

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-1114-23 **Applicant:** FloGro Systems Ltd

Proposal: Proposed King Prawn Hatchery, Grow Out and Processing Facility - approved under H02-0875-22. Modification of Condition 2 to allow amendments to previously approved plans.

Location: Decoy Farm Spalding Road Crowland

Terminal Date: 7th May 2024

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

National Guidance

National Planning Policy Framework 2023

- 6 - Building a strong, competitive economy
- 12 - Achieving well-designed and beautiful places
- 14 - Meeting the challenge of climate change, flooding and coastal change
- 15 - Conserving and enhancing the natural environment

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
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73a Modification application at Decoy Farm, Spalding Road, Crowland for a proposed King Prawn Hatchery, Grow Out and Processing Facility - approved under H02-0875-22. This application seeks a modification of Condition 2 to allow amendments to previously approved plans.

The originally approved proposal under H02-0875-22 sought to provide a staff car park of 55 spaces, a brine / sludge tank, water treatment plant and an attenuation pond, which would be sited toward the north-western boundary of the site. The two proposed grow out units would be 170.64 metres in length, 50.8 metres in width, have an eaves height of 5.61 metres and a ridge height of 8.28 metres. The buildings would be constructed from external box profile PVC coated steel sheeting. Internally box profile polyester coated steel sheeting with glass fibre insulation in the void would be provided. Solar panels would be sited on an east / west axis along the length of the buildings. Surface water would be addressed by SUDS with foul water addressed by a package treatment plant. The proposed number of employees is 48 full-time workers. The site would be bordered by a 2.4 metre high green RAL 6005 twin mesh security fence and posts.

The amended final plans seek to provide car parks of 121 parking spaces, a brine / sludge tank and a water treatment plant to adjacent to the southern boundary, green RAL 6005 in colour, and an attenuation pond, which will be sited toward the north-western boundary of the site. A storage building will be located toward the western boundary adjacent to grow out unit 9, with another storage building to the east of grow out unit 3 toward the eastern boundary.

The 9 grow out units will be constructed from olive green RAL 6003 plastisol coated steel walls and roof. Each grow out unit will contain a plant room, production corridor, lobby, staff corridor, an office, lab, male and female toilets and a mess room. Additional rooms of unspecified use will also be available in the building, along with a mezzanine floor 4.1 metres above floor level. The grow out buildings will be 170.976 metres in length, 55.19 metres in length, have an eaves height of 7.84 metres and a ridge height of 10.341 metres. The previous units were 9 separate buildings. The new layout is formed from 3 combined units of 2 and 1 combined unit of 3. The supporting covering letter states that following a review of the efficiency of the design (including energy efficiency) it has been concluded that a way of improving efficiency would be through combining building rather than constructing separate ones.

The hatchery and process building will be constructed from a mushroom RAL 9001 plastisol coated steel walls and an olive green RAL 6003 plastisol coated steel roof. This building will contain a number of rooms including a plant room, harvest / intake room, lab, processing room, freezer, staff room and a packaging room. A mezzanine floor will provide a hatchery office, mess room, wcs and a meeting room. The L-shaped building is 40.965 metres in maximum width, 91.113 metres in length, have an eaves height of 6.644 metres and a ridge height of 8.008 metres.

Solar panels will be sited on an east / west axis along the length of all the buildings. The site will be bordered by a 2.4 metre high green RAL 6005 twin mesh security fence and posts. Cycle shelters will be located to the east of grow out unit 3 and will be Broxap Apollo or similar of a green RAL 6005 colour with ebike charging points. Charging points for electric vehicles are to be provided at 10% of all car parking spaces. Landscape screening will be located along the eastern boundary with two new vehicular access points secured by a manual arm vehicle barrier outside of normal working hours.

Phase 1 of the development will provide two grow out units, and the process / hatchery building in the south-east corner of the site with 27 staff car park spaces. Phase 2 will complete the development with the additional buildings including the seven other grow out units. The proposed number of employees is 48 full-time workers once Phase 2 is completed.

The previously approved flood risk assessment shows that the ground floor area of the buildings will have flood resilient construction incorporated to a minimum height of 300mm above the predicted flood level, with a refuge for workers provided at first floor level.

A site visit was conducted on Friday, January the 5th 2024.

SITE DESCRIPTION

The site is outside of defined settlement limits and the surrounding area is predominately rural, characterised by non-nucleated linear development along Barrier Bank. Decoy Farm is sited to the south of the site with Barrier Bank and arable fields to the east. Arable fields are also sited to the west and north of the proposal site. The site is in Environment Agency Flood Zone 3 and predominately in a "Danger for Most" hazard area, with part of the site within a "Danger for All" hazard area on the 2115 South Holland Strategic Flood Risk Mapping. This mapping shows the site subject to a maximum predicted flood depth of 2 metres.

