

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0436-24 **Applicant:** Ms C Bushby

Proposal: Demolition of timber structured mobile homes/day rooms and outbuildings and erection of 24 semi/terraced bungalows

Location: Green Acres Park Roper'S Gate Gedney

Terminal Date: 20th September 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
06	Developer Contributions
18	Affordable Housing
20	Accommodation for Gypsies, Travellers and Travelling Showpeople
28	The Natural Environment
29	The Historic Environment
30	Pollution
APPENDIX 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0

WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	2
OTHER STATUTORY BODIES	1	0	0	7
RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an outline planning application with means of access only to be considered for the demolition of timber structure mobile homes/day rooms and outbuildings and erection of 24 semi/terraced bungalows.

Indicative site plans and elevations have also been submitted in support along with the suite of document required for the validation of such an application.

Site Description

The application site is outside of defined settlement limits (north east of Gedney) and is, therefore, designated as being located in the open countryside in accordance with the policies map contained within the SELLP. Vehicular access is gained to the site from Ropers Gate. The land accommodates a number of traveller pitches.

The land is bounded to the south by a field drain. The site and the surrounding land is located within Flood Zone 3. Hazard Mapping contained within the SFRA show that the site is in a white cell and partly low hazard.

Hallgate Cottage, which is a detached dwelling in substantial gardens, stands to the west of the site. Further away there are dwellings within sizeable garden plots. Hallgate House (Grade II Listed) is located to the west with Hallgate Cottage and grounds in between. The listed property sits within its own gardens and is not related to the application site. The property sits as an entirely independent dwelling unrelated to the application land.

History

H06-1163-19 - Proposed gates with pillars to all three accesses. Approved 05-03-20
H06-1046-19 - Details of foul and surface water disposal (Condition 4 of H06-0233-19). Under consideration.
H06-0233-19 - Change of use of land (part retrospective) to provide five additional gypsy/traveller pitches with one day room per pitch and existing stables converted to dayrooms. Also, erection of one new store and retention of sheds for pitch 1, with construction of internal road to facilitate separate ingress and egress to and from the site, including hardstanding. Approved 05-09-19.
H06-0226-18 - Erection of day room - Approved 22 June 18 H06-0022-17 - Erect fencing around the site with associated landscaping and planting - Approved 7 March 2017
H06-0558-15 - Change of use of paddock to gypsy/traveller site comprising of 2 pitches, including alterations to existing accesses and construction of roadways and hardstanding - Approved 21 October 2015
H06-0105-15 - Provision of three stable blocks, animal feed/supply store and alterations to existing accesses - Approved 15 May 2015
H06-0145-13 - Change of use of paddock to gypsy/traveller site comprising 2 pitches, including alterations to access and construction of roadway and hardstanding - Approved 6 September 2013.
H06-1091-13 - Details of landscaping, surface materials and Flood Risk Assessment 'safe haven' (Conditions 5, 6 and 7 of H06-0145-13) - Approved 4 March 2014.

Consultation Responses

Parish

Council strongly object to this application. The original application H06-0233-19 was only given approval due to the following: Occupation of the development hereby permitted shall be limited to a person or persons who meet the definition of a gypsy or traveller as defined by national guidance set out in 'Planning policy for traveller sites'(August 2015)(or as may be amended) and any resident dependants. Reason: Permission has only been granted for this development in the open countryside on the basis of an identified need for gypsy/traveller pitches. Occupation of this site by non gypsy/traveller individuals or families would be contrary to established national and local policies of rural restraint. This Condition is imposed in accordance with Policies 1, 2 and 20 of the South East Lincolnshire Local Plan, March 2019 which reflect national guidance contained in both the National Planning Policy Framework 2019 and 'Planning policy for traveller sites, March 2015'. This new application is contrary to the local plan as it has no connection to Gypsy or traveller and is in open countryside.

Anglian Water

We are unable to make an accurate assessment for the proposed development because no drainage strategy has been submitted with the application and therefore it is not clear where the applicant is proposing to connect to Anglian Water network.

South Holland IDB

The site is within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.

The Board's Officers have reviewed the documents submitted in support of the above planning application. Officers have noted works which may require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime.

Where consents are required, the Board strongly recommends that these are sought from the Board prior to determination of this planning application. The annexe at the end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent.

