

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0210-25 **Applicant:** Mr N Marshall
Proposal: Conversion of 2 existing flats to create 4 flats
Location: Bank House 1 Albert Street Holbeach
Terminal Date: 1st May 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 9 - Promoting sustainable transport
Section 12 - Achieving well designed places
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	1	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full application for the sub-division of two existing flats to create four. Currently, there is a single, one-bedroom flat per floor, measuring 77sqm on the ground floor, and 70sqm on the first floor.

It is proposed that two, single-bedroom flats per floor are created. On the ground floor these would measure 33.5sqm and 42.7sqm. On the first floor they would measure 32.5sqm and 37sqm. Internal walls are proposed to facilitate the change, in addition to the minor internal demolition of an internal entrance way.

An application for Listed Building Consent accompanies this application.

Site Description

The site is within the settlement boundaries of Holbeach, as outlined within the South East Lincolnshire Local Plan, 2019. The site is within the historic core of Holbeach, although is outside of the town centre boundaries outlined in the inset maps. The site is within a residential area, located immediately south of the High Street. The area is characterised by older terraced and higher density houses. Several listed buildings are present within this section of the Conservation Area, including All Saints Church to the west.

Bank House is a Grade II listed building, listed as part of a group with 3 and 5 Albert Street. The Historic England entry reads as follows:

"Terrace of 3 houses. c.1800, c.1820, C20. Red brick, some stucco. Hipped concrete tiled roof with moulded wooden eaves and 3 ridge stacks. 2 and a half storeys, 6 bay front with shallow rendered plinth to No.1 which is slightly earlier than the other properties. The doorway to No.1 is to the left and has a pilastered doorcase with entablature and cornice, a large decorated overlight and a partially glazed, panelled door with margin lights. To the left double plank doors with an overlight are inserted into a former window opening. To the right is a single glazing bar sash with a single C20 casement beyond and the doorway to No.3 beyond that; the latter with a pilastered doorcase with entablature and cornice, overlight and panelled door. Single glazing bar sash beyond. 4 glazing bar sashes above, with single C20 casement in third bay from right. 5 smaller glazing bar sashes above. All the window openings have stucco, wedge lintels. Right return wall with doorway to No.5 with pilastered doorcase with entablature and cornice, overlight with glazing bars and panelled door."

Relevant History

H09-0687-90 - Listed Building Consent. Removal of chimney to rear extension of listed property. Approved 13/08/90.

H09-1150-16 - Listed Building Consent. Works to ceiling in bedroom of Flat 2. Approved 04/01/17.

H09-0211-25 - Full. Conversion of 2 existing flats to create 4 flats. Ongoing

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Cllr Carter

"Albert street has had nothing but issues with rubbish, fly tipping, early presentation , non collection etc. please ensure this is not added to, by ensuring the planning application has the appropriate refuse collection service in place including places for storage of rubbish for the tenants."

Cllr Chapman

This building already causes Albert St problems as there is no dedicated area to put their black and green household waste, so they leave it on the pavement of an almost daily. Two more flats would exacerbate the problem. The building has access from the side that is easily accessible from Albert Street. So if the plans are passed, I would call for a brick built refuse area with the 4 flats numbers clearly posted on it to alleviate this issue. Photos of the problem waste are available if required.

South Holland Internal Drainage Board

"Thank you for your consultation on planning application H09-0210-25. Having screened the application, whilst the site in question lies within the Internal Drainage District of the South Holland Internal Drainage Board the proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy. Therefore the Board has no comments to make."

Holbeach Parish Council

"Fully Support"

Historic Environment Officer

"Thank you for consulting us on this application. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request"

Highway and Lead Local Flood Authority

No objection - "The proposal is for the conversion of 2 existing flats to create 4 flats. The site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal."

Historic Buildings and Places

The following comment was received on H09-0211-25, which is the listed building consent application accompanying this full planning application. The comments here are applicable to both applications, and are therefore noted here also.

