

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-1023-23 **Applicant:** Mr A Brown
Proposal: Residential Development - 2 Dwellings
Location: Land Adjacent: 8 Beck Bank Gosberton Clough Spalding
Terminal Date: 29th April 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
05	Meeting Physical Infrastructure and Service Needs
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks full planning permission for the erection of two dwellings, along with two detached garages and a proposed new access.

The proposed dwellings would consist of a detached form and would be two-storey in scale.

Site Description

The application site is located on Beck Bank in Gosberton Clough. The site comprises a rectangular shaped plot and is located within the settlement boundary for Gosberton Risegate and Clough in the South East Lincolnshire Local Plan (2019). To the east and west is open fields with dwellings of vary designs to the north and south. There are a mixture of detached and semi-detached two storey properties in the locality of varying design and plot size.

History

H08-0918-16 - Outline - Residential development - two dwellings - Refusal 04.11.2016

H08-0484-17 - Outline - Erection of two dwellings - re-submission of H08-0918-16 - Appeal Dismissed 23.11.2017

H08-0324-19 - Outline - Residential development - two plots - Approved 13.05.2019

Consultation Responses

Initial Responses Received (Consultation period between 28th November 2023 - 19th December 2023)

The responses received from consultees during the initial consultation exercises can be summarised as follows:

Highway and Lead Local Flood Authority

No objection: The Application Site has been the subject of a previous Planning Application for similar development and the highway authority's recommendation was that that Application should be refused Consent on highway safety grounds - because the absence of any footways and narrow verges on this unlit road rendered pedestrian access to and from the proposed dwellings unsafe. The Application was refused by the Local Planning Authority and was subsequently Appealed. The Appeal was dismissed but the Planning Inspector determined there was not a highway safety issue.

Given that determination, there seems little point in the highway authority repeating its opinion that a residential use of the Application Site would have an unacceptable impact upon highway safety and so the highway authority raises no objection to the grant of Consent for this Application.

SHDC Environmental Protection Officer

No comments

Black Sluice Internal Drainage Board

The Board has received the above planning application and has the following comments:

Rainfall Runoff

It is understood that surface water from the development is to be discharged into an "existing watercourse" within the Black Sluice IDB district.

If this is the case, then the prior written consent of the Board is required (a relaxation of Board Byelaw No.3).

If the applicant subsequently decides to use soakaways, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that soakaways are suitable for the site should be submitted to the local planning authority for their approval.

Full details of any surface water schemes for the proposed development should be submitted to the local planning authority for consideration and approval.

Disposal of Foul or Dirty Water

It is understood that foul water from the development is to be discharged via package or bio-treatment units.

If this is the case, then the applicant has two options:

- 1.If the final discharge is to a watercourse, then the Boards prior written consent is required. The consent of the Environment Agency may also be required for any discharges above 5 cubic metres per day.
- 2.If the discharge is to soakaways, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that soakaways are suitable should be submitted to the local planning authority for their approval.

Works within watercourses within the Black Sluice IDB District

There is believed to be a piped watercourse on the northern boundary of the site. This pipeline is understood to be under separate ownership.

If the applicant or their successors intend to make any changes to this piped watercourse, now or at any time in the future, then under Section 23 of the Land Drainage Act 1991 the prior written consent of the Board is required as well as the consent of the pipe owner. This is mandatory.

Site Ground Levels

The existing ground level of the site should not be raised above the level of any surrounding land unless measures are taken, to the satisfaction of the local planning authority, to prevent possible flooding or waterlogging of any neighbouring land or property.

Responses Received within Re-consultation (Consultation period between 25th March 2024 - 06th April 2024

Highway and Lead Local Flood Authority

I note they have changed the access arrangements - I would question if they have rights of access from the access track to the sewage works as this is a private track.

SHDC Environmental Protection Officer

No comments regarding amendment 1.

Black Sluice Internal Drainage Board

No further comments other than those previously submitted 19/12/23.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Planning Considerations

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

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage
- Biodiversity

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 (updated 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 also able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development and Sustainability

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.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Other Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Other Service Centres will normally be limited to Committed sites and infill.

The National Planning Policy Framework, (NPPF) December 2023 outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Para 70 of the NPPF (December 2023) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application site in this instance is within Gosberton Clough, a settlement identified as a 'Other Service Centre', and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

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 residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

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.

The proposed layout comprises an arrangement that would utilise the existing land, with an appropriately detailed scheme. The scale of the proposal is for two storey dwellings. The layout incorporates garages to the rear of the dwellings, Plot 1 would access the garage via an access off a track down the side of the application site and Plot 2 would gain access to the detached garage via a new driveway formed down the side of the proposed dwelling, following its initial access point from the highway to the front of the site.

The proposed development seeks to provide rear garden spaces to each of the proposed plots, to slightly differing degrees. Whilst these garden spaces would slightly vary, the amenity space is considered to be appropriate and adequate to serve the proposed dwellings. Further, the resultant development would be of an appropriate density as to ensure that the character of the area, and the scales of amenity space, are appropriate as to not cause an unacceptable adverse impact.

Plot 1 would be constructed from Ibstock Ivanhoe Cottage Blend facing brickwork, a Sandtoft concrete shire pantile roof, grey windows and doors with black rainwater goods. Plot 2 would be constructed from Ibstock Ivanhoe Cottage Blend facing brickwork, an Edgemere interlocking concrete slate smooth grey roof, grey windows and doors with black rainwater goods.

These details are considered satisfactory, but it is suggested that an external materials condition is included to ensure the Local Planning Authority is able to consider the full complement of materials for the dwellings.

