DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0191-23**	**Applicant:**	**Larkfleet Group**
Proposal:	Erection of 38 cabins for holiday / leisure use together with landscaping and all associated works (uplift of 14 no. units compared to the existing consent) - approved under H05-0565-22. Amendments to elevations and material of holiday lodges.		
Location:	Land At Lowgate Fleet Spalding		
Terminal Date:	27th March 2023		

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
09	Promoting a Stronger Visitor Economy
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 6 - Building a strong competitive economy
Section 12 - Achieving well-designed places
Section 14- Meeting the challenge of climate change, flooding and coastal change
Section 15- Conserving and enhancing the natural environment
Section 16- Conserving and enhancing the historic environment

Planning Practice Guidance

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

Erection of 38 cabins for holiday/leisure use together with landscaping and all associated works (uplift of 14 no. units compared to the existing consent) approved on 10/11/22 - Reference H05-0565-22

This is a non material amendment application to the above consent to replace the approved elevation and materials plan with updated plans to reflect the changes due to supply side issues.

This involves an update of plan L188/SITE/06A to L188/SITE06B and an update of L188/SITE/07 to L188/SITE/07-A.

L188/SITE06B
The original application had two large patio doors on the side elevation. The new design is now one double door on one side and a six panel window on the other side.

The original design had a large porch and door with 5 windows either side, the new design has a smaller porch, changed window design, with two windows on one side, and two casement windows on the other side.

The rear elevation shows slightly smaller windows and a box has been introduced on the side elevation.

There are minor layout changes but these don't affect the number of bedrooms.

L188/SITE/07-A.
All of the materials on the approved plans are to be the same apart from:
-The Kaycan Vinyl Siding (Kharki) is to be changed to: Free Foam Weatherboard Cladding (argyll brown)
-The Kaycan Vinyl Siding (Pearl Grey) is to be changed to: Free Foam Weatherboard Cladding (misty grey)
-The Kaycan Vinyl Siding (Birch Rustic) is to be changed to: Free Foam Weatherboard Cladding (sand)

The changes are considered acceptable. The reason for the change is because the original cabins are not going to be available in time so the external design has been changed as the cabins are from another company instead.

Site Description

As host consent

History

H05-0709-21. Application for a Non-Material Amendment to planning permission H05-0773-17 to amend the description of development to 'Erection of 24 (in total) cabins for holiday/leisure use including 6 No. additional cabins, 6 No. cabins granted under H05-0699-16 and 12 No. cabins granted permission under H05-0144-15'. Approved July 2022.

H05-0555-22. Details of external materials (Condition 9 of H05-0773-17). Approved June 2022.

H05-0507-22. Non-Material Amendment (NMA) application to amend the location of the already approved cabins in the first phase and update Condition 2 (approved plans) of planning permission H05-0773-17. Approved May 2022.

H05-0379-22. Non-Material Amendment (NMA) application to add a phasing condition and update Condition 2 (approved plans) of planning permission H05-0773-17. Approved May 2022.

H05-0404-21. Details of external materials (Condition 9 of H05-0773-17). Approved May 2021.

H05-1033-19 . Details of surface and foul water, proposed levels, external materials and storage and disposal of refuse (Conditions 4, 6, 9 and 10 of H05-0773-17). Approved December 2019.

H05-0773-17. Erection of 24 (in total) log cabins for holiday/leisure use including 6 No. additional log cabins; 6 No. cabins granted under planning permission reference H05-0699-16 and 12 No. cabins granted permission under H05-0114-15. Approved July 2018.

H05-0699-16. Construct 6 log cabins for holiday/leisure use. Approved September 2016.

H05-0114-15. Construction of 12 log cabins for holiday/leisure use. Approved September 2015.

Consultation Responses
N/A

Planning Considerations
Section 96A of the Town and Country Planning Act 1990 (introduced by S190 of the Planning Act, 2008) makes it possible to apply for a non-material amendment to existing planning permissions.

South Holland District Council'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 alteration to the application site boundary (red edge).
2.The amendment would not conflict with Development Plan Policies or other Government Guidance.
3.The proposal would not exacerbate concerns raised by third parties at original planning application stage.
4.The proposed change would not be contrary to a condition on the original approval.
5.The approved footprint/siting of the building will not be moved materially and will not have a material impact on a neighbour.
6.The height of the building or extension would not be increased.
7.The amendment would not result in any potential overlooking of any neighbouring property.
8.The amendments must not result in a fundamental change in the design of the building.
9.The proposal does not amount to new works or elements not considered by any Environmental Statement submitted with the application.

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.

Assessing the application against the above criteria:

The purpose of the application is to alter the external materials and windows to the cabins.

1.No alterations are proposed to the site boundary;
2.The proposal would not conflict with policies in the South-East Lincolnshire Local Plan, 2019;
3.The proposal would not exacerbate concerns raised by third parties at original planning application stage;
4.The proposed change would not be contrary to a condition on the original approval;
5.The positioning of the cabins would not be materially altered;
6.There would be no height increase to the cabins;
7.No potential overlooking issues would arise;
8.The proposal would not result in a significant changes to the design of the cabins. The minor alterations would not result in any significant changes to the appearance of the cabins, they will just look slightly different.
9.No Environmental Statement was submitted.

Conclusion

Overall, it is considered that the proposed amendments satisfactorily comply with the criteria of South Holland District Council's Development Control Procedure Note Non-Material Amendments to Planning Permission and, as such, are acceptable as a Non-Material Amendment.

The proposals can therefore be approved as a Non Material Amendment.

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.