

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0414-25 **Applicant:** Bellway Homes (Eastern Counties)

Proposal: Erection of 96 dwellings and associated works - outline approval H14-0720-18 - approved under H14-0165-21. Amendments to the Mason Housetype on Plots 37, 44, 46, 49, 64 and 67.

Location: Land North Of Wardentree Lane Pinchbeck Spalding

Terminal Date: 27th May 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Description of Proposal

This is a non-material amendment application, seeking to alter H14-0165-21. It is proposed that a living room window, located on the side elevation of the Mason house type would be removed. This would impact plots 37, 44, 46, 49, 64 and 67.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The application site is a 3.99 hectares plot previously used as a nursery with glasshouses and an element of agricultural use. Development has commenced on the site, with several houses already erected.

Relevant History

H14-0566-22. Condition Discharge. Details of method statement detailing the remediation requirements for land contamination and pollution of controlled waters (Condition 8 part iii of H14-0720-18). Approved 17-08-22

H14-0420-22. Section 73. Erection of 96 dwellings and associated works - approved under H14-0165-21. Modification of Condition 1 to allow amendments to previously approved plans (relating to a change of brick). Approved 15-07-22.

H14-0165-21. Reserved Matters. Erection of 96 dwellings and associated works - outline approval
H14-0720-18. Approved 02-01-22.

H14-0862-21. Modified Agreement. Modification of 106 Agreement to vary the mortgagee exclusion clause and the recycling provisions contained in the agreement (relating to H14-0720-18 - Proposed residential development of up to 96 dwellings). Approved 13-12-21.

H14-0650-21. Condition Discharge. Details of programme for phasing, contamination, construction management plan & prevention of mud deposits on public highway (Conditions 4, 8 parts i & ii, 14 & 15 of H14-0720-18). Approved 04-11-21.

H14-0757-21. CONDITION COMPLIANCE. Details relating to Flood Risk Assessment, surface water drainage scheme and foul water drainage strategy (Conditions 9, 13 & 16 of H14-0720-18). Approved 2-9-21.

H14-0686-21. Condition Discharge. Details of open space, management plan for areas of publicly accessible open space and outdoor play areas and management & maintenance of communal areas (Conditions 5, 6 & 7 of H14-0720-18). Approved 02-09-21.

H14-0838-21. Condition Discharge. Details of final report in relation to archaeology - Condition 18 of H14-0720-18. Approved 12-08-21.

H14-0720-18. Outline. Proposed residential development of up to 96 dwellings. Approved 08-03-19.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

No consultation responses received

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

The Local Planning Authority 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 Local Planning Authority is satisfied that the change is not material. There is no statutory definition of "non-material"; this is because it is dependent on the context of the overall scheme. As such, an amendment that is considered to be non-material in one context, may be material in another.

South Holland District Council 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.

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 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

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.

Assessing the proposal against the above, the following is considered:

- 1 - There would be no change to red line boundary or application site
- 2 - The amendment would not conflict with any government guidance or any provisions within the Local Plan
- 3 - The amendment would not conflict with any conditions on the previous planning permissions (namely H14-0720-18 and H14-0165-21).
- 4 - The proposal would not worsen any concerns raised in the original application.
- 5 - The siting of the buildings or their footprints would not be altered
- 7 - There would be no change to volume or proportions of the buildings.
- 8 - The loss of a window would not fundamentally alter the design of the dwellings effected or the wider site.
- 9 - The amendment would not impact any environmental statement submitted as part of the original application.
- 10 - The removal of the windows would reduce the potential for overlooking.
- 11 - The proposal would not change the number of units proposed.

As such, when taking account of the above and the modest extent of the amendment proposed, the proposal is considered to be non-material.

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

It is considered that the proposal is acceptable and can be considered a non-material amendment.

Recommendation

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