DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0280-25**	**Applicant:**	**Ashwood Homes Ltd**
Proposal:	Change of use of former agricultural building to convenience retail shop, provision of car parking, delivery bay, landscaping, and ancillary development		
Location:	Former Agricultural Building Jasmine Crescent Holbeach		
Terminal Date:	1st August 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
24	The Retail Hierarchy
27	Additional Retail Provision
28	The Natural Environment
29	The Historic Environment
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2: Achieving Sustainable Development
Section 7: Ensuring the Viability of Town Centres
Section 9: Promoting Sustainable Transport
Section 11: Making Effective Use of Land
Section 12: Achieving We--designed Places
Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Changes
Section 15: Conserving and Enhancing the Natural Environment
Section 16: Conserving and Enhancing the Historic Environment

Representations:

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

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	3

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought to convert and alter a curtilage listed outbuilding, located within a residential development, to create a convenience store. Works to the outbuilding include making good the external walling, the addition of a flat roof to the courtyard and demolition of walls within the courtyard to create a large open space internally. The existing corrugated asbestos roof is to be replaced with a slate roof covering to match the existing farmhouse.

A one-way access from Jasmine Crescent is proposed with the exit onto Aster Grove. Twenty-one parking spaces are proposed to the south of the building to serve the store along with two disabled parking bays.

A separate application seeking listed building consent for the works has been submitted under reference H09-0403-25 and is being considered concurrently.

The following documents have been submitted as part of the application:

Retail Policy Statement
Heritage Impact Note
Flood Risk Assessment and Drainage Strategy
BNG Exemption Statement

Site Description

The application relates to a detached outbuilding, which is curtilage listed, having historically been associated with Manor Farm, a Grade II listed building.

The outbuilding and farmhouse are situated within a large housing development, currently under a phased construction for the provision of 900 dwellings permitted under planning permission H09-0521-14. This consent is subject to a Section 106 Agreement requiring the restoration of the farmhouse and for it to be put to use as a community facility, this included the outbuilding. The restoration of Manor Farm is currently being carried out under planning permission and listed building consent H09-0598-23 and H09-0591-23 respectively.

History

H09-0521-14: Residential development of up to 900 dwellings, with access off Hall Gate and Fen Road, including public open space, drainage infrastructure, landscaping, including demolition of two dwellings and agricultural buildings (but not listed Manor Farm and adjacent outbuildings). Approved 07.12.2025.

H09-0331-17: Access, appearance, landscaping, layout and scale for highways infrastructure (new link road, roundabout, junctions and modifications to Hall Gate and Fen Road (Phase 1A), dwellings (Phase 1B and 2). Development Brief and Masterplan for phased development of remainder of site (Outline permission H09-0521-14). Approved 09.11.2019.

H09-0598-23: Change of use from farmhouse and outbuilding for community use. Approved 12.03.2024.

H09-0591-23: Listed building consent for the demolition of modern additions and refurbishment of farmhouse and outbuilding to provide community facilities. Approved 12.02.2024.

Consultation Responses

Responses Received (consultation period 2nd April 2025 to 25th April 2025)

Councillor Chapman

The development is large enough to support a retail outlet, and it's far enough away from the residential area not to create an noise or access issues.

Holbeach Parish Council

Fully support the proposal.

Conservation Officer

No response received.

Historic England

No comments to make.

South Holland Internal Drainage Board

Advise the application intends to dispose of foul water to a main sewer, should this change to include the discharge of treated foul water to a watercourse the consent of the ODB is required. In addition, a riparian watercourse is located adjacent to the wider site boundary. Should the application proposals change to include works to alter the riparian watercourse, Land Drainage Consent is required.

Historic Environment Officer

Advises the submitted Heritage Impact Note provides an adequate level of recording, equivalent to a Historic Building Record Level 1. Therefore, no further archaeological input is required.

Environmental Protection Officer

Recommends a precautionary land contamination condition.

BNG Ecologist

Recommends the applicant secure a Natural England mitigation licence supported by an updated bat survey due to the high roost suitability of building 1.

Highway and Lead Local Flood Authority

No objection.