Overall, the siting of the development, coupled with the scale, design and external appearance, is considered to be acceptable and whilst comprising an addition to the streetscene that would be readily visible, is not considered to comprise an oppressive or dominant addition to the streetscene or context. The siting of the dwellings is set back from the highway, to further lessen the extent of visual impact along the streetscene.

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.

Plot One

Plot one would have a separation distance of approximately 21m (in excess of) from the side elevation of No.4 Beck Bank. The proposed northern elevation of plot one does not propose any first floor windows. As such, the proposed development will not have a material adverse impact on residential amenity, in terms of creating overlooking or loss of privacy to No.4 Beck Bank.

There are no neighbouring dwellings to the east or west of Plot One. However, Plot 2 is proposed to the south of Plot 1. The proposed southern elevation includes two first floor windows; however, these windows are proposed to serve en-suites and are to be obscure glazed (controlled by condition), and therefore does not comprise primary living rooms. As such, the proposed development will not have a material adverse impact on residential amenity, in terms of creating overlooking or loss of privacy, with conditions also being attached to ensure this window is obscure glazed.

Plot Two

Plot two would have a separation distance of approximately 14m (in excess of) from the side elevation of Eastfield House 10 Beck Bank. The proposed southern elevation of plot two does not propose any first floor windows. As such, the proposed development will not have a material adverse impact on residential amenity, in terms of creating overlooking or loss of privacy to Eastfield House 10 Beck Bank.

There are no neighbouring dwellings to the east or west of Plot Two. However, Plot 1 is proposed to the north. The proposed northern elevation includes two first floor windows, similar to that expressed for Plot One; however, again these windows are proposed to serve en-suites, and therefore does not comprise primary living rooms and these windows will be obscure glazed and controlled by condition. As such, the proposed development will not have a material adverse impact on residential amenity, in terms of creating overlooking or loss of privacy, with conditions also being attached to ensure this window is obscure glazed.

The two plots are sited as to have a slight 'staggered' relationship, with plot Two being set further west than that of Plot One. This relationship is not considered to give rise to an unacceptable adverse impact upon the residential amenities of future occupiers.

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, 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.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The proposed development includes two detached garage, with one garage serving each of the two dwellings. Plot One is proposed with the garage to the eastern boundary, relatively central within its plot in respect of its north to south dimension. Vehicular access to this garage and to Plot One would be gained via the north-east of the site, through a newly formed access from an existing access track that runs along the northern boundary.

The garage to serve Plot Two is sited within its rear garden, to the north-eastern corner of the plot. Access to Plot Two would be gained via the main highway of Beck Bank, with a driveway running along the northern boundary of Plot Two (central within the application site) towards the garage.

The site comprises ample parking provision within the site and the access proposed is considered to be suitable.

It is noted that the access track may not be within the ownership of the applicant. The permission/consent of the land owner would therefore be required by the applicant should the access be utilised as the proposal specifies. This would be a civil matter and is not for the Local Planning Authority to permit or involve themselves in this instance. It is worth noting that any subsequent grant of permission by the Planning Authority through this application does not override or neglect the need to obtain this consent.

Lincolnshire County Council, as Local Highway Authority, have been consulted and expressed that "The Application Site has been the subject of a previous Planning Application for similar development and the highway authority's recommendation was that that Application should be refused Consent on highway safety grounds - because the absence of any footways and narrow verges on this unlit road rendered pedestrian access to and from the proposed dwellings unsafe. The Application was refused by the Local Planning Authority and was subsequently Appealed. The Appeal was dismissed but the Planning Inspector determined there was not a highway safety issue. Given that determination, there seems little point in the highway authority repeating its opinion that a residential use of the Application Site would have an unacceptable impact upon highway safety and so the highway authority raises no objection to the grant of Consent for this Application".

Overall, the Highway Authority have raised no objections subject to informatives.

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 Planning Policy Framework.

Flooding Considerations

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 Zones 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 South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) indicates no hazard and no depth for the site. In this instance, finished floor levels of 300mm above existing ground level would be sufficient as a precautionary flooding mitigation measure. Raising floor levels by this extent would not have a detrimental impact on the appearance of the property or adversely affect residential amenity.

The submitted flood risk assessment advises that there would not be an unacceptable risk of flooding, within the FRA the application assessed that the ground floor level of proposed dwellings should be at a minimum level of 3.35 metres AOD, which is an average of 500mm above existing

ground levels. These mitigation measures will be subject to a condition.

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 in this regard.

Biodiversity

The application was submitted prior to mandatory requirements for Biodiversity Net Gain, as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021); which requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. As such, for applications such as the current scheme, submitted prior to the introduction of this requirement, there is no statutory requirement for such a 10% gain.

However, Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity. Therefore, it is typically appropriate for a standard biodiversity condition to be attached. This is considered sufficient at this time to conform with Policy 28 of the South East Lincolnshire Local Plan 2019.

Section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'. Section 15 goes on to express that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, whilst minimising impacts on and providing net gains for biodiversity.

In light of this, a condition has been attached that seeks the submission of details that express the proposed measures for Biodiversity Net Gain in line with the content of this report above, along with the management of these measures.

Overall, the proposal, subject to the recommended conditions and submission of appropriate details, is considered to accord with Policy 28 of the South East Lincolnshire Local Plan and Sections 14 and 15 of the National Planning Policy Framework (December 2023); although the details subject to the recommended conditions would be needed to ensure there is not a material conflict with Policy 28 of the Local Plan.

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 appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework 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 the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4, 28 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). There are no significant factors in this case that indicate

against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

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.