

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H16-0656-25      **Applicant:** A Quantrill

**Proposal:** Erection of two-storey detached dwelling - Approved under H16-0748-21. Amendments to use TBS Audley Antique brick (Red), white cement instead of ordinary cement & light green UPVC windows & doors

**Location:** 117a Albion Street Spalding Lincolnshire

**Terminal Date:** 6th August 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

#### Proposal

This is a non-material amendment application, seeking to alter H16-0748-21. It is proposed that the construction materials would be changed as follows:

- Bricks - Hampton Rural Blend to TBS Audley Antique (red)
- Doors and windows - white UPVC to light green UPVC
- Use of white cement

#### Site Description

The site is within the defined settlement limits of Spalding with dwellings to the north, west and south. The River Welland is sited to the east. The dwelling would be in Environment Agency Flood Zone 3, and solely the further rear extent of the garden being "Low Hazard" and having a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping.

#### Relevant History

H16-0582-83 - Outline - Erection of house and garage with access - Approved - 27 September 1983.

H16-0023-16 - Outline - Two storey detached dwelling - Approved - 07 March 2016.

H16-0111-17 - Reserved Matters - Erection of two-storey detached dwelling - outline approval H16-0023-16 - Approved - 26 April 2017.

H16-0748-21 - Full - Erection of two-storey detached dwelling - Approved - 02 November 2021.

H16-0334-24 - Condition Compliance - Details of external boxes for gas & electricity supplies & gas flues & soil vent pipes, boundary treatments & site & floor levels (Conditions 3, 5 & 6 of H16-0748-21) - Refused - 28 October 2024.

H16-0390-25 - Condition Compliance - Details of external boxes for gas & electricity supplies & of any gas flues & soil vent pipes, boundary treatments & existing & proposed site & floor levels (Conditions 3, 5 & 6 of H16-0748-21) - Approved - 29 May 2025.

## 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.

Notwithstanding the fact that there is no definition of 'Non-Material' South Holland District Council Local Planning Authority sets out guidance criteria for non-materials amendments. This is set out on the council webpages. It states:

- 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.

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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 of the conditions placed upon the original application.
4. The proposal would not exacerbate any concerns raised during the consultation process of the original application. No consultation responses were received within the initial application regarding the materials selected.
5. There would be no change to the siting or footprint of any buildings
6. The proposal would not result in an extension to the approved development
7. There would be no change to volume or proportions of the buildings.
8. The amendments must not result in a fundamental change in the design of the building. Both bricks selected are red, and are not immediately visibly distinct. The change from white UPVC to green would have no significant overall impact. Likewise, the change in cement colour would have no discernible impact.
9. The original application did not contain an environmental statement.
10. Due to the nature of the proposal, no new openings would be created and no additional overlooking would occur.
11. There would be no change to the number of proposed units

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.