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 considerations in this case are:

Principle of Development and Sustainability
Impact on the Vitality and Viability of Holbeach Town Centre
Heritage Considerations
Impact on Residential Amenity
Highway Safety and Parking
Flood Risk Considerations
Ecology and Biodiversity Net Gain

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 December 2024) 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.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990, concerns whether to grant planning permission for development which affects a listed building or its setting and requires special regard to be had to the desirability of preserving the building or its setting or any features of special or architectural interest which is possesses.

Principle of Development and Sustainability

The National Planning Policy Framework (Framework) December 2024 sets out the Government's planning policies for England and how they should be applied. It advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives; an economic objective, a social objective, and an environmental objective, which are interdependent and should be pursued in mutually supportive ways.

The South East Lincolnshire Local Plan (2019) 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.

Policy 1 of the South East Lincolnshire Local Plan (2019) (SELLP)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 application site is located within Holbeach, defined under Policy 1 (Spatial Strategy) as a 'Main Service Centre'. The Policy advises that within the settlement boundaries of the Main 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.

The site is located within the settlement boundary of Holbeach and comprises an existing curtilage listed building granted consent under application H09-0598-23 for use as a community facility as defined by Class F2 of the Town and Country Planning (Use Classes) Order 1987.

The proposal seeks consent for the conversion and alteration of the existing building to create a convenience store. Class F2(a) of the Use Classes Order, permits shops (mostly) selling essential

goods, including food, where the shop's premises do not exceed 280square metres and there is no other such facility within 1000metres.

The principle of the proposal therefore accords with the requirements of Policy 1 of the SELLP subject to the consideration of all other material factors which are assessed in the sections below.

Impact on the Vitality and Viability of Holbeach Town Centre

Policy 24 (The Retail Hierarchy) of the SELLP promotes individual local shops and small neighbourhood clusters within a settlement boundary, which meet the day-to-day needs of nearby residents. The policy further states, *"proposals for retail use outside the Primary Shopping Areas as identified on the Policies Map, or for other main town centre uses, outside the town centre boundaries and where not provided for under Policy 27, will be required to demonstrate their suitability through a sequential test in line with the National Planning Policy Framework".*

Paragraph 90 and 91 of the Framework require local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date local plan.

Section 8 of the Framework promotes healthy and safe communities, paragraph 98 requires planning policies and decisions to plan positively for the provision of community facilities, including local shops to enhance the sustainability of communities and residential environments.

Policy 27 (Additional Retail Provision) Part C allows for individual shops which meet the day to day needs of nearby residents without the use of a car. In these circumstances they are limited to 100square metres net unless a qualitative need to remedy a geographical deficiency in the distribution of food shopping can be demonstrated in which case units up to 500square metres will be permitted.

In respect of Use Class F2, the Explanatory Memorandum which accompanied the statutory instrument to the changes to the Use Classes Order in 2020, states, *"the class recognises the importance of small, local shops in meeting the day to day shopping needs of local communities, particularly in rural communities, large residential estates and outside main shopping areas in general."*

However, the proposal at Manor Farm does not meet the definition of Class F2 as it is within 1000m of Holbeach town centre and at 297square metres the retail floor area exceeds the 280square metres the Class permits.

In support of the proposal a Retail Policy Statement has been submitted. This states the nearest convenience stores are the Co-op and Holbeach Market Convenience Store, both of which are within 1.1km walking distance of the application site.

As part of the Retail Policy Statement, a sequential assessment is undertaken to demonstrate that no other suitable more centrally located sites are available for the proposed development. A 5 minute catchment area was identified as whilst the shop is over 100 square metres, as defined in Policy 27 of the SELLP it is less than 500square metres net and can therefore still be defined as a local shop. It is considered the shop is likely to perform a mainly 'top-up' function serving a future local need. The retail assessment identifies two retail properties for sale in Holbeach and advises that due to their net internal floor space they are too small to accommodate the proposal. The retail assessment concludes that as there are no suitable available or viable locations within or close to the Holbeach District Centre, it is concluded there are no sequentially preferable sites to accommodate the proposed convenience store.

