DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-1001-20**	**Applicant:**	**Mr M Yould**
Proposal:	Proposed Fisherman's Lodge		
Location:	Land South Of Clay Drove Pode Hole Spalding		
Terminal Date:	4th January 2021		

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
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	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for the erection of a fisherman's lodge adjacent to an existing fishing lake on land south of Clay Drove, Pode Hole. The proposal seeks to provide a lodge that is sited almost 50 metres to the south of Clay Drove that measures approx. 13.3 metres in width and 6.6 metres in depth. The eaves height is 2.6 metres and the ridge height is 5 metres. The proposed lodge would be raised 1 metre above ground level, and materials of construction would be addressed by condition.

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

H14-0295-07

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

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections.

SHDC - Environmental Protection Officer

No objections.

Environment Agency

The proposal does not fall within their criteria for consultation.

Pinchbeck Parish Council

Support.

Member of the public - 1

Outside of development limits
Need for a lodge
Must not be used as a dwelling
Length of stay must be conditioned.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Countryside. This section of the policy states:

"The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.
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."

When assessed against the above criteria the following can be observed:

Permission was granted for a fishing lake use on the site under reference H14-0295-07. The cabin will benefit the area economically by creating accommodation with easy access to the facilities. From a community point of view, the cabin will not be visible to the nearby dwellings and the scale of the development will not impact local services and infrastructure. Environmentally the cabin will limit vehicular journeys to and from the site, thereby reducing the carbon footprint of the development as a whole.

The proposal accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout of the building is commensurate with the landscape character of the surrounding area and is bordered by established trees and hedging, meaning that it cannot be seen externally from the application site boundary.

2. The design is considered to be commensurate with a traditional fisherman's lodge and the orientation to face eastwards toward the lake is acceptable.

3. The proposed materials would be addressed by condition, although it is anticipated that the lodge would be constructed from timber.

4. There is not considered to be a material increase in traffic as a result of this proposal. It is likely that only one additional vehicle would be present on site during the use of the lodge. The County Highways & SUDS Officer has no objections.

5. The proposal is not considered to have any impact on community services or infrastructure.

6. The separation distance to Clay Drove is 50 metres, so there is not anticipated to be any impact on neighbouring land uses from noise, odour, disturbance or visual intrusion. The site is surrounded by established trees and hedging.

7. 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. Cell C5 of the Standing Flood Risk Advice requests a minimum floor level of 300mm and a condition that the cabin cannot be occupied between 1 November and 14 March.

8. There is not considered to be a material impact on natural habitats. There are no historical buildings or heritage assets in the vicinity of the site.

The proposal is considered to accord with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.
Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. The proposal is not considered to impact on a sense of space as it is shielded from the surrounding area by established trees and hedges.

2. Private and public space is clearly distinguishable by virtue of the established hedging and the large metal gates that are sited at the entrance to the site.

3. The landscape character of the location is not considered to be impacted by the proposal.

4. The proposed log cabin can only realistically be accessed by private transport. The fishing lake use is already in place.

9. It is not known whether the site has been best orientated to facilitate renewable low carbon energy technology. However, there is the facility to provide solar panels on the cabin roof.

11. The separation distance to Clay Drove is 50 metres, so there is not anticipated to be any impact on neighbouring land uses from noise, odour, disturbance or visual intrusion. The site is surrounded by established trees and hedging.

12. 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. The application proposes finished floor levels of 1 metre. Cell C5 of the Standing Flood Risk Advice requests a minimum floor level of 300mm and a condition that the cabin cannot be occupied between 1 November and 14 March.

The proposal accords with SELLP Policy 3.

Assessment against SELLP Policy 9 - Promoting a Stronger Visitor Economy

This proposal is assessed against SELLP Policy 9 titled - Promoting a Stronger Visitor Economy. This policy states:

Proposals for tourism and visitor development which utilise and enrich the natural and built environment and existing attractions of South East Lincolnshire to the benefit of the local economy, visitors and local communities will be supported within the boundaries of settlements identified in Policy 1.
Outside these settlements, small-scale development to support the visitor economy, including farm diversification, equine development and fishing lakes, will be supported provided that proposals:
1. do not conflict with neighbouring land uses;
2. are in keeping with the character of the locality; and
3. demonstrate a functional link with an existing rural attraction or farm enterprise.
Larger developments will only be supported outside settlement boundaries in exceptional circumstances, for instance to proportionally support or enhance the enjoyment of an established visitor attraction where this cannot reasonably be achieved from a town or village location.

When assessed against the above relevant criteria the following can be observed:

Whilst the fishing lake use is already in use, the presence of a log cabin may lead to expansion into rental/tourism, therefore SELLP Policy 9 is considered to be of relevance.

1. The proposal does not conflict with neighbouring land uses and is well shielded by established trees and hedging, with the nearest dwelling located over 50 metres away from the boundary.

2. The dwelling is in keeping with other log cabins that serve fishing lakes in the area and is well shielded by established trees and hedging, with the nearest dwelling located over 50 metres away from the boundary.

3. There is functional link to the existing rural enterprise of the fishing lake that is an established business that has been in operation for over a decade.

The proposal accords with SELLP Policy 9.

PLANNING BALANCE

The proposed log cabin will help provide for the financial security of the existing business and will not impact the amenity or character of the surrounding area. 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 and 12 of the National Planning Policy Framework, 2019.

CONCLUSION

The proposal is recommended for 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.