DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0821-26**	**Applicant:**	**SME Corporation (2) Ltd. & Roadside Real Estates**
Proposal:	Erection of two single drive thru units with associated car parking, cycle parking, landscaping and access - approved under H16-0079-25. Amendments to include update of bridleway & associated landscaping to PRoW Officers comments & minor change of cladding colour to Unit 2.		
Location:	Units 1 & 2 Fulney Lane North Spalding		
Terminal Date:	25th September 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 August 2026

Section 3 - Decision-making policies (DM1 - 10)
Section 4 - Achieving sustainable development (S1 - S6)
Section 7 - Building a strong, effective economy (E1 - 4)
Section 12 - Making effective use of land (L1 - 3)
Section 14 - Achieving well-designed places (DP1 - 4)
Section 15 - Promoting sustainable transport (TR1 - 8)
Section 17 - Pollution, public protection and security (P1 - 6)
Section 19 - Conserving and enhancing the natural environment (N1 - 6)

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

The application seeks consent for a non-material amendment (NMA) to planning permission H16-0079-25, which granted full planning permission for the erection of two drive-through units within the

site with associated parking and landscaping.

The current application seeks to amend the approved plans listed in condition 2 by making minor changes to the public bridleway and associated land and changing the cladding colour of Unit 2.

Site Description

The site comprises an irregularly shaped parcel of land, located to the west of the A16 and the south of the A151. The site is located to the south of a tyre shop, and to the north of a factory building (David Wood Baking). The nearest residential dwellings to the site are located to the west of the site, on the opposite site of Fulney Lane North.

Relevant Planning History

H16-1220-01: (Full Application) Extension to existing factory to create engineers workshop - approved 23 November 2001

H16-0730-09: (Full Application) New entrance reception/security lobby including improvements - approved 03 November 2009

H16-1185-18: (Full Application) Erection of a single storey drive thru restaurant for KFC with associated car parking, cycle parking, landscaping and access - approved 23 January 2019

H16-0630-19: (Full Application) Erection of a single-storey drive thru restaurant for coffee shop with associated car parking, cycle parking, landscaping and access - approved 21 August 2019

H16-0079-25: (Full Application) Erection of two single storey drive thru units with associated car parking, cycle parking, landscaping and access - approved 08 August 2025

H16-0950-25: (Discharge of Conditions) Details of written scheme of archaeological investigation (Condition 4 of H16- 0079-25) - approved 14 October 2025

H16-0173-26: (Discharge of Conditions) Details of biodiversity gain plan, flood warning and evacuation plan (Conditions 7 and 10 of H16-0079-25) - approved 08 April 2026

H16-0183-26: (Advertisement) Proposed Signage - approved 15 April 2026

H16-0207-26: (Discharge of Conditions) Details of construction management (Condition 3 of H16-0079-25) - approved 22 April 2026

H16-0235-26: (Discharge of Conditions) Details of surface water disposal (Condition 12 of H16-0079-25) - approved 23 April 2026

H16-0757-26: (Non-Material Amendment) Erection of two single storey drive thru units with associated car parking, cycle parking, landscaping and access - Approved under H16-0079-25. Amendments to style of EV charging equipment & installation of CCTV column - approved 07 September 2026

H16-0789-26: (Discharge of Conditions) Details of proposed litter bins (Condition 13 of H16-0079-25) - approved 09 September 2026

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, August 2026 (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.

Proposed Changes to Condition 2

The current application seeks to update the following approved plans that were listed in condition 2 of planning permission H16-0079-25:

- 19497 SFW XX XX DR L 1001 Rev P05 - Landscape Plan;
- 19497 THPW 00 XX DR A 1013 Rev P05 - Proposed Overall Site Plan;
- 19497 THPW 00 XX DR A 1014 Rev P05 - Proposed Site Plan; and
- 19497 THPW 00 XX DR A 1019 Rev P02 - Proposed Unit 2 Elevations.

The proposed changes include layout updates to the public bridleway along the eastern side of the site and changing the cladding colour of Unit 2.

In terms of the changes to Unit 2, the approved horizontal steel panels on the building were proposed to match RAL 050 20 10 (Granite Brown). Under the current application, the panels are proposed to be match RAL 8014 (Vandyke Brown). The change is considered to be non-material and acceptable as the change in colour would have an acceptable impact on the character and

appearance of the area in accordance with Policies 2 and 3 of the Local Plan and Policy DP3 of the NPPF.

In terms of the changes to the bridleway, according to the submitted covering letter dated 28th August 2026, the changes have been made following an on-site meeting with Lincolnshire County Council's Public Right of Way officer. According to the submitted information, it became apparent that the bridleway runs along the western side of the wooden post and rail fence along the application site boundary and it was not intended for the bridleway to be diverted to the eastern side of the fence as shown on the approved site plan from H16-0079-25. Following discussions with the PROW officer, the submitted layout within the current application represents an agreed position in respect of the treatment of the bridleway. Although the PROW officer has not responded directly to the current application, emails from the PROW officer have been provided showing that they agree with the revised bridleway position.

The revised bridleway arrangements have resulted in the tree planting being closer together than previously approved; however, the visual impact of this is considered to be acceptable. As such, the revised bridleway is considered to be acceptable.

The submitted layout also shows the minor changes that have been approved recently on 07th September through a separate NMA application (H16-0757-26). This included minor changes to the EV charging unit areas. It is considered acceptable for these minor changes to be reflected on the current 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 proposed changes are acceptable as a Non-Material Amendment to planning permission H16-0079-25.

Recommendation

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