Environment Agency

1st Response: We wish to object to the use of nonmains foul drainage as it may be reasonable for the development to connected to a public sewer but no justification has been provided for the use of

a non-mains system.
2nd Response: Removed objections

Historic Places Team

Thank you for consulting us on this application. The proposed development lies in an area of high medieval archaeological potential. It is surrounded by known medieval and undated heritage assets. The Lincolnshire HER records multiple near monuments and sites: MLI20477 - The medieval settlement of Lutton. MLI20492 - The medieval Settlement of Long Sutton. MLI23624 - Undated features at Chapelgate. MLI88509 - Undated features on land at Lowgate, Gedney. MLI20436 - Medieval Settlement, Fleet Hargate. MLI20457 - Medieval saltern remains, Gedney Dyke. MLI87308 - Undated ditch, pit and post hole at 7 & 9 Roman Bank, Gedney Dyke.

There is therefore a high potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 211). The applicant has not provided an assessment of archaeological/heritage potential for the site as required in the NPPF (paragraph 200). The proposed development comprises Demolition of timber structured mobile homes/day rooms and outbuildings and erection of 24 semi/terraced bungalows, access and additional car parking spaces. Also, potential drainage and services connections. Groundworks and any temporary works associated with the development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present.

I recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a phased approach of archaeological investigation and mitigation work.

Highways & LLFA

1st Response: As this is an outline application with Access to be considered the access arrangements are unacceptable and shall include details of the radii at the junction. Is the applicant proposing that this site will be put forward for adoption? The flood risk assessment does not include any specific comments relating to surface water flood risk. A Drainage Strategy has not been submitted - the principle of the drainage has to be approved as it is a major application. A written statement is required along with a drainage drawing. SuDS applies to this development as it is >10 dwellings. Any discharge agreements should be submitted. A Ground Investigation Report is required along with infiltration testing to BRE Digest 365. Flood Flow paths and overland flow details are required

Lincolnshire Wildlife Trust

Lincolnshire Wildlife Trust wishes to register a holding objection on this application pending the submission of plans to achieve no net loss for biodiversity on this site.

Lincolnshire Bat Group

No evidence of bat use was found, but note summary of recommendations in section 9, and the timescale of the length of the report

National Gas

Regarding planning application H06-0436-24:, there are no National Gas Transmission assets affected in this area.

Crime Prevention Officer

Lincolnshire Police do not have any objections to this application.

Lincs Fire & Rescue

The consultee provides information in relation to access for fire services to homes and access to water supplies

NHS

The contribution requested for the development is £15,840.00 (£660 x 24 dwellings).

Ecology

1st Response: The ecologist makes objections based upon the limited biodiversity information.

2nd Response: I am writing to amend my initial comments in reference to the application above. I have since been in discussion with the ecological consultant and the architect involved in the application (e.g., see below) who have each supplied additional information and discussed the potential for habitat creation and enhancement on the land at the north end of the site.

Following these discussions, I believe the proposal will be able to achieve better than 10% BNG and I no longer have any issues with the application at this stage, noting that we must condition (via the general biodiversity gain condition) that a finalized biodiversity gain plan and habitat management and monitoring plan will need to be submitted and then approved by the authority pre-commencement.

Environmental Protection

I request a standard land contamination be applied at this location.

Housing Strategy

Within the outline application, a 25% affordable housing provision has been proposed which would meet the planning policy requirement for settlement. 70% of these properties should be provided as affordable rented homes, 25% as First Homes and 5% as shared ownership. The details of this affordable housing provision should be secured within a Section 106 Agreement.

As this is an outline application the specific details of the affordable housing provision should be discussed and agreed upon with the Housing Strategy and Enabling team before the submission of a reserved matters application. However, the following is provided for information based on the current need for the size and tenure of the affordable housing provision: this scheme is likely to require 4 units for affordable rent, 1 unit for shared ownership and 1 unit for First Homes.

Representations

The application was advertised in accordance with the DMPO, five number local objections have been received and they can be summarised into the following material planning points.

- The road network is not sufficient to absorb the development
- Over development of the site
- Impact upon infrastructure such as schools, doctors surgeries etc
- Loss of traveller pitches
- Noise and amenity impact upon residents
- Does not meet sustainable development needs
- Countryside location

Evaluation

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.

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 within the report above.

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

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Planning Considerations

The application is outline with means of access only to be considered. This therefore reduces the topics for assessment, impacts such as character and amenity impacts from physical structures are not assessed as part of this report. The following topics are therefore relevant to this assessment.

- Principle of development (Market housing in the countryside & Loss of Gypsy Traveller Pitches)
- Planning Obligations
- Flood Risk and Drainage
- Highway Safety
- Ecology
- Environmental Issues
- Planning Balance

Principle of Development

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

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.