"HB&P have reviewed the documentation available and while we understand the desire to adapt the building, this must be carried out in a manner that is sensitive to its historic and architectural interest. Although the listing suggests that the main element of significance is the dwelling's exterior and group value, it is important to remember that the internal areas are also covered by the designation of the building as a heritage asset.

The application lacks a suitable heritage statement/ impact assessment to understand the significance of the interiors and how the alterations will affect the historic building fabric and understanding of the historic use of the building. Do any original features remain, such as fireplaces, skirting, cornices, etc.? And will these be altered or lost with the insertion of kitchens, en-suites, etc. As such, the application does not satisfy Para. 207 of the NPPF (2024), which requires suitable

information, justification and evidence to be submitted in support of any application involving alterations to a listed building. It has also failed to demonstrate that this heritage asset can be further adapted without causing further undue harm.

Any revised plans and justification should keep in mind Historic England's Advice Note 2 'Making Changes to Heritage Assets', which advises that: It is not appropriate to sacrifice old work simply to accommodate the new.

Policy: Chapter 16 of the NPPF (2024), particularly paragraph 212, states: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Recommendation: Submission of amended plans and/or additional justification to address the above heritage and conservation issues. We would be happy to review the amended scheme."

Conservation Officer

The following comment was received on H09-0211-25, which is the listed building consent application accompanying this full planning application. The comments here are applicable to both applications, and are therefore noted here also.

"I wish to write to agree with the comments submitted by my counterpart at AMS. This is a listed site and the submitted HIA is very basic and fails to make a full account of the impact of the proposal upon this significant listed property. I would suggest that with a significant re-ordering of the interior of a listed building, a full HIA should be carried out by a suitably qualified individual and provided with photographic evidence of any internally significant aspects of the property (if any remain). Without such satisfactory provision of necessary information, I cannot at this time recommend approval".

Public Representations

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

Key Planning Considerations

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.

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

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

Principle of Development - Location and Housing Contribution

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

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated

within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the settlement of Holbeach which is classed as a main service centre within Policy 1. As such development will be permitted that supports Holbeach's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

The NPPF outlines, within Paragraph 61, 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. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community."

Paragraph 73 of the NPPF 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 paragraph 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.

Policy 17 of the SELLP, "providing a mix of housing" outlines how the local plan aims to meeting the housing needs of the area. Policy 17 states that "Family homes of two or three bedrooms are in highest demand for both the market and affordable housing sectors and one bedroom homes are also required to meet affordable needs." Therefore, Policy 17 identifies that there is a need for one-bedroom dwellings in the District; however, it does not state that this need is substantially more acute than those of other groups. Furthermore, while it is stated within the Design and Access Statement that there is a shortage of one bedroom dwellings, no information to substantiate this claim has been provided.

Principle of Development - Sub-division of dwellings

Where a proposal would involve the subdivision of dwellings, Policy 1 is supported by Policy 21. Policy 21 outlines that:

"Proposals for the creation of large Houses in Multiple Occupation and the sub-division of dwellings will be permitted provided that, in each case:

- 1. it would not result in the loss of family-sized dwellings in high density residential streets of predominantly terraced and/or semi-detached properties;*
- 2. it would not significantly harm the amenities of the occupiers of adjoining or neighbouring properties by way of noise, overlooking, general disturbance or impact on visual amenity;*
- 3. it would not have a significant adverse impact on the character and appearance of the area, including the historic and natural environment;*
- 4. adequate provision is made for the storage and disposal of refuse and recycling;*
- 5. it would not have a significant adverse impact on the surrounding area by way of increased on-street parking, impaired highway safety or by impeding proper access to the area;*
- 6. the site has good access - by walking and cycling - to community facilities, services, public transport and local employment;*
- 7. an adequate standard of residential accommodation and residential amenity is provided for future occupiers; and*
- 8. adequate provision is made for the communal gardens and amenity areas.*

Where all of the above criteria are satisfied, the Nationally Described Space Standards¹⁰ (or any successor) will be applied to ensure that the occupiers have adequate floor space."

