DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H06-0590-21**	**Applicant:**	**J E Piccaver & Co (Gedney Marsh)**
Proposal:	Lined Earth Bank Reservoir		
Location:	J E Piccaver Norfolk House Farm Main Road		
Terminal Date:	23rd June 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

The Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

The application is for a determination as to whether prior approval is sought for a lined earth banked reservoir under Class A of Part 6 in Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The total area of the reservoir base is approximately 12,570 sqm, with banks approximately 2.5m in height. The depth would be some 1.5 m with a design freeboard when full of 0.75m. The Planning Statement indicates that the proposal would enable J E Piccaver & Co (Gedney Marsh) Ltd to provide consistent yields and quality so that they can remain competitive against other growing areas in the country and assist in future proofing the business from the effects of climate change.

Site Description

The site is located some 500m to the north of Main Road, Gedney Drove End. A copse and reservoir are situated to the north and a pond to the east. Access can be gained via an existing private roadway.

Norfolk House Farm and a row of cottages are located some 700 metres to the south-west. The nearest residential property is Marsh Farm approximately 500m to the south-east, which is set in landscaped grounds. A pair of semi-detached cottages are situated on the opposite side of Main

Road.

Site History

H06-1160-15 - Full - Erection of 37ha of co-joined polyhouses, including workshop, welfare and packing building and new lagoon - Granted 2 March 2016.

H06-1112-98 - Agri Det - Farm plastic lined irrigation reservoir - Approved 8 December 1998.

Material Considerations

The proposal constitutes permitted development under Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. This is subject to the developer applying to the local planning authority to determine as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building.

The site is not in a sensitive location and is approximately 500 metres from the nearest residential property. A similar reservoir is situated to the north which has no significant visual impact when viewed from Main Road.

The prior approval of siting, design and external appearance is not required in this case.

B]Conclusion

Prior approval for the siting, design and external appearance is not required in this case.

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.