

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0296-26 **Applicant:** Burmor Construction Ltd

Proposal: Development of 37 Affordable Dwellings - Approved under H14-0117-22. Amendment to the parking arrangement & frontage of Plot 37

Location: Land East Of Surfleet Road Pinchbeck Spalding

Terminal Date: 23rd April 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 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

The current application seeks consent for a non-material amendment (NMA) to permission H14-0117-22 by changing the approved plans. The NMA seeks to alter some of the parking arrangements and frontage layout around plot 37 within the site. Full planning permission was granted under application H14-0117-22 for the development of 37 affordable dwelling on 21

December 2022.

Site Description

The site is within the settlement boundary of Pinchbeck, within a mostly residential area. A private watercourse abuts the south and east boundary of the wider site, which conveys runoff south-east and ultimately to "Captains Drain" around 150m south of the development site.

Relevant Planning History

H14-0557-22: (Outline Application) Development of 4 self-build plots - approved 21 December 2022

H14-0117-22: (Full Application) Development of 37 Affordable Dwellings - approved 21 December 2022

H14-0287-23: (Discharge of Conditions) Details of archaeological investigation. (Condition 7 of H14-0117-22) - approved 14 April 2023

H14-0368-23: (Discharge of Conditions) Details of construction management plan, wheel washing, estate road phasing & completion plan, site levels and surface water drainage scheme (Conditions 3, 4, 6, 11 & 17 of H14-0117-22) - approved 23 February 2024

H14-0252-24: (Discharge of Conditions) Details of landscaping & tree planting, hedge planting, publicly accessible open space & foul water drainage scheme (Conditions 12, 13, 14, & 18 of H14-0117-22) - approved 16 May 2024

H14-0325-24: (Discharge of Conditions) Details of written scheme of archaeological investigation (Condition 9 of H14-0117-22) - approved 16 May 2024

H14-0699-25: (Discharge of Conditions) Details of 1.8 metre wide footway, to connect the development to the existing footway network (Condition 5 of H14-0117-22) - approved 10 September 2025

H15-0055-26: (Discharge of Conditions) Details of existing & proposed site levels and proposed floor levels of buildings, hard surfaced areas and garden/amenity areas (Condition 11 of H14-0117-22) - refused 18 March 2026

H14-0294-26: (Discharge of Conditions) Details of existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment) - (Condition 11 of H14-0117-22) - 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 statutory consultees in this case due to the small-scale nature of the changes.

Pinchbeck Parish Council have however provided a response setting out that they have no comments on the proposals.

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.

Therefore, South Holland District Council (SHDC) has 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 for 37 affordable dwellings has already been found to be acceptable through the approval of application H14-0117-22. The current application seeks to amend the approved plans from this permission by making minor changes to the layout around Plot 37. The proposed changes are considered within the following section.

Proposed Changes to Site Layout

The proposal seeks to update the approved site layout plan by moving the two parking spaces for Plot 37 from the side of the dwelling to the front of the dwelling. There is a play area to the south of the parking spaces; however, no changes are proposed to the play area. The proposal would not result in a loss of parking spaces for Plot 37. Whilst it is generally preferable for parking spaces to be at the side or rear of dwellings in design terms, the parking spaces would be located at the end of a cul-de-sac and it is considered that the revised position is acceptable in visual terms and also in terms of highway safety.

Although not specifically mentioned within the application form, there are some other minor changes within the proposed layout compared to the approved layout under permission H14-0117-22. These relate to a slightly different area for the attenuation basin within the southern portion of the site and a surface water pumping station is no longer proposed within the south-eastern corner of the site. A swale is instead proposed in this area. The revised details are in line with drainage details that have been approved within applications to discharge drainage conditions under applications H14-0368-23 and H14-0252-24. As such, these changes have previously been accepted. Furthermore, the changes are very minimal and do not diverge significantly from the original layout.

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 changes are acceptable as a Non-Material Amendment to permission H14-0117-22.

Recommendation

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