DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0507-22**	**Applicant:**	**Larkfleet Group**
Proposal:	Erection of 24 (in total) log cabins for holiday/leisure use including 6 additional log cabins, 6 cabins granted under planning permission reference H05-0699-16 and 12 cabins granted permission under H05-0114-15 - approved under H05-0773-17. Amendments to the position of some cabins.		
Location:	Land At Lowgate Fleet Spalding		
Terminal Date:	10th June 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

Section 6 - Building a strong, competitive economy
Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is a Non-Material Amendment application to amend the positioning of some of the cabins on the scheme approved by virtue of application ref. H05-0773-17.

The cabins affected are located at the north of the site. The reason for the alteration is the identification of a HV cable under one of the cabins and opportunity to minimise overlooking further.

H05-0773-17 relates to the 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. This permission was subsequently amended by H05-0709-21 to remove reference to the word 'log' from the development description.

Site Description

As original application, except development has commenced.

Relevant History

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.

H05-0709-21 - NMA - 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 2021.

H05-0773-17 - Full - 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.

Consultation Responses

Not applicable.

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:

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. Whilst the positioning of cabins has been altered, when considered in the context of the wider site and the unlikelihood of any neighbouring properties being materially impacted by the alteration by virtue of the separation distance and boundary screening, the changes are not such that would warrant public consultation be carried out and a fresh application be required;
6. There would be no height increase to buildings;
7. No potential overlooking issues would arise as separation distances to dwellings off-site are not impacted and no new windows have been introduced;
8. It is not considered that the re-siting of the cabins fundamentally alters the design of the scheme when considered in the context of the overall development;
9. No Environmental Statement was submitted.

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

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.