

**DECISION DELEGATED TO DEVELOPMENT MANAGER**

**Application No:** H21-0761-20      **Applicant:** North Level District IDB

**Proposal:** Removal of 2 outer timber doors and installation of new timber doors to prevent ingress of water from the tidal River Nene and reduce flood risk

**Location:** Foul Anchor Sluice Foul Anchor Tydd Gote

**Terminal Date:** 6th November 2020

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

02                      Development Management  
03                      Design of New Development  
29                      The Historic Environment

**National Guidance****National Planning Policy Framework 2019**

Sections 12 and 16 of the National Planning Policy Framework (2019)

**Representations:**

|                                                  | Object | Support | No Obj. | Comments |
|--------------------------------------------------|--------|---------|---------|----------|
| PARISH COUNCIL                                   | 0      | 1       | 0       | 0        |
| WARD MEMBER                                      | 0      | 0       | 0       | 0        |
| IAN MARSHMAN,<br>HISTORIC<br>ENVIRONMENT OFFICER | 0      | 0       | 0       | 1        |

**CASE OFFICER ASSESSMENT****Proposal**

This full planning application is for the removal and replacement of new timber sluice doors at Foul Anchor Sluice, Foul Anchor. The application proposes to replace the existing sluice doors in a like for like manner using a timber structure and metal fixings. The new gates would be identical in visual qualities to the current ones, which are in need of replacement as they are deteriorating

significantly.

## Site Description

The Foul Anchor Sluice is a Grade II listed sluice bridge constructed in 1859 to designs by Robert Stephenson. The historic England listing description reads as follows:

*"Road bridge and sluice gates with parallel footbridge. 1859 and 1866, constructed for the North Level Commissioners by Robert Stephenson. Repaired 1881, 1945 and 1967. Black coloured red brick, ashlar, wood and iron. East side with 2 brick piers with painted ashlar coping. Projecting from the centre and forming a triangle is a single pair of wooden gates with iron fittings. Single similar gates flank the piers. Piers support a C20 plank bridge with aluminium railings. Behind is the brick parapet of the road bridge, coped with ashlar and surmounted by decorative cast iron railings with decorative brackets. Parapet with plaque inscribed 'Constructed for the North Level Commissioners by Geo. Robt. Stephenson Esq. CE AD 1859'. Projecting from either side of the bridge are single similar ashlar coped sloping brick walls. Running parallel for 7 metres and then swept out for about 5 metres. In front of the sluice gates is the iron footbridge of 3 arched spans, the central span being wider, supported on paired slim columns. Arches with keystones and spandrels decorated with open fretwork. This pattern to both sides of footbridge. Inscribed 'Henry Grissell London 1866'. West side with 2 ashlar coped brick cutwaters with 3 sets of gates. The cutwaters support a plank foot-bridge holding 3 sets of C20 ratchets. Parapet and railings as east side but with small gate giving access to footbridge. Adjacent the sluice on the east side are 3 sets of C19 iron ratchets."*

The wider setting of the site is characterised almost entirely by being in open countryside, influenced by the Nene River and the North Level Drain. The only other large influences on the area's character are this site, a group of large wind turbines to the West and the Power Station to the North West.

## History

H21-1053-14

Foul Anchor Sluice refurbishment. Approved on 26-02-15

## Consultation Responses

Tydd St Mary Parish Council

No Objections

Lincolnshire County Council Historic Environment Record

No archaeological input required.

## Planning Considerations

Heritage Impact

The Local Planning Authority does not consider that there is any risk presented to the value or significance of the Heritage Asset in this instance. This is because the proposed replacement sluice gate would be like for like in both design and materials, using a traditional, vernacular timber structure with metal fixings. The Local Planning Authority recognises that as one of the last structures designed by Robert Stephenson during his lifetime, this structure holds great historic importance and significance, however, due to the lack in a visual change presented by this application, as well as the fact that it seeks to refresh an element of the structure which is otherwise visually obvious in its deterioration, and in the interests of the public benefit to prevent issues developing with the North Level Drain, this application is deemed to help to conserve the historic environment, in line with Section 16 of the National Planning Policy Framework (2019)

## Conclusion

The Local Planning Authority considers this application to be in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 16 of the National Planning Policy Framework (2019). Therefore, this application 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.