Market Dwellings in the Open Countryside

Part D of SELLP Policy 1 sets out permitted development types within the open countryside. It states 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. 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.*

Within the reasoned justification (under para. 3.2.17) housing exception in the countryside are listed, the paragraph states that *Housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing needs of a settlement (see Policy 19: Rural Exceptions Sites).*

This proposal is outline for 24 number semi-terrace bungalows, 18 of which are market housing (6 social to comply with affordable housing policies). The proposal then is for a market scheme, this does not meet with any of the exceptions set out under the reasoned justification and in so is contrary to the overarching aims of the spatial strategy.

Loss of Gypsy Traveller Pitches

The application site currently serves as a site for the Accommodation for Gypsies, Travellers and Travelling Showpeople. SELLP Policy 20 is concerned with the aforementioned and states the following:

The redevelopment or change of use of an Existing Residential Gypsy/Traveller Site or Existing

Residential Travelling Show person's Site (as identified on the Policies Map) will be permitted only if an assessment has been undertaken which has clearly shown that the site is no longer required to meet the accommodation needs of the Gypsy/Traveller or Travelling Snowpersons communities.

Between 2011 and 2036, evidence suggests that, in South East Lincolnshire, there will be a need for the provision of:

- 4 new permanent residential pitches for gypsies and travellers; and*
- 1 new permanent residential plot for travelling showpeople. This need will be met through the development of the sites identified on the Policies Map and listed below:*
- Land at The Stables, Baulkins Drove, Sutton St James allocated as a 'Proposed Residential Travelling Showperson's Site', to provide accommodation for one additional household; and*
- Land at Bleu Raye Farm, Mill Gate, Whaplode Fen allocated as a 'Proposed Residential Gypsy/Traveller Site', to provide accommodation for four households.*

The need expressed by SELLP Policy 20 is based upon the evidence based collated as part of the Boston & South Holland Gypsy and Traveller Accommodation Assessment (Opinion Research Services, November 2016). The report summaries that:

In summary there is a need for 4 additional pitches in South Holland for Gypsy and Traveller households that meet the new definition; a need for up to 13 additional pitches for Gypsy and Traveller households that may meet the new definition - although if the national average of 10% were to be applied this could be as few as 1 additional pitch; and a need for 9 additional pitches for Gypsy and Traveller households who do not meet the new definition.

Whilst this site is not allocated for Gypsy Travellers, it does provide much needed accommodation for them, especially as a recent planning application that was approved supported the use of 'Land at Bleu Raye Farm' for tourism purposes (which is a use compatible in the open countryside). The loss of this site for Gypsy/Traveller use along with the fact that South Holland DC cannot demonstrate a 5 year land supply for such pitches has exacerbated the need in the area.

Within the reasoned justification (para. 5.12.4) under SELLP Policy 20 comments relates to 'unknown' need. It states:

The GTAA47 also identifies an 'unknown' need for up to 16 additional residential pitches for gypsy and traveller households (up to 3 in Boston Borough, and up to 13 in South Holland. This 'unknown' need will be met by determining planning applications, taking into account the provisions of the NPPF9 , Planning policy for traveller sites , and the policies of this Local Plan (in particular Policy 20).

This application is not accompanied by any meaningful justification that would suggest that there is no longer a need for Gypsy Traveller accommodation on this site or across the wider district. Without which and on the basis that SHDC cannot demonstrate a 5YLS for pitch provision it has not been demonstrated that the application is not needed for Gypsy Traveller accommodation.

Notwithstanding the fact that the site is not allocated an allocated site on the SELLP policies maps, the loss of these pitches it is not demonstrated to be acceptable and in so is contrary to SELLP Policy 20 as well as paragraph 63 of the NPPF.

Principle Summary

The proposal is therefore considered unacceptable in principle and would not accord with SELLP Policies 1 and 20.

Planning Obligations

SELLP Policy 6 sets out requirements for developer contributions. It states that *Developments of 11 or more dwellings, or which have a combined gross floorspace of more than 1,000 sqm, or non-residential development of 1,000sqm gross floorspace or more will be expected to mitigate their impacts upon infrastructure, services and the environment to ensure that such developments are acceptable in planning terms. The Local Planning Authorities will not accept any proposals that artificially reduce capacity or floorspace to circumvent the proper operation of this policy.*

Affordable Housing

The applicant has confirmed that 6 of the dwellings would be for affordable either rent or sale. This meets with the policy target of 25%.

Education

No comments have been received from LCC in terms of an education contribution. However, it is considered that should there be no capacity in local schools to absorb this development then education facilities will be made in accordance with the requirements set out in Appendix 8: Developer Contributions for Education Facilities.

Health Care

The NHS have confirmed that a commuted sum would be required in order to make this development acceptable in planning terms.

Summary

All contributions would be secured through S106, with affordable housing provided onsite.

Flood Risk and Drainage

Section 14 of the NPPF sets out the national policy basis for making assessments in relation to flood risk.