The Retail Policy Statement also considers the qualitative need for the proposal as required under the terms of Policy 27(C) of the SELLP, which requires the applicant to justify the qualitative needs for proposals for local shops over 100square metres. The retail assessment advises the proposal is designed to serve the top-up needs of the new occupiers of Holbeach Meadows, the facility provides a walk in service for the residents, reducing the need to travel, further stating that there are currently no convenience stores on the western side of Holbeach.

Policy 24 of the SELLP also requires an assessment of the impact on the town centre as the floor area will be above the Local Plan threshold of 250square metres. In this regard the retail assessments considers the store would have a local catchment area serving the new residential

development of over 900 dwellings as a top-up facility. The next comparable shop is located 1.1km away and given the realistic catchment of this type of small shop of a 5-10 minute walk, the proposal is not likely to have a significant impact on its trade. It is concluded the proposal will not compete with the town centre or impact on its vitality and viability.

The proposal seeks the provision of a small local convenience store that will serve the needs of the occupants of the residential development under construction. It is not considered that its provision would undermine or detrimentally affect the vitality and viability of the Holbeach retail centre, moreover, whilst the size of the unit does not accord with the requirements of Class F2, in providing a facility which will serve the immediate community the development nonetheless accords with the intention of Class F2 of the Use Classes Order.

The proposal therefore accords with the provisions of the Framework and Policies 24 and 27(C) of the SELLP.

Heritage Considerations

The effect of the proposal on the special interest, including the setting, of the listed building.

The Framework, at paragraph 202, advises heritage assets are an irreplaceable resource and should be conserved in a matter appropriate to their significance. Further stating, at paragraph 212, "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."

Policy 29 of the South East Lincolnshire Local Plan (2019) advises that to respect the historic legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals are required to conserve and enhance the character and appearance of designated and non-designated heritage assets.

Policy 29(A1) states:

Proposals to change the use of a listed building or alter or extend such a building will be granted where the Local Planning Authority is satisfied that the proposal is in the interests of the building's preservation and does not involve activities or alterations prejudicial to the special architectural interest or its setting.

The outbuilding to which the application relates comprises a U-plan single storey building constructed of red brick with a corrugated sheeted roof. Historic mapping indicates the range was constructed between 1903-1921, with the western-most range demolished between 1949-1988, resulting in the current U-plan with an internal courtyard.

The outbuilding is curtilage listed due to its historic relationship with Manor Farmhouse, a Grade II listed building located to the east of the site. The primary historic significance of the building stems from its ancillary function and its connection to the adjacent Manor Farmhouse. Its architectural interest relates to the purpose-built design tailored specifically for housing livestock. The building is of relatively low architectural quality and many significant alterations are visible in the brick work. It is considered that the relationship between the building and Farmhouse will remain clear and intact, given also their intended uses for community facilities.

The proposed works include making good the external walling, the addition of a flat roof to the courtyard and the demolition of some of the external walls within the courtyard to create a large open space internally. The existing corrugated roof would be replaced with a slate roof covering to match the adjacent farmhouse.

Externally, the existing openings are to be re-used with minimal new openings proposed, there is little detail of the design and proposed use of material for the fenestration, as such it would be appropriate to attach a condition in this regard. The proposed infill has been set back from the southern elevation to retain the historic legibility and reduce the impact to the outbuilding. It is acknowledged that the infill to the courtyard and removal of internal walls would serve to erode the historic significance of the space, however, the proposed design would retain the architectural narrative and overall visual appearance of the building. Moreover, the proposal would retain and re-use a historic building, which would accord with paragraph 210(a) of the Framework which requires consideration to be given to the sustainability of heritage assets and putting them to viable uses consistent with their conservation.

The proposal would therefore satisfy the requirements of section 66 (1) of the Act and the provisions within the Framework which seeks to conserve and enhance the historic environment. The proposal would also accord with Policy 29 of the South East Lincolnshire Local Plan (2019) which requires development proposals to conserve and enhance the character and appearance of designated heritage assets.

Impact on Residential Amenity

The Framework advises, at paragraph 135, development should create places with a high standard of amenity for existing and future users.

