2022.

H13-0988-22 - Cond Comp - Details of external materials, landscaping, boundary treatments/screening, existing and proposed site levels/floor levels, construction management, contamination and pollution, storage and disposal of refuse and recycling, estate road and footways finished surface levels, surface water drainage scheme, foul water drainage works and archaeological investigation. (Conditions 3, 4, 5, 6, 7, 9 (parts i-iii), 12, 15, 16, 17 & 20 of H13-1215-18) - Refused 22 March 2023.

H13-0709-23 - Cond Comp - Details of external materials, landscaping, boundary treatments & screening, existing & proposed site levels & floor levels, construction management, contamination & pollution, storage & disposal of refuse & recycling, estate road & footways finished surface levels, surface water drainage scheme, foul water drainage works & archaeological investigation (Conditions 3, 4, 5, 6, 7, 9 (parts i-iii), 12, 15, 16, 17 & 20 of H13-1215-18) - Approved 5 October 2023.

H13-1111-23 - Cond Comp - Details of management plan for publicly accessible open space and details of equipped children's play area (Conditions 10 and 11 of H13-1215-18) - Approved 7 March 2024.

H13-0511-24 - Cond Comp - Details of construction management scheme (Condition 7 of H13-1215-18) - Approved 25 July 2024.

H13-0483-24 - Erection of 86 dwellings and associated works - approved under H13-1215-18. Modification of Condition 2 to allow amendments to previously approved plans. Approved 11-09-24.

Consultation Responses

Non-requested.

Scope of Assessment for Non-material amendments

As an NMA is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.

The local planning authority must have regard to the effect of the change, together with any

previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission.

In this instance, given the type of amendment sought, no consultation has been carried out.

Planning Considerations

South Holland District Council Local Planning Authority sets out criteria for non-material amendments. This is set out on the council webpages. It states:

Non-material amendment criteria

Each application will be considered on its merits. The proposed change may be a non-material amendment if:

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
11. There would be no change to the description of development in respect of number of proposed units

These criteria are designed to prevent amendments being accepted that would have a harmful impact. If the above cannot be met:

- a Section 73 application or
- a new full application may be required.

Assessment

The proposal seeks to remove a gable porch canopy from two plots across the scheme. The house type itself would remain unaltered in terms of scale, positioning of openings and footprint. The other matters set out above regarding NMAs (on the SHDC website) would not be challenged by this change.

In this instance there is no material change to the overall approved scheme, given that the changes relate to only two dwellings within an 86 dwelling scheme, and the change itself is minor, simply involving porch canopy removal. On this basis the NMA would satisfy the criteria set out for NMAs on the SHDC website as well as the guidance contained within Planning Practice Guidance.

It is therefore considered that the changes proposed by this application are considered not to have a material effect upon the previously approved scheme.

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

Having regard to the effect of the change, together with previous changes made under section 96A it is considered that the proposals would not have a material effect upon planning permission H16-0462-24

The proposed amendments comprise the following changes:

Removal of porch canopy and supporting corbels.

The above referenced changes are not considered to materially affect the purpose of the conditions or the planning permission and are therefore acceptable.