SELLP Policy 4 sets out South Hollands approach to Flood Risk. The application site lies within Flood Zone 3 in accordance with EA Mapping. The South East Lincolnshire Strategic Flood Risk Assessment (March 2017), indicates that the application site is shown to be low hazard rating on both the South Holland District present day and 2115 flood maps.

Given the existing fall back across the site and the low hazard identified within the SFRA it is considered that the site would likely pass the sequential test (the proposed use being less vulnerable). However limited information has been provided as to how this would meet with the exception test. The exception test is two folded:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The loss of Gypsy/Traveller pitches and instead the erection of market dwellings in this countryside location is unlikely to meet with the sustainability objectives of the plan and so would not provide sustainability benefits for the wider community that would outweigh flood risk.

Furthermore, the applicant has not provided a sufficient principle drainage strategy. The LLFA and Anglian Water therefore object to the proposal in terms of surface water drainage. This on its own is sufficient to warrant refusal of the application. Notwithstanding the fact that the EA now consider the foul drainage strategy appropriate the omission of any meaningful surface water drainage strategy would not demonstrate that this development is safe from flooding for the lifetime of the development.

On this basis the proposal is considered to be contrary to SELLP Policy and section 14 of the NPPF, especially paragraph 170.

Highway Safety

SELLP 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.

SELLP 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.

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

The applicant is applying for the means of access to be considered. Highway have made comment and have stated that a radius need to be included and has also requires information in terms of this

access being adopted. The agent has sent Highways a radius plan, but not officially submitted to the LPA. It is unknown whether or not this plan is sufficient to overcome highways holding objection.

Other Highways information is not assessed, such as parking, turning and access for service and emergency vehicles, this would likely take place at the detailed design stage.

At present then this proposal would not accord with SELLP Policies 2, 3 or section 9 of the NPPF, especially paragraph 115.

Ecology

NPPF Paragraph 186 sets out a criteria-based approach for LPAs to apply when considering development proposals. The criteria in part includes methods to protect and encourage bio-diversity as well as preventing development resulting in the loss of priority habitats.

NPPF Paragraph 180d is also relevant requiring net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

SELLP Policy 28 is concerned with the Natural Environment points 2 and 3 are relevant to this assessment, point 2 is concerned with Nationally or locally designated sites and protected or priority habitats and species and point 3 with addressing gaps in the ecological network.

The applicant has provided an Ecological Appraisal and BNG net gain statement (by ESL). In terms of protected species it appears that the consultees have no objection and therefore any development would be conditioned in accordance with the details of this document.

Lincolnshire Wildlife Trust have been consulted and have on file a holding objection as regards BNG, however the applicant has provided an updated plan that shows areas where BNG will be built-in to the scheme. The Senior Ecologist has reviewed this information and has removed any earlier objections.

Therefore, it is considered that the proposal would meet with SELLP Policy 28 as well as paragraphs 180d and 186 of the NPPF.

Environmental Issues

NPPF 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.

SELLP Policy 2 sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

SELLP Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

It is considered that given the existing use of the site and the control over the built forms scale and location at reserved matters stage that environmental impacts could fairly be mitigated. The operational use of the site whilst giving rise to intensification could be absorbed in terms of the noise and disturbance created through appropriate design.

On this basis there are no amenity concerns sufficient enough to support a reason for refusal. Any permission would include condition to mitigate the construction phase.

The proposal would at this stage therefore accord with SELLP Policies 2 and 30.

Archaeology

NPPF Paragraph 200 requires developers to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the

proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

SELLP Policy 29 is concerned with the historic environment, it states that "Distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced. Opportunities to identify a heritage asset's contribution to the economy, tourism, education and the local community will be utilised"

The Historic Places Team have made comments and have no objections subject to the attachment of Archaeological related conditions. Conditions would prevent any development until desk based and field based assessment and analysis has taken place.

On this basis and given the comments from LCC Historic Places Team the proposal would meet with SELLP Policy 29.

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 proposal represents inappropriate development outside the defined settlement boundary. The proposal would result in a scheme of market dwellings in the open countryside, furthermore it would also result in the unjustified loss of Gypsy/Traveller pitches.

The application is not accompanied by an adequate surface water drainage strategy nor is there sufficient information in terms of the access/highway safety. The proposed development is therefore considered not to represent a sustainable form of development and would be contrary with the aims South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are material considerations that weigh against the proposal and as such, the planning balance is not in favour of the development.

Conclusion

Taking into consideration these factors, the proposal is considered not to comply with Policies 1, 2, 3, 4, 20, 29 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). On this basis the proposal is recommended for refusal.

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.