

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H14-0323-22	Applicant:	Mr P Mathews
Proposal:	Siting of Pond (Retrospective)		
Location:	Hawthorn Cottage Glenside North Pinchbeck		
Terminal Date:	27th May 2022		

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Sections 12, 14 and 15.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking retrospective approval for the siting of a pond at Hawthorn Cottage, Glenside North, Pinchbeck.

Site Description

The property is a detached dwelling situated on the northern side of the River Glen, Pinchbeck. The dwelling sits on a very spacious plot, with a gated gravelled driveway. There is well established hedging between the property and the adjacent property to the west. The eastern boundary is partly screened by fencing and a bund.

The character of the area is overridingly rural. Dwellings in the vicinity are detached and of a range of ages and designs.

History

H14-0432-20- Approved on 16-07-20- Proposed single storey rear extension including internal alterations.

Consultation Responses

Pinchbeck Parish Council

No comments.

SHDC Environmental Protection Officer

No comments or objections.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Environment Agency

No comments.

Planning Considerations

The main issues in this case are:

- Policy/principle;
- Character/appearance and amenity;
- Highway issues;
- Flood Risk/drainage.

Policy/principle

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is outside a settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Therefore, the site is located within the countryside. Policy 1 of the Local Plan states that "in the Countryside 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".

In this case, the proposal involves a pond in conjunction with an existing dwelling. Given the ancillary nature of the development, the proposal cannot be located elsewhere within a settlement boundary. The proposal is therefore in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019 and the principle of the scheme is acceptable unless material considerations indicate otherwise, according to section 70(2) of the Town and Country Planning Act 1990.

Character/Appearance

The pond measures a maximum of approx. 30m by 16m and is situated approx. 134m to the north of Hawthorn Cottage. The pond is sited to the rear of the paddock fields which is encapsulated within the grounds of the property. Given that it is not visible from the public realm, there is no character impact.

The siting of the pond is therefore considered to accord with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in this respect.

Residential Amenity

The nearest residential property is The Cobblers, which is some 140 metres to the south east, and Glenholme to the south west which is approx. 153m from the pond.

The pond is low key from an amenity point of view and would only be for private use. Given the nature of the proposal and the separation distances involved it is considered that the proposal would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, noise and disturbance, odour, etc. If any environmental issues were to arise they could be addressed under separate legislation.

The Council's Environmental Protection Officer has not raised any objections to the siting of the pond.

The proposal is in accordance with Policies 2, 3 and 30 of South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway Safety

The access and parking arrangements remain unchanged, therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

Local Highways have raised no objections to the siting of the pond.

The proposal is in accordance with Policies 2, 3 and 36 of South East Lincolnshire Local Plan, 2019 in this respect.

Flood Risk/Drainage

The site is within Flood Zone 3 on the Environment Agency Maps and within an area designated as "danger for most" within the SHDC Strategic Flood Risk Assessment.

However, it is not a more vulnerable use. Lincolnshire County Council, as Lead Flood Authority, have not raised any objection in terms of the increase flood risk in the immediate vicinity of the site and the Environment Agency have no comments to make.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The siting of a private pond is considered appropriate in this rural location. It does not materially harm the character and appearance of the area or the amenity of nearby residents in terms of issues such as overlooking, lack of privacy, noise and disturbance, odour, etc. There are no significant flood risk issues in this case. The proposal is considered to comply with Policies 1, 2, 3, 4, 28, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021.

The are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the scheme and the policies referred to above.

Conclusion

The recommendation is therefore for a delegated approval.

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.