

# DECISION DELEGATED TO HEAD OF PLANNING

<b>Application No:</b>	<b>H22-0709-25</b>	<b>Applicant:</b>	<b>Sennen Homes Limited</b>
<b>Proposal:</b>	Erection of 2 detached bungalows - Approved under H22-0280-24. Amendment to Plot 8 to reduce width & depth of bungalow, opening sizes to bed 1 & living room amended & wc window removed		
<b>Location:</b>	Former 87 Moulton Chapel Road Cowbit Spalding		
<b>Terminal Date:</b>	21st August 2025		

## Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 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 11 - Making effective use of land
- Section 12 - Achieving well-designed places

## 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 H22-0280-24. Permission H22-0280-24 granted consent for two detached bungalows on land between 87 and 95 Moulton Chapel Road, Cowbit. The current application seeks to amend the approved plans listed in condition 2 with the following changes:

- The width and depth of Plot 8 is proposed to be reduced;
- An additional window is proposed on the eastern elevation which would connect to an ensuite bathroom;
- The window connected to bedroom 1 on one of the western elevations is proposed to be slightly larger;
- The window that was proposed next to the front door on one of the northern elevations is proposed to be removed to allow for the width of the dwelling to be reduced.

Plot 7 remains unchanged.

## Site Description

The site comprises approximately 0.2ha of land located on the southern side of Moulton Chapel Road, Cowbit. The site is approximately 425m to the east of the A16 roundabout. The site previously featured vacant agricultural and horticultural buildings. There is a row of bungalows located to the east of the site and various two storey dwellings located to the east. There is also some residential development to the north of the site on the opposite side of Moulton Chapel Road.

## Relevant Planning History

H22-0350-03: (Outline Application) Erection of bungalow - approved 06 June 2003

H22-0456-23: (Full application) Erection of two detached bungalows - approved 4 July 2023

H22-0698-23: (Discharge of Conditions) Details of contamination desk study (Condition 4 of H22-0456-23) - approved 10 January 2024

H22-0280-24: (Full Application) Erection of 2 detached bungalows - approved 21 May 2024

## 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.

### Visual and Amenity Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping. Paragraph 135 also states that development should provide a high standard of amenity for existing and future users.

Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF, in that it 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.

Policies 2 and 3 of Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The current proposal seeks to reduce the width and depth of Plot 8. Previously the maximum width of the dwelling was 13.7m and the maximum length was 23.5m. Within the amended plans the maximum width is 13.1m and the maximum length is 22m. The reduction is therefore minimal, and this would not have a significant impact on the overall character and appearance of the dwelling.

An additional window is proposed on the eastern elevation of the dwelling. This window would connect to an ensuite bathroom. Condition 5 requires a close boarded fence measuring 2m in height to be installed along the eastern boundary of the site. Therefore, the proposed bathroom window should not result in an unacceptable degree of overlooking with 95 Moulton Chapel Road, which is located to the east of the site.

The window that is connected to bedroom 1 on one of the western elevations is proposed to be slightly larger. The visual impact of this is acceptable.

The window that was proposed next to the front door on one of the northern elevations is proposed to be removed to allow for the width of the dwelling to be reduced. The visual impact of this is acceptable.

The proposed development would not cause an adverse impact to the character or appearance of the area, or the amenity of neighbouring properties. Therefore, the proposed amendment accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

### Impact on Other Conditions

Condition 4 of permission H22-0280-24 requires the ground levels and finished floor levels of the development to be carried out in accordance with the previously approved site layout (047 P01 Rev A). Furthermore, condition 5 of permission H22-0280-24 requires the installation of a 2m high fence

to be erected along the eastern boundary of the site indicated by a solid yellow line on the previously approved site layout (047 P01 Rev A). The levels remain unchanged within the amended site layout plan (047 P01 Rev B). Furthermore, the yellow line remains unchanged. Therefore, it is not considered necessary to update these conditions.

## **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 permission H22-0280-24.

## **Recommendation**

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