RELEVANT HISTORY

Full - Proposed King Prawn Hatchery, Grow Out and Processing Facility - Approved - 5th December 2022.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between the 27th of December 2023 to the 18th of January 2024)

Anglian Water - 27th December 2023

"The approved plans submitted with the application are not drainage related and therefore we have no comments to make. Please do not hesitate to consult us for any related drainage matters."

Lincolnshire Police - 2nd January 2024

"Lincolnshire Police do not have any objections to this application."

Environment Agency - 2nd January 2024

"The Environment Agency does not wish to make any comments on this application."

South Holland District Council - Environmental Protection - Oliver Abrams - 11th January 2024

No comments

North Level Internal Drainage Board - 12th January 2024

"The Board has no objections to this application."

"The Board's Brotherhouse Bar Drain forms the eastern boundary of the site and the Board's Byelaws apply. In particular, Byelaw No.10 states "No person without the previous consent of the Board shall erect any building or structure, whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the landward toe of the bank where there is an embankment or wall or within 9 metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within 9 metres of the enclosing structure". A 9 metre easement has now been established in the proposed layout plans."

"It is noted that surface water is to discharge to an attenuation lagoon which, in turn, will then outfall into a riparian drain to the north of the site. Consent will be required from the Board for any

proposed discharge to a drain and, if approved, .a development levy will be payable in accordance with the enclosed."

"The submitted documents provide only outline details of how surface water might be managed and a potential discharge rate. They lack much of the detail that should have been provided and which will need to be in order to consider if the proposed drainage systems will be appropriate. Such information must, among other factors, take into account all potential development phases here and how the systems might be affected when there are elevated water levels in the local watercourse network (for a prolonged period)."

"Finally, it is noted that the plans show two new accesses across Brotherhouse Bar Drain. An application seeking Land Drainage consent will be required for any new access."

Lincolnshire County Council - Highways & SUDS - 15th January 2024

No objections - *"The proposal is for minor amendments to the approved drawings that already has approval under H02-0875-22. The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk."*

Crowland Parish Council - 23rd January 2024

"No objections."

Lincolnshire County Council - Historic Places Team - Gregor Robertson Morris - 23rd January 2024

"No archaeological input required."

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle of Development and Sustainability
Layout, Design and Consideration of the Character and Appearance of the Area
Impact on Residential Amenity/Land Users
Highway Safety and Parking
Flooding Considerations / Drainage
Ecology
Outstanding matters from representation

EVALUATION

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

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Principle of Development and Sustainability

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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 in terms of sustainability.

Policy 1 (Spatial Strategy) of the SELLP indicates that '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. 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.

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

The proposal is for a use and scale of development suited to a rural environment. Whilst a king prawn hatchery is not a use currently present in the district, the nature of the building design and likely volume of vehicular movements is comparable to that of the medium sized agricultural unit. Economically the proposal will help jobs in the local economy. Socially the proposal is sited away from dwellings and is anticipated to have a material amenity impact on neighbouring land uses. Environmentally, the proposal benefits from utilising biomass energy from the adjacent site, siting solar panels on the roof and reducing carbon emissions by not transporting prawns for processing and packing from ports.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the amenities of neighbouring buildings, and parking provision which are discussed in turn as follows.

The principal of development is also assessed against Policy 7 of the SELLP titled "Improving South East Lincolnshire's Employment Land Portfolio." The relevant section of this policy is titled "Other Employment Areas". This section states:

"New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. 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:

- a. the development does not conflict with neighbouring land uses;
- b. there is no significant adverse impact upon the character and appearance of the area;
- c. the design is responsive to the local context;
- d. there will be no significant adverse impact on the local highway network;
- e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
- f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
- g. there is an identified need for the business location outside of identified employment areas on the Policies Map."

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

- a. The development does not conflict with neighbouring land uses. The development benefits from the proximity to the neighbouring site at Decoy Farm and will utilise the biomass energy available.
- b. There is not considered to be a significant adverse impact upon the character and appearance of the area, due to agricultural nature of the building design and the siting approximately 20 metres from the highway at the nearest point.
- c. The design of the buildings is in keeping with other agricultural buildings in the vicinity of the site.
- d. There will be no significant adverse impact on the local highway network. The County Highways & SUDS Officer has no objections to the submitted details.
- e. There will be no significant adverse impact upon the viability of delivering any allocated employment site. The proposed king prawn hatchery facility is well suited to this location and could not be adequately accommodated within an established industrial estate / employment site.
- f. The site is solely accessible by private transport. However, given the nature of the proposal it would not be suited to a location on a regular public transport route.
- g. There is an identified need for the business location outside of identified employment areas on the Policies Map.

