

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-0549-25 **Applicant:** East Anglian Civils Developments Ltd

Proposal: Proposed Replacement of Light Industrial & Office Building

Location: Land At 66 Barrier Bank Cowbit Spalding

Terminal Date: 26th August 2025

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
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment
30	Pollution
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
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	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	3
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission for the replacement of a light industrial and office building on land at 66 Barrier Bank, Cowbit.

Site Description

The site comprises land to the north Barrier Bank, near the western edge of the village of Cowbit. The site formerly featured a commercial building and an area of agricultural land / paddock land. The site slopes downwards from Barrier Bank and the site has been cleared and unbound permeable hardcore has been laid. There are trees located near the western and eastern boundaries of the site, which provide some screening of the site from the wider area. The site is accessed from a layby which forms part of Barrier Bank. There are various dwellings located along Barrier Bank and there is open land to the north of the site.

The southern portion of the site is within the settlement boundary of Cowbit, whereas the northern portion of the site is outside the settlement boundary, as identified by the South East Lincolnshire Local Plan 2011-2036 and the accompanying policies map.

The southern portion of the site is within Flood Zone 1, whereas the northern portion of the site is within Flood Zone 2, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

H01-0728-86: (Full Application) Change of use to commercial vehicle workshop - approved 14 September 1986

H01-1576-89: (Advertisement) Various signs - approved 17 May 1990

H01-0120-17: (Outline Application) Residential Development (5 plots) - approved 30 June 2017

H01-0368-20: (Section 73) Residential Development - approved under H01-0120-17. Removal of Condition 4 relating to maximum number of dwellings and maximum floorspace - approved 30 June 2020

H01-0359-20: (Reserved Matters) Erection of 5 dwellings - outline approval H01-0120-17 - approved 01 July 2020

H01-0640-22: (Full Application) Proposed replacement offices & storage buildings including demolition of existing buildings - Part retrospective - approved 15 November 2022

H01-1053-23: (Section 73) Proposed replacement offices & storage buildings including demolition of

existing buildings - Part retrospective - approved under H01-0640-22. Modification of Condition 2 to allow amendments to previously approved plans - approved 07 March 2023

To the south-west of the site:

H01-0639-22: (Full Application) Residential Development - 6 Dwellings - approved 14 November 2022

H01-1118-23: (Discharge of Conditions) Details of ecological biodiversity measures, contamination of land or pollution of controlled waters and ecological survey (Conditions 3, 5 and 9 of H01-0639-22) - refused 12 February 2024

H01-0138-24: (Discharge of Conditions) Details of ecological biodiversity measures and ecological survey (Conditions 3 and 9 of H01-0639-22) - approved 05 April 2024

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

Cowbit Parish Council: The Parish Council feel this will be good for the future growth of the village.

Lincolnshire County Council - Highways and SUDS: The proposed building would replace an existing building within this established commercial site and would not result in any material change to the existing access arrangement. As such, it is not expected that the development would have an unacceptable impact upon highway safety. The LPA should be aware of the comments made in the Flood Risk Assessment advising that 'A drainage strategy has been drafted and will be finalised once planning permission is granted. The approach will incorporate infiltration techniques to effectively reduce stormwater discharge from the proposed development, thereby minimizing its impact on the surrounding area and ensuring compliance with the Drainage Board and Environment Agency guidelines'. That said, the geoenvironmental report suggests that infiltration is not viable due to unsuitable ground conditions.

South Holland Internal Drainage Board: The applicant has indicated that they intend to dispose of surface water via infiltration (soakaways), and that preliminary ground investigations have been undertaken as detailed within Project No:E23169 Phase 1 Geo-Environmental Assessment for Land North of Barrier Bank, Cowbit (Elemental GI Ltd, Oct 2023). The Board recommends that you satisfy yourselves that the above ground investigations have been carried out as per best practice to determine infiltration potential and that further testing is carried out in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If additional soakaways are proposed, we recommend that these are appropriately distanced from both the building, watercourses and any existing soakaways. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. Byelaw 3 (Treated Foul Water) I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3. Section 23, Land Drainage Act 1991 I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). Byelaw 10 There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply

