DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-1038-25**	**Applicant:**	**TFP Ventures Ltd.**
Proposal:	Proposed warehouse with associated offices, ancillary accommodation and yard - approved under H14-0062-23. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	Land Off Elsoms Way Pinchbeck Spalding		
Terminal Date:	9th February 2026		

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
07	Improving South East Lincolnshire's Employment Land Portfolio
30	Pollution
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving Sustainable Development
Section 6 - Building a Strong, Competitive Economy
Section 9 - Promoting Sustainable Transport
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	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Description of Proposal

This application is made under Section 73 of the Town and Country Planning Act, 1990, seeking to vary Condition 2 of H14-0062-23, which relates to approved plans. It is proposed that the height of the building would be reduced by around 6m, from an approximate maximum height of 16m to 10m.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The site is approximately 2.65 acres in area, currently under development as part of the previous approval. The site is within the "Main Employment Area" of Wardentree Lane outlined within Policy 7 of the South-East Lincolnshire Local Plan, 2019.

The area is dominated by Class B uses, and as such, there is a prevalence of large scale, industrial developments. To the south and west are examples of this industrial use. To the north and east are agricultural holdings. To the immediate north is Blue Gowt Drain, a drain under the care of South Holland Internal Drainage Board. To the immediate east is another, smaller drain and then the A16

Relevant History

H14-0062-23 - Full. Proposed warehouse with associated offices, ancillary accommodation and yard. Approved 21/06/23.

H14-0747-24 - Condition Discharge. Details of finished floor levels & means of surface water disposal (Conditions 3 & 6 of H14-0062-23). Approved 21/10/24.

H14-0766-25 - Non-material amendment. Proposed warehouse with associated offices, ancillary accommodation and yard - approved under H14-0062-23. Amendments to include moving the dock levellers and the ramp from side to rear of the building and increase the numbers from 3 to 10. Approved 02/09/25.

H14-0952-25 - Non-material amendment. Proposed warehouse with associated offices, ancillary accommodation and yard - Approved under H14-0062-23. Amendment to reduce height of building. Refused 27/10/25.

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:

Lincolnshire Police

"Lincolnshire Police do not have any objections to this development"

Duplicate comments were received on the 26th November 2025.

Anglian Water

Initial Comments, dated 20th November 2025

"We have reviewed the submitted documents with the variation of condition and there are no drainage related documents therefore we are unable to make comments on the above application."

Further comments, dated 26th November 2025

"The recent application amendments are not relevant to Anglian Water. There are no additional drainage documents since our last response, therefore we have no further comments to add to our previous response."

Highway and Lead Local Flood Authority

"No objection - The proposal is for minor amendments to warehouse with associated offices, ancillary accommodation and yard - approved under H14-0062-23. Modification of Condition 2 to allow amendments to previously approved plans. The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk."

Environment Agency

"We did not input into condition 2 referred to on application H14-1038-25 and therefore have no comment to make on this application."

Environmental Protection

"No comments regarding amendment 1."

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

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Evaluation - S73

The proposal seeks to vary Condition 2 of H14-0062-23, through seeking permission under Section 73 of the Act. The purpose of an application made under Section 73 of the Town and Country Planning Act 1990 is to vary or remove conditions associated with an existing planning permission. These applications are used to allow for amendments to an approved scheme and can be made both retrospectively and prior to a permission being implemented, as long as the permission is extant.

The Act is very clear that: "On such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted." As such, the Local Planning Authority are not able to revisit the principle of development and only matters relevant to the specific conditions can be considered. The effect of granting permission would be to issue a new permission with Condition 2 amended, together with any other relevant conditions from the original permission, or subsequent relevant revisions since this permission.

Planning practice guidance highlights that where less substantial changes are proposed, amending a proposal can occur through 'Amending the conditions attached to the planning permission, including seeking to make minor material amendments'.

The PPG clarifies that "Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted". There is no statutory definition of a 'minor material amendment'; but this is

likely to include any amendments where its scale and/or nature results "in a development which is not substantially different from the one which has been approved".

In this instance, the subsequent amendments, submitted under this Section 73 application, have not varied the description of development.

In the case of R (Vue Entertainment Limited) v City of York Council, it was concluded that the decision gives clear support for use of S73 in respect of changes to condition which go beyond 'minor' amendments. It places a clear emphasis on preserving the precise terms of the grant. If an amendment to a condition can be made which keeps the description of the development intact it may well be appropriate to make such an application under a s.73, even if the effect of the change will be significant".

Paragraph 13 of the relevant section of the PPG states "In contrast to section 96A, an application made under section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission."

Evaluation - Key Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority 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, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

The principle of development has been established under H14-0062-23, with works having commenced on this site. As the principle of development has already been established and the consent enacted, this point does not need to be revisited as a part of this application.

As such, the principle of development is considered to be acceptable.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically

designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposal would result in a significant decrease in the height of the proposal, amounting to an approximate 37.5% reduction. As a result of this, the visual prominence of the building within the landscape would be dramatically reduced, in turn lessening the impact of development.

The reduction in height would result in the development appearing more consistent with the heights of surrounding units, providing a great degree of homogeneity in scale within this portion of the Wardentree Lane Estate. As a result, the development would appear more in keeping with the character of the area.

No other changes are proposed as part of this application. As a result, the proposal can be considered a betterment over H14-0062-23.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Conditions

The conditions included within the original permission H14-0062-23 have been reviewed as part of this application. Conditions 2 and 3 would be required to be updated to reflect the new plans.

Conditions 3 and 6 have been discharged under H14-0747-24. As the proposed changes would not alter the details provided under these conditions, there is no need for further details on these points. Instead, reworded conditions requiring development in accordance with details provided shall be placed on any potential decision to approve this application.

Conditions 4 and 5 can be carried over, with only minor changes to reflect updates to the NPPF that have occurred in the interim.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

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

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 7, 33 and 36 of the SELLP, as well as Sections 6, 9, 12 and 14 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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