This application accords with SELLP Policy 7.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), 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. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it 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. These policies accord with the provisions of the National Planning Policy Framework and require that 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

There is not considered to be a material impact on the character and appearance of the area. The buildings are of a similar design and materials of construction to medium scale agricultural buildings in the surrounding rural context. Additionally, the proposal maximises use of the available land without materially impacting adjacent neighbouring land uses. The new layout now incorporates combined grow out units to maximise energy efficiency and measures to maximise biodiversity on the available land will be secure by condition.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be 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 South

East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The nearest dwellings are located 965 metres to the north, 110 metres to the south beyond the Decoy Farm buildings, and 773 metres to the south-west.

There is not considered to be a material visual amenity impact from the proposal. The buildings are of a similar design to other agricultural buildings in the surrounding area and are not considered to constitute a visually jarring feature in the Fenland landscape. Whilst the use of the site is maximised it is not considered to constitute overdevelopment. The site benefits from having the buildings sited close to each other for transportation and energy efficiency reasons.

Due to the nearest dwelling being located 110 metres away behind the office buildings of Decoy Farm there is not considered to be an overlooking or overshadowing impact from the proposed buildings.

A condition was imposed on the previous approval of H02-0875-22 to reduce noise from machinery on site above background noise level. It is considered appropriate to that this condition is retained.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises 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".

In respect of highway matters, Policy 2 details 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.

The site is solely accessible by private transport. However, given the nature of the proposal it would not be suited to a location on a regular public transport route. Charging points for electric vehicles are to be provided at 10% of all car parking spaces. Landscape screening will be located along the eastern boundary with two new vehicular access points secured by a manual arm vehicle barrier outside of normal working hours. The number of parking spaces proposed under Phase 1 of the development will be 27 rising to 121 once the site is fully developed. The County Highways & SUDS Officer has no objections and has stated *"The proposal is for minor amendments to the approved drawings that already has approval under H02-0875-22. The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk."*

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National

Flooding Considerations / Drainage

Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site is in Environment Agency Flood Zone 3 and predominately in a "Danger for Most" hazard area, with part of the site within a "Danger for All" hazard area on the 2115 South Holland Strategic Flood Risk Mapping. This mapping shows the site subject to a maximum predicted flood depth of 2 metres.

The previously approved flood risk assessment shows that the ground floor area of the buildings will have flood resilient construction incorporated to a minimum height of 300mm above the predicted flood level, with a refuge for workers provided at first floor level. The Environment Agency had no comments to make on the amended proposal when consulted. The North Level Internal Drainage Board has no objections to the proposal and request a condition for submission of a surface water drainage scheme. This matter was conditioned under Condition 6 of the previous approval H02-0875-22.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning Policy Framework (December 2023) in this regard.

Ecology

A detailed Preliminary Ecological Appraisal and Reptile Survey was submitted to support the previous application. The walkover site visit was supplemented by historical records of protected species, priority habitats and non-statutory designated nature conservation sites falling within 2km of the site; these were obtained through consultation with Lincolnshire Environmental Records Centre.

The Ecology Report states:

"The proposed landscaping scheme should seek to incorporate trees, shrubs and ornamental planting of greatest value to nature conservation, including nectar and fruit bearing plants which offer increased habitat value to aerial invertebrates. This, in turn, would provide refuge and foraging sources for locally occurring birds, bats, herpetofauna and mammals."

Any vegetation removed on site will be done outside of the nesting season. Dark unit corridors will be maintained on site to allow for the free movement of bats away from artificial light. All excavations will be covered at night to avoid trapping nocturnal animals such as badgers and hedgehogs.

The Lincolnshire Bat Group and the Lincolnshire Wildlife Trust had no objections to the submitted details on the previously approved application.

Because this is a Section 73 application following an initial application approved before the introduction of Biodiversity Net Gain (BNG), there is not a requirement to submit a Biodiversity Report in this instance.

Outstanding matters from representation

None

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 amended proposal represents appropriate development within the open countryside. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of neighbouring land uses, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework (December 2023) when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

CONCLUSION

Taking into consideration these factors, the Section 73a Continuation proposal is considered to comply with Policies 1, 2, 3, 4, 7 and 28 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the Sections 6, 12, 14 and 15 contained within the National Planning Policy Framework (NPPF) (December 2023). There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

RECOMMENDATION

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

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.