Lincolnshire County Council - Historic Environment: The applicant has not provided an assessment of the heritage potential of the proposal, as outlined in the NPPF (paragraph 207). The site lies in an area of high archaeological potential, near several recorded heritage assets and partially within a previously archaeologically evaluated site (Planning Reference: H01-0120-17). Recommendation: Currently there is insufficient specific information on the heritage potential for the site and the extent of impact to the historic environment from the proposed development. I recommend that the applicant submit the results of a Heritage Impact Assessment (HIA). This will be in accordance with

Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets. This HIA will aim to determine the significance and character of any heritage assets which could be impacted by the proposed development. This information should be provided with the application so that an informed planning recommendation can be made and to meet the requirements of the National Planning Policy Framework (NPPF) paragraphs 207 and 218. This will also help inform an appropriate evaluation/mitigation strategy for the proposed impact if necessary and should permission be subsequently granted.

Environmental Protection: I have reviewed Elemental GI Ltd Phase 1 geo-environmental assessment for land north of barrier bank, cowbit, Dated October 2023, Project No: E23169, Ref No: E23169/1/0 and Elemental GI Ltd Phase 2 geo-environmental assessment for land north of barrier bank, cowbit, Dated October 2023, Project No: E23169, Ref No: E23169/2/0. I am in general agreement with these findings. I request to see a remediation statement to confirm proposed capping and finished site levels. I also require to see a verification statement once works are complete to include evidence of capping soil depths as well as imported 'clean' soil chemical testing data

National Grid: Please contact NGED if you need confirmation of the position of the UG Cable within this land boundary.

Ecology Officer: No response received.

Cllr T E Sneath: No response received.

Cllr A Casson: No response received.

Cllr A R Woolf: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received. The response is set out below:

-Before this application is considered I think the previous planning should be looked at. As this has been abused H01-0138-24. The outcome is nothing like the planning passed. They have not built a fence at the rear but laid hard standing down in the agricultural land extending to something like 50 metres passed the agreed line and is now used to store all his diggers and piles of rubble. I feel they have blatantly ignored the planning and done what they like. Water from the roof is not being collected in soakaways but diverted to the local water drain. So before any decision is made this should be looked at first before more flaunting of the system is done.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design and Visual Impact;

- Impact on Amenity;
- Highway Safety and Parking;
- Biodiversity Net Gain;
- Heritage Assets and Archaeology;
- Contamination; and
- Flood Risk.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 sets out that within 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.

The southern portion of the site is within the settlement boundary of Cowbit. The proposed building is within this area. The northern portion of the site is outside the settlement boundary. Units A and B are proposed in this area and these units are outside red line boundary. Within the current submission, some of the car parking spaces and an access drive to Units A and B are proposed outside the settlement boundary. However, under permissions H01-0640-22 and H01-1053-23, car parking spaces and a yard area were approved outside the settlement boundary, in addition to Units A and B. As such, the principle of development outside the settlement boundary has already been found to be acceptable through the approval of these previous permissions. The principle of developing the site with a replacement building and two new buildings for office and storage use has also already been found to be acceptable. These permissions form a material consideration in the determination of the current application.

The current application relates to a smaller red line boundary area than the previous submission, as the area does not include Units A or B. The current submission seeks to change the proposed layout with an alternative parking layout and additional soft landscaping. The proposed building within the site is also larger and positioned further to the north-east than previously permitted.

Policy 7 of the Local Plan (Improving South East Lincolnshire's Employment Land Portfolio) of the Local Plan allows for new employment sites outside the allocated employment sites provided the proposal involves the re-use of previously developed land or the re-use of redundant buildings. The policy also sets out that where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non-allocated sites may be acceptable provided criteria a) to g) are addressed. As set out previously, the site previously featured an office building and the principle of providing a replacement building has been found to be acceptable under permissions H01-0640-22 and H01-1053-23.

The principle of development is therefore acceptable as the proposal is considered to accord with the aims of Policies 1 and 7 of the Local Plan.

