

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H07-1022-19	Applicant:	Mr Grant Wilson
Proposal:	Proposed fishing lake for private use		
Location:	Hillside 41 Station Road Gedney Hill		
Terminal Date:	25th January 2020		

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
28	The Natural Environment

National Guidance

National Planning Policy Framework 2019

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	1	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	2	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for proposed fishing lake for private use at Hillside, 41 Station Road, Gedney Hill, Spalding.

Site Description

The site is located approximately 820 metres to the south-west of the built-up area of Gedney Hill. The surroundings are characterised by open fields and drains. There are small-scale agricultural/commercial holdings spread along Station Road.

The site is sizeable with two accesses from the highway. Hillside is a large two-storey dwellinghouse fairly set back from the road with spacious front and rear gardens. To the rear of the residential plot, there are three large industrial outbuildings where the printing company Totalprint Ltd. is being operated. A pond for private use is behind these units. The remainder of the land further back is full of hay and grass where the lake is being proposed. There is no mean of enclosure on the boundaries.

History

None.

Consultation Responses

SHDC Environmental Protection Officer

No objection.

SHDC Environmental Health

No objection.

Lincolnshire County Council as Highway Authority and Lead Local Flood Authority

No objection.

County Historic Environment Officer

No archaeological impact.

South Holland IDB

No objection. Reminder of compliance with Board Bylaws.

Gedney Hill Parish Council

No objection.

Environment Agency

No objection.

Anglian Water

No comment.

Planning Considerations

The site is in area designated as countryside in accordance with the Policies Map of South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 set out the spatial strategy to steer new development in the most sustainable locations of the district. The section concerned on countryside states that "development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits".

The proposed lake is for the private use of the applicant and their family members who live in Hillside. As the material considerations made below demonstrate, the proposal is acceptable and there is no need to use any sequential approach. Therefore, the principle of development for the proposal in such site is acceptable.

Design and layout

The lake sits well on the proposed site by reason of scale. This water body would not extend over the gas pipeline which runs across the site off both the rear and southern-east boundaries. In fact, there would be a 11.5 metre separation distance which is deemed sufficient to reduce any safety risk between both substances.

Bushes and trees would be planted on the site boundaries which would upgrade the design and appearance of the proposal and enhance the local environmental conditions. The soft landscaping is not considered to be disruptive on the local character of the area dominated by open fields. The height of the planting would not be considerable.

The proposed development is not located within land of nature conservation importance in accordance with Policy 28 of SELLP. Therefore, no further details of the landscape strategy would be requested. In any case, the applicant confirmed that the type of planting would be of native species.

A chicken run is proposed on the southern-east corner of the site beyond the gas pipeline. This space is considered an interesting addition to the proposal. It would also contribute to improve somewhat the existing conditions of the site in terms of character, design and biodiversity.

Flood risk

The creation of a fishing lake on the propose site would not in principle exacerbate the flood risk in this location. Following the Standing Advice included in the South East Lincolnshire Strategic Flood Risk Assessment (March 2017), no flood risk assessment should be required by the Environment Agency. Planning Practice Guidance concerned on flood risk states that water compatible proposal within any flood zone should be permitted development.

The County Lead Local Flood Authority has been anyway consulted and raised no objection in this respect.

Residential amenity

The enjoyment of the lake for the residents of Hillside would not collide with the amenity standards of other neighbours. There is no residential properties bordering the application site.

Conclusion

Taking into account the mentioned above, the development is considered to be in accordance with Policies 1, 2, 3, 4 and 28 of the South East Lincolnshire Local Plan (SELLP), 2019 and Section 12 and 15 of the National Planning Policy Framework (NPPF), 2019.

It is accordingly recommended to approve this planning application via delegated powers.

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.