DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0422-25**	**Applicant:**	**Phoenix Sustainable Investments**
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, and non material amendment to elevations and materials of cabins approved under H05-0191-23. Amendment to substitute cabin on Plot 38 for a 2-bed cabin with reduced footprint.		
Location:	Land At Lowgate Fleet Spalding		
Terminal Date:	6th June 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework December 2024

Section 12: Achieving Well-designed Places
Section 15: Conserving and Enhancing the Natural Environment

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

Planning permission was originally granted in July 2018 (H05-0773-17) for the erection of 24 holiday cabins on the site. A further consent was subsequently granted in November 2022 for the construction of 38 cabins on the site, increasing the previously permitted holiday units by 14 cabins.

The description of the application as initially submitted sought a non-material amendment under application H05-0565-22 to substitute the approved cabin on plot 38 with a 2-bedroomed cabin with a reduced footprint.

However, a non-material amendment to application H05-0565-22 was approved in March 2023

(reference H05-0191-23) to change the elevational treatment and material schedule of the approved cabins. The agent confirmed, via e-mail, that the development is being carried out in accordance with the approved development permitted under H05-0565-22 as amended by application H05-0191-23. The agent agreed to a change in the description of the development to accurately reflect the planning permissions being implemented.

For the avoidance of doubt the application seeks to substitute the approved cabin on plot 38 with a 2-bedroomed cabin with a reduced footprint under application H05-0565-22 as amended by application H05-0191-23.

The non-material amendment seeks to replace the following drawings:

L188-SITE-1-E (Site Layout Plan) approved under application H05-0565-22
L188-SITE-06 Rev B (Lodge Design Details) approved under application H05-0191-23

With the following drawings:

L188-SITE-01 H (Site Layout Plan) showing Plot 38 in the same position approved under H05-0565-22 with a smaller footprint.
L188-2BL-001 (2 Bed Lodge Plan and Elevations).

Site Description

The site is located in countryside on the western side of Lowgate at the junction with Roman Bank, Fleet. The site is flat with three fishing lakes that formed part of a recreational fishing facility previously occupying the site. Residential development in the immediate vicinity is sporadic in character and confined to the road frontage.

The site is currently being developed with the entrance and access road in place and several cabins in situ.

History

H05-0773-17: Erection of 24 (int total) log cabins for holiday/leisure use including 6.no additional log cabins; 6 cabins granted under planning permission reference H05-0699-16 and 12no. cabins granted permission under H05-0114-15. Approved 10.07.2018.

H05-0565-22: Erection of 38 cabins for holiday/leisure use together with landscaping and associated works (uplift of 14 no. units compared to the existing consent). Approved 10.11.2022.

H05-0191-23: 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 underH05-0565-22. Amendments to elevations and materials of holiday lodges. Approved 23.03.2023.

Consultation Responses

None undertaken.

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.

Assessment

Assessing the application against the above criteria:

The proposal accords with points 1,2,3 and 4 above.

In respect of any additional impact on visual or residential amenity as required under points 5,6,7 and 8, the amended unit will be in the same position as that approved but with a reduced footprint to reflect the reduction in the size of the cabin proposed. The nearest residential property to the site is beyond an established area of planting, given the level of established screening along with the reduction in the size of the cabin, there will be no additional impact on the level of amenity currently afforded to existing residential property, nor existing lodges on the application site. The height of the cabin will remain as approved and the fenestration detail reflects that permitted under the extant consent. Although the colour of the external cladding will change from sand to light grey, this colour has been approved on other cabins within the site and as such its use for plot 38 will not materially detract from or diminish the visual appearance of the overall site.

Regarding point 9 the extant consent was not subject to the requirement of an Environmental Statement and as such this point is not a relevant consideration.

Conclusion

The proposed amendment complies with the criteria of the South Holland District Council's Development Control Note and do not materially alter the extant planning permissions on the site. As such, the proposal is considered acceptable 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.

Recommendation

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