Design and Visual Impact

Paragraph 135 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 of the Local Plan requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

A vehicular access is proposed from Barrier Bank, located between 64 Barrier Bank and 66 Barrier Bank, both of which are dwellings. The site access runs to the north-east to the rear of the dwellings along the road frontage along Barrier Bank. An area of car parking is proposed to the rear of the dwellings and further to the north-east, the proposed building is located (labelled as Unit C).

The building is proposed to feature two storeys and measures approximately 36m in length and 14m in width. The building is proposed to feature a shallow pitch gable end roof form. The roof ridgeline height is proposed to measure 6.8m and the eaves are proposed to measure 5.9m in height. Two flat roofed front projections are proposed which also measure 6.8m in height. The front projections are proposed to feature black vertical cladding planks, whereas the rest of the building features a combination of red brickwork and grey profiled cladding. The surrounding area features a mixture of materials, however, many of the nearest dwellings feature brickwork. Units A and B feature metal cladding. The proposed scale and appearance of the building is considered to be acceptable.

Soft landscaping is proposed throughout the site including trees and hedgerows which are shown indicatively within the proposed layout. This would help to break up the proposed car parking areas and the built form within the site. More planting appears to be proposed than within the previously approved schemes within the site. It is considered appropriate to secure further landscaping details via a condition.

The proposed boundary treatments include a brickwork wall and a security gate to the south of the proposed building where the southern car park area is proposed. There is already a substantial boundary brickwork wall on the south-western boundary between the site and the dwellings to the south-west. The proposed boundary treatment is considered to be suitable. 2.4m high green palisade fencing is proposed elsewhere within the site and this boundary treatment is also considered to be acceptable in this instance. It is considered appropriate to secure further details of bin store enclosures in the interests of amenity.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

There are dwellings located to the west, south-west and south-east of the site, along the frontage with Barrier Bank. The site slopes downwards from the road frontage and the proposed separation distance between the rear elevations of some of the nearest dwellings on Barrier Bank are shown within the submitted cross section plans (086(C) P04). The cross-section plans show that there would be approximately 23.5m between the proposed building within the site and the rear elevations of the closest dwellings. The plans also show the proposed levels of the site, the building within the site and the nearest dwellings next to Barrier Bank. The separation distance is considered to be suitable to prevent an unacceptable degree of overlooking. Furthermore, the separation distance is also larger than previously approved under permissions H01-0640-22 and H01-1053-23.

The proposed use of the building includes officer (Use Class E(g)(i)) and industrial processes (Use Class E(g)(iii)). These uses were previously approved under permissions H01-0640-22 and H01-1053-23. The proposed use is not considered to involve activities that are particularly noisy or

harmful in amenity terms. Employees of the businesses within the building would visit and leave the site, resulting an increase in activity. According to the application form, it is anticipated that there will be 17 employees within the site. The proposed opening hours are 7am to 6pm Monday to Friday, and 8am to 12pm on Saturdays. The site is not proposed to be open on Sundays and Bank Holidays. The opening hours are reduced compared with permissions H01-0640-22 and H01-1053-23. The council's environmental protection team have not raised specific concerns in terms of potential noise generation from the site. As such, it is not considered that the proposal would result in an acceptable impact on the amenity of nearby dwellings. The proposed development would therefore accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

Vehicular access to the site is proposed from Barrier Bank to the south-west. Parking is proposed for the building within the site, and two buildings to the north-east that were granted consent under permissions H01-1118-23 and H01-0138-24. Lincolnshire County Council's highways team have not raised any objections to the proposed development, including the proposed access and parking arrangements.

The proposal would therefore have an acceptable impact in terms of highway safety and as such, the proposal would accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not

begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

Unless the development is exempt from the mandatory Biodiversity Net Gain requirement (10%), a condition would be required, as mandatorily set.