Assessing the proposal against the above criteria, the following is considered:

1. While the building is "family sized" and is within a high density area, its existing sub-division means that it does not operate as a "family dwelling", which is taken to mean a medium to large sized dwelling. As such, the proposal conforms to the first criterion.
2. While the proposal would result in a more intense use, it is not considered that the proposal would have a significant negative amenity impact upon neighbouring dwellings. No new openings are proposed, ensuring no additional overlooking occurs. The increase in intensity is not so severe as to significantly increase the risk of noise disturbance. The proposal therefore is in accordance with

criterion 2.

3.No exterior changes are proposed. Furthermore, the proposed increase in intensity is not so severe as to significantly alter the character of the property. While the property is Listed, the change of use would not impact the wider historic environment, as specified within this criterion. Further discussion on the impact upon the historic asset itself is found in both the corresponding Listed Building Consent application, and the below "Heritage and Conservation" section.

4.No details have been provided regarding the storage or disposal of refuse. Accordingly, the proposal is unable to show conformity to point 4.

5.While the proposal will intensify the use, the site's position towards the centre of Holbeach reduces the tangible need for vehicle ownership. Residents could reasonably access all essential services via sustainable modes of transport, and beyond that would have access to buses for longer distance travel. As such, the proposal is considered to be in accordance with point 5.

6.As outlined above, the site is adjacent to the town centre boundaries; and therefore, occupants can readily access the relevant services and facilities on foot.

7.The Nationally Described Space Standards (NDSS), which are explicitly referred to later in Policy 21, require a minimum internal floor area of 37sqm for a one-bedroom flat with a shower room or 39sqm for a bathroom. The NDSS are designed to be minimum level to achieve a decent standard of living space, and ideally should be exceeded if possible. Two of the four dwellings are below the NDSS, and a third is just on the cusp. No communal amenity space is indicated on the plans. As the proposal falls under the NDSS, it is considered that the proposal fails to provide adequate amenity space, and therefore fails to conform to the provisions of Policy 21.

8.No outdoor or communal amenity space has been indicated on the plans. Residents could reasonably access public areas due to the site's central location, which would limit the potential harm created by having no outdoor amenity space to a certain extent. However, it is likely that this lack of shared amenity space would compound the identified harm created by the lack of internal floor space, therefore resulting in unacceptable planning harm.

As such, the proposal is considered to fail to meet the requirements of Policy 21. Therefore, the principle of development is considered to be unacceptable, despite the sustainable location.

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

Section 12 of the NPPF, "Achieving well-designed places", states 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 NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. 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. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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 NPPF 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.

As no external alterations are proposed, the impacts upon the character of the wider area are limited; albeit, an assessment upon the historic environment is provided independently below. The

increase in intensity would not be so severe as to have significant adverse character impacts.

It should be noted that this assessment is exclusive of the impacts upon value of the heritage asset itself, which can be found later in this report.

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 SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

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

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

As no additional opening are proposed, no additional overlooking would occur. The use would not create such a substantial increase in noise as to significantly adversely impact the amenity of neighbouring residents.

As outlined above, two of the dwellings fail to reach the standards required under the NDSS. No shared amenity space has been provided here. As such, the proposal is considered to fail to provide an adequate level of amenity for its occupants.

While the Officer's attention has been directed to other developments which have fallen short of the NDSS, the exact details of these cases have not been provided here. In any event, each proposal must be considered on its own merits, and the nuances of this case, as well as the wording of Policy 21, prevent direct comparisons from being drawn.

As detailed above, the scale and design of the proposal is considered to have 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 Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

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

Policy 36 of the SELLP, in conjunction with Appendix 6, 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.

While parking provisions are limited, the tangible need for parking is reduced by virtue of the central location. Occupants could reasonably access all necessary amenities via sustainable means of transport. For longer journeys, buses can be utilised. In any event, the increase in vehicles which two additional units would make would not be so substantial as to result in a severe or significant impact upon the highway network.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact

on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Biodiversity Net Gain

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

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

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

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

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

No extension is proposed. As such, no habitat would be affected as a result of the development. Accordingly, the proposal is considered to be exempt from the standard BNG condition under the de minimis exemption.

