

FAO Lucy Buttery
Council Offices
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07 April 2022

Our Ref: 22/6469

Dear Lucy

Non-Material Amendment (NMA) application to add a phasing condition and update condition 2 (approved plans) of planning permission 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 at Land at Lowgate, Fleet, Spalding

On behalf of Larkfleet Group (Larkfleet Homes), Planning Potential are instructed to submit the above application to amend the existing permission to facilitate a phased approach to enable the delivery of 10 no. of log cabins this Summer season (2022), followed by and separate application to update the balance of the site. The application has been submitted via Planning Portal, ref: PP-11180095 on 07 April 2022.

Background & Context

Planning permission was granted in July 2018 for the erection of 24 log cabins for holiday & leisure use on land bound by Lowgate to the east and Roman Bank to the north. The site is broadly regular (rectangular) in shape and is largely flat & featureless save for three fishing lakes in connection with the previous recreational fishing facility on site.

The permission has been implemented following the discharge of conditions and a lawful start being carried out on site by way of the access being created, and the completion of one log cabin on site – for the purposes of a 'show cabin'.

Larkfleet Group have since undertaken a critical review of the permission in the interests of ensuring the delivery of the site. They have identified a need to revise the existing permission to enable a phased approach whereby Larkfleet can get on site and start delivering log cabins this Summer season (2022), whilst seeing to the balance of the site in the background as a separate/ later phase. To facilitate this, we propose a Non-Material Amendment (NMA) application to introduce a new condition [condition 11] so that the site can be built out in two phases (Phase 1a and 1b), in turn ensuring the viability and short-term deliverability of this development, which is recognised as supporting the rural economy and rural diversification.

In proposing this application route, it is important to highlight that there is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may

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be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under Section 96A of the Town and Country Planning Act 1990¹.

The application route has also been agreed with South Holland District Council as part of informal pre-application discussions.

Justification

Introduction of a phased approach

A phased approach is proposed so that Larkfleet Group can commit to the delivery of a critical mass of units in the short term, unlocking a financial return from the site in the short term, to support development viability. The delivery of units this year is integral to safeguard and unlock the delivery on the balance of the site in due course.

In addition to introducing a new phased approach, we propose relocating two of the approved pods from the wider site, into the new proposed 'Phase 1a' to create a cohesive and comprehensive, self-contained portion of the site comprised of 10 cabins, without altering the overall approved quantum of units on site, and without materially amending the already approved footprint. To that effect, we propose the introduction of a new condition [condition 11]:

"The development hereby permitted will be delivered in accordance with the phasing plan on drawing no L188/SITE/03".

The introduction of the phased approach secures the delivery of the northeast portion of the site in the short term, with one of the lakes serving as the focal point for the phase, all accessed via the existing internal road which is unaffected by the proposals. At the same time, the proposed phasing strategy allows the remainder of the site (Phase 1b) to be sensitively separated from the first phase (on the other side of the internal road), to be delivered as a self-contained entity in due course.

The phased approach results in an uplift of units (from eight to 10) in this portion of the site, creating a slight increase in development density. However, the introduction of these additional cabins does not deviate from the existing scheme such that this portion of the site is materially different from that which was approved, nor does it result in an increase in overall unit numbers on site.

For robustness and consistency, we consider it necessary also to update the existing approved plan at condition 2:

Existing/ approved plan	Proposed plan
PL-01 Rev A	L188/SITE/02

Other

In the interests of completeness, and to support the case that the changes being sought are non-material, we consider the impact the proposed NMA has against the sub-headings used by South Holland District Council when determining application H05-0773-17:

- Total number of units proposed → No impact. The permission establishes the principle of 24 no log cabins on site.
- Residential amenity → No impact. The amendment does not reduce the distance between the proposed cabins and nearest residential properties (~100m away).

¹ Paragraph: 002 Reference ID: 17a-002-20140306

- Occupancy conditions → No impact. The existing permission limits the use of the cabins at condition 3 which is unaffected by this application.
- Highways safety → No impact. LCC Highways have previously confirmed support for the scheme.
- Drainage → No impact. Technical issues are dealt with separately via condition.
- Other → n/a.

Summary

It is considered that the revisions outlined above can be dealt with under section 96a non-material amendment.

It is preferable that the NMA is dealt with in a timely and efficient manner so that no delays are incurred to the programmed schedule of works to enable the delivery of product on site in the short term. Positively, an NMA allows the LPA to issue a quick decision (within 28 days) where in the context of the overall scheme, the changes are minor. The PPG makes clear that where a change is non-material, s.96A allows new conditions to be imposed. The new decision will describe the proposed changes, in this case an additional notice, which will sit alongside the original Decision Notice.

Application Package

In addition to this cover letter, the following documents are submitted in support of the application. The application fee has been paid via credit card through Planning Portal at the time of submission.

- Proposed layout L188-SITE-02
- Proposed phasing plan L188-SITE-03
- Existing Decision Notice H-05-0773-17
- Application Forms, certificate, forms

Yours sincerely,



Jamie Pert

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Enc.