In this case, the application is accompanied by a BNG Statement, prepared by Allied Ecology. This statements sets out that an extended habitat survey took place in April 2025. According to this survey, none of the habitats present within the site are afforded relevant condition assessment criteria within the Statutory Biodiversity Metric Calculation Tool (SBMCT). As such, a habitat Condition Assessment Survey was not undertaken. The statement sets out that none of the habitats present within the site are classified or characterised as representing an 'irreplaceable habitat'. The site comprises a construction site and commercial yard, set within areas of hardstanding which are subject to ongoing development activities within the wider site. No vegetated habitats are present within the site. As such, it is considered that the development in this instance is exempt from the statutory 10% Biodiversity Net Gain requirements as the proposal would fall within the de minimis threshold exemption.

Heritage Assets and Archaeology

Section 16 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which could affect designated and non-designated heritage assets.

Paragraph 207 of the NPPF sets out that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Policy 29 of the Local Plan sets out that the historic environment within South East Lincolnshire will be conserved and where appropriate enhanced. Part C of the policy relates to archaeology and scheduled monuments.

The site is not within a Conservation Area and there are no listed buildings on or next to the site.

Lincolnshire County Council's Historic Environment Team have requested a Heritage Impact Assessment is provided as the site lies in an area of high archaeological potential. However, the Historic Environment Team previously set out the following in their consultation response for application H01-0640-22 which encompassed the site and land around the current site:

"The area of the proposed development has already been subject to an archaeological evaluation, in association with application H01-0120-17, which did reveal some archaeological remains. However, these had been heavily disturbed and were not deemed to be of sufficient significance to justify any further archaeological recording. On this basis we would recommend that no further archaeological input be required in association with the present application."

No conditions were imposed on permissions H01-0640-22 or H01-1053-23 requiring archaeological evaluation of the site. As such, in line with previous advice from the Historic Environment Team and in line with the previous permissions within the site, it is not considered necessary to require the submission of a Heritage Impact Assessment.

Contamination

Policy 30 of the Local Plan sets out that development proposals should not be permitted were, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, or land quality and condition.

Paragraph 196 of the NPPF sets out that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

The application is accompanied by Phase 1 and Phase 2 geo-environmental reports. The council's environmental protection team has reviewed these reports and has requested a remediation

statement and verification report. However, the submitted reports relate to land to the south-west, where approval has been granted for six dwellings. For applications H01-0640-22 and H01-1053-23, the environmental protection team did not raise any concerns with the proposals or request any further information or planning conditions. It is therefore not considered necessary to include any conditions relating to ground investigation as the submitted information does not relate to the site.

Flood Risk

The southern portion of the site is within Flood Zone 1, whereas the northern portion of the site is within Flood Zone 2, as identified by the Environment Agency's flood risk maps.

Policy 4 of the Local Plan sets out that development within Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

Within the South East Lincolnshire Strategic Flood Risk Assessment, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is not within an identified hazard area. The SFRA does not recommend any specific flood risk mitigation in low hazard areas.

The application form indicates that proposed drainage strategy for the site is to use soakaways as a means of sustainable drainage. The submitted Phase 2 Environmental Investigation, prepared by Elemental GI Ltd, sets out at paragraph 7.4 that the site is underlain by cohesive soils. As such, infiltration rates would be assumed to be poor within these soils and therefore in situ soakaway testing would not be considered to be worthwhile. However, as set out above, the submitted Phase 2 report relates to land next to the site. It is therefore considered to be necessary to secure further details of the site conditions to explore feasible drainage strategies to establish if soakaways are suitable, and if not, to establish a suitable alternative drainage strategy. Drainage conditions can therefore be included to secure further details and to ensure a suitable strategy is in place.

The proposed development would, therefore, have an acceptable impact in terms of flood risk. The development therefore satisfactorily accords with Policy 4 of the Local Plan and Section 14 of the NPPF.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The proposed development is appropriate and would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety and overall the proposed development accords with the Local Plan and the NPPF.

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

Taking these factors into consideration, the proposed development accords with Policies 1, 2, 3, 4, 7, 28, 33 and 36 of the Local Plan, as well as Sections 9, 11, 12, 14 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under delegated authority.