Heritage and Conservation

Policy 29 of the SELLP, alongside Section 16 of the NPPF, relates to the preservation of the historic environment. Both outline that all applications within the Conservation Area or which effect heritage assets, such as listed buildings, should preserve or enhance these assets.

Section 16 of the NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Paragraph 213 of the NPPF outlines that "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification." In other words, should a proposal result in harm to an asset, this should be weighed against the public benefits arising from the proposal. Paragraph 215 expands upon this, stating that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

The above assessment of harm should be informed by the submission of an appropriate Heritage Impact Assessment (HIA). On this point, paragraph 207 of the NPPF outlines that in "determining applications, local planning authorities should require an applicant 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".

Policy 29 of the SELLP outlines that all proposals shall conserve and enhance the character and

appearance of designated heritage assets. Section A of Policy 29 outlines criteria which applications relating to listed buildings should conform to. These are as follows:

- "1. Proposals to change the use of a Listed Building or to alter or extend such a building will be granted where the Local Planning Authority is satisfied that the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.
2. Proposals involving the demolition of Listed Buildings will not be permitted, unless in an exceptional case, or wholly exceptional case (depending on their grade) where a clear and convincing justification is made in line with national policy
3. Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building."

The comments of Historic Buildings & Places, a statutory body for Listed Building Consent application and one of the "six societies", have highlighted that the HIA submitted as part of this application is insufficient to meet the requirements of Paragraph 207 of the NPPF. This opinion is agreed with by the Local Planning Authority. As such, the proposal has failed to meet the requirements of Paragraph 207 of the NPPF.

Without sufficient evidence to support the application, a comprehensive assessment of harm cannot be made. As such, in accordance with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Authority should err on the side of caution on this aspect.

Consequently, as no evidence to the contrary has been provided, it is considered that the proposal would cause less than substantial harm to the asset. Accordingly, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The public benefits arising from two additional single bedroom flats is considered to be minor. The contribution to the housing supply is negligible. In any event, the Council can display a housing land supply in excess of 5 years, and therefore, the weight attributed to the housing contribution is reduced further. The level of public benefit has been discussed throughout the report, with it being considered that the creation of two undersized units, which lack amenity space, are unable to provide substantial benefits to the community which outweigh the harm.

As such, the level of public benefit identified is not considered to outweigh the less than substantial harm to the heritage asset. Consequently, the proposal is considered contrary to the provisions of Section 16 of the NPPF and Policy 29 of the SELLP.

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.

Two of the four flats fail to provide adequate internal amenity space, falling below the levels required under the NDSS. Policy 21 is explicit that proposals for the sub-division of dwellings should provide an adequate standard of residential accommodation and that the NDSS should be applied to ensure this. Accordingly, the development fails to conform to the requirements of Policy 21. No shared amenity, either internally or externally, has been provided to remedy this shortfall.

While the proposal would contribute to housing need, the level of its contribution is not so significant as to outweigh the amenity harm created; two additional units would not be sufficient to adequately meet need and would not make an overly large contribution to need. Sufficient evidence of overwhelming need for one-bedroom accommodation has not been provided, and as such, it cannot be assumed that the need is so great as to overcome all other matters. In any event, even if significant need was demonstrated, this does not overcome the fundamental issue of a lack of amenity space. It has been asserted within the submitted documents that the LPA have previously deviated from the provisions of the NDSS; however, each case must be considered on its own merits and these previous decisions cannot be said to set a precedent.

Accordingly, the planning balance is considered to be against the proposal.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking these factors into consideration, the proposal is considered to conflict with Policies 2, 3, 21, and 29 of the SELLP, as well as Sections 12 and 16 of the NPPF. There are no significant factors in this case that would outweigh the harm of the proposal; therefore, the planning balance is against the proposal.

Recommendation

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