

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H15-0834-25 **Applicant:** Clarke Group Construction Ltd

Proposal: Erection of 7 detached dwellings - outline approval H15-0360-22 - Approved under H15-0865-24. Replacement of stone window & door heads for 215mm brick soldier courses

Location: Land Adjacent To 62 Water Gate Quadring Spalding

Terminal Date: 1st October 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

National Guidance

National Planning Policy Framework December 2024

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 5 - Delivering and sufficient supply of homes
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

The application seeks consent for a non-material amendment (NMA) to permission H15-0865-24. Permission H15-0865-24 granted outline approval for seven detached dwellings. Consent is sought to amend the approved plans by replacing the stone window and door heads with 215mm brick soldier courses.

Site Description

The application site comprises land off Water Gate in Quadring. The site is situated between 62 and 70 Water Gate, with open fields to the north and south. The site is located within the settlement

boundary of Quadring and is within Flood Zone 3.

Relevant Planning History

H15-0258-10: (Outline Application) Residential development - erection of 4 affordable dwellings - approved 29 June 2010

H15-0526-13: (Permission Renewal) Residential development - erection of 4 affordable dwellings. Renewal of H15-0258-10 - approved 30 July 2013

H15-0999-13: (Outline Application) Residential development - affordable housing scheme - approved 08 January 2014

H15-1068-16: (Outline Application) Residential development - 3 indicative plots - approved 21 December 2016

H15-0621-16: (Outline Application) Residential Development - approved 23 September 2016

H15-1171-17: (Reserved Matters) Erection of 8 detached dwellings - outline approval H15-0621-16 - Approved 26 April 2018

H15-0582-19: (Full Application) Erection of 4 dwellings to be used as holiday lets and associated works including roadway and accessible play park - approved 6th August 2019

H15-0185-20: (Discharge of Conditions) Details of external materials, external boxes etc, landscaping and boundary treatment, contamination and archaeology (Conditions 3, 4, 5, 6, 7, 8, 9 and 10 of H15-0582-19) - approved 08 September 2020

H15-0360-22: (Outline Application) Proposed Residential Development - approved 27 June 2022

H12-0865-24: (Reserved Matters) Erection of 7 detached dwellings - outline approval H15-0360-22 - approved 09 December 2024

H15-0096-25: (Discharge of Conditions) Details of foul & surface water disposal, ecological biodiversity measures, external boxes for gas & electricity supplies, gas flues & soil vent pipes, storage & disposal of refuse & recycling, construction management plan & method statement & prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development (Conditions 8, 9, 13, 14, 15 & 16 of H15-0360-22) - approved 08 April 2025

H15-0097-25: (Discharge of Conditions) Details of external materials & confirmation of access closure (Conditions 2 & 3 of H15-0865-24) - approved 08 April 2025

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 any specific statutory consultees.

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 principle of development has already been found to be acceptable through the approval of permission H15-0865-24. The application seeks to amend the approved plans by replacing the stone window and door heads with 215mm brick soldier courses. Brick soldier course detailing is proposed on the three consented house types and the detached garages. The visual impact of the brick soldier course detailing is acceptable and non-material.

The amended plans also show electric meters and air source heat pumps which are not shown on the original approved plans, however, these details have been approved under an application to discharge various conditions (ref: H15-0096-25). As such, it is acceptable that the meters and heat pumps are now shown within the plans.

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 proposal is acceptable as a Non-Material Amendment to permission H15-0865-24.

Recommendation

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