DECISION DELEGATED TO DEVELOPMENT MANAGER

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| **Application No:** | **H14-0566-21** | **Applicant:** | **Mr M Yould** |
| **Proposal:** | Proposed Fisherman's Lodge - approved under H14-1001-20. Modification of Condition 2 to allow amendments to previously approved plans. | | |
| **Location:** | Land South Of Clay Drove Pode Hole Spalding | | |
| **Terminal Date:** | 15th July 2021 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

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|---|---|
| 01 | Spatial Strategy |
| 02 | Development Management |
| 03 | Design of New Development |
| 04 | Approach to Flood Risk |
| 09 | Promoting a Stronger Visitor Economy |

**National Guidance**

**National Planning Policy Framework 2019**

Sections 6, 12 and 14 of the National Planning Policy Framework (2019)

6 - Building a strong, competitive economy
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 0 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 0 |
| ENVIRONMENT AGENCY | 0 | 0 | 0 | 1 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |

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| RESIDENTS | 0 | 0 | 0 | 1 |

## CASE OFFICER ASSESSMENT

### Proposal

A proposal for a 'Fisherman's Lodge' on this particular site was approved by virtue of application ref. H14-1001-20. The applicant is now seeking to amend the approved plans to allow for a larger lodge on the site.

The approved lodge was approx. 13.3m in width and 6.6m in depth. The new lodge would be approx. 19.0m in width and 8.0m in depth. It would still provide 3 bedrooms and an open plan living space but the larger lodge allows for en-suites to each bedroom and a larger main living space.

The block plan indicates that it would be sited in the same position as the lodge previously approved, albeit covering a larger footprint.

### Site Description

The proposal site is outside of defined settlement limits and the surrounding area is predominately rural, characterised by linear development to the north of Clay Drove. The site is surrounded by established trees and hedgerows and is secured by a large metal gate at the vehicular and pedestrian access point. The proposal site is in Environment Agency Flood Zone 3, and in a "Danger for All" hazard zone, with a maximum predicted flood depth of 2 metres on the 2115 South Holland Strategic Flood Risk Mapping.

### History

H14-1001-20

Full - Proposed Fisherman's Lodge - Approved - 22 February 20210

H14-0295-07

Full - Fishing lake with car parking, access, reception building and landscaping - Approved - 18 December 2007.

### Consultation Responses

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Welland and Deepings IDB - No comment.

Environment Agency - We did not recommend the conditions referred to on application H14-1001-20 and therefore have no comment to make on this application.

Public (1 comment, summarised) -
- This is a 3 bed bungalow which is using the fishing lodge of getting round the fact the location is outside the development zone.
- Needs a restriction as to how many months a year it can be occupied and the number of days it can be hired for.
- The original application for the fishing lake also states a restriction of fishing between the hours of dawn until dusk, does this still stand?

### Planning Considerations

Principle

The principle of a 'Fisherman's Lodge' on the application site was accepted by virtue of application ref. H14-1001-20. The key issue therefore is whether the proposed increase in size to the lodge it acceptable in planning terms.

Impact on character

The width of the lodge would be increased by approx. 5.7m and the depth by approx. 1.4m. The ridge height would be increased by approx. 0.5m (to 5.5m), with the eaves height remaining the same. Given the scale of the application site and the fact that it is bordered by established trees and hedging (thus meaning that it cannot be seen externally from the application site boundary) it is not considered that the revised proposal would have a material adverse impact on the character of the area.

In light of the above, the proposal is considered to be in accordance with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; and size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

Residential amenity

The separation distance to Clay Drove is approx. 50m, which is the same as the lodge previously approved. The no. of bedrooms proposed remains the same as previous and any approval would be subject to the same restrictive conditions as before (e.g. fishing shall not take place outside the hours of 8.00am and dusk).

Overall, it is not considered that the proposal to site a larger lodge in this location will materially impact residential amenity and the application accords with Policies 2 and 3 of the Local Plan in this regard.

Flood risk

This application for a modification will be subject to the same condition regarding finished floor levels being set 1 metre above average ground levels, and will therefore remain in accordance with Policy 4 of the Local Plan.

Other matters

Conditions 5 - 8 of the previous approval which restrict the occupancy of the lodge and the hours that fishing may take place will be carried over if permission were to be granted.

The condition on the original application for the fishing lake (ref. H14-0295-07) which restricts fishing hours continues to apply.

## Planning Balance

The proposal is for a larger lodge on the application site than previously approved. Given the scale of the site, distance to the closest properties and the screening already in existence, it is not considered that this would have a material adverse impact on the character and appearance of the area or residential amenity. The proposal will be subject to the same restrictive conditions as previous.

The planning balance is therefore considered to be in favour of the proposal.

## 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

The proposal is considered to accord with Policies 1, 2, 3, 4, and 9 of the South East Lincolnshire Local Plan, 2019, as well as Sections 6, 12 and 14 of the National Planning Policy Framework, 2019.

The recommendation is therefore a delegated approval.