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

The convenience store will be located in close proximity to existing and proposed residential properties. It is intended to operate the store between the hours of 7am-10pm Monday to Saturday and 8am to 10pm on Sundays and Bank Holidays. The agent has provided details of other retail outlets in the locality operating within these hours. Given that the proposal would be consistent with these along with the fact that no concern has been raised by local residents at the proposed hours of use, it is considered that there will be no significant detriment caused to the amenity of existing and proposed residential properties in terms of unacceptable levels of noise and disturbance.

The proposal would not adversely affect the level of amenity currently afforded to neighbouring residential property in terms of creating unacceptable noise and disturbance and would therefore accord with the provisions of the Framework and Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Highway Safety and Parking

Paragraph 116 of the Framework advises that development should only be 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, considering all reasonable future scenarios.

Policy 2 of the Local Plan states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 of the Local Plan 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 SELLP, sets out minimum vehicle parking standards required for development proposals.

The highway authority initially requested further information in the form of:

-the provision of a separate footway into the site so that pedestrians do not have to share the junction access with vehicles.
-a servicing drawing is required complete with swept path details.
- the width of the access is not detailed, a note should be added to say that it will be constructed to be to Lincolnshire County Council Specification.

In addition, the highway authority raised concern at the lack of on-site parking proposed to serve the development, there was concern that insufficient parking provision would lead to on-site parking to the detriment of highway safety.

Amended plans have been received which address the concerns of the highway authority. The highway authority advised the proposed access are adequate to enable 2 cars to pass in opposing directions. The site entrance to the east will be for entrance only to the Community Centre but exiting the site can be from either access so the servicing can be accommodated safely. No entry signs will be erected to prevent access to the store from the eastern access. The parking demonstrated is in accordance with the Southeast Lincolnshire Local Plan. Tactile crossings will be installed at the accesses and the developer will need to amend their Section 38

drawing. A pedestrian walkway is provided to ensure the safety of pedestrians accessing the site.

The proposal is therefore considered acceptable in terms of both highway and pedestrian safety and in this regard accords with the Framework and Policies 2,3 and 30 of the SELLP.

Flood Risk Considerations

Paragraph 170 of the Framework advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Further stating, where development is necessary in such areas the development should be made safe for its lifetime without increasing flood risk elsewhere.

Policy 4 of the South East Lincolnshire Local Plan (2019) 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.

A Phase 3 Flood Risk Assessment Addendum has been submitted as part of the application. This advises the site is within Flood Zone 2 and 3, and the proposed retail use is defined within Annex 3 of the Framework as 'Less Vulnerable' development and is therefore considered an acceptable use within this flood zone.

Topographical data within the South East Lincolnshire Strategic Flood Risk Assessment, March 2017, shows the existing site levels to be around +3.4m AOD. According to the Appendix C guidance for less vulnerable development finished floor levels (FFL) should be set at a minimum of 300m above the existing ground level. The FFL of the proposed development will therefore be set at a minimum of 300m above the existing ground level at around +3.7m AOD. However, as it would remain possible that some areas between the buildings might flood, the FRA recommends the retail development operate a Flood Management Plan.

The FRA states the Environment Agency 'Flood Risk from Surface Water Map' indicates there is no significant surface water flooding from the site. This is because the site is surrounded by deep open drains which collect runoff from the site and discharge to the IDB drains. Run-off from impermeable areas will be mitigated by a SUDs-based surface water drainage system which will connect into the wider surface water drainage system for the Holbeach Meadows development.

In relation to drainage, the FRA advises the impermeable areas associated with the application is included within the surface water drainage consent already issued by the IDB. It further states if any alterations to the consented plans are required the applicant will contact the IDB. The conclusions of the FRA can be appropriately conditioned as part of any planning permission granted.

The proposal will therefore be made safe for the lifetime of the development and not increase the risk of flooding elsewhere and as such accords with Policies 2,3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (2024) in this regard.

Ecology and Biodiversity Net Gain

The Framework advises, at paragraph 193, when determining planning applications, if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy 28 of the South East Lincolnshire Local Plan (2019) seeks to promote biodiversity net gain by maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

The Council's Ecologist advises the submitted Allied Ecology Bat Survey Report states it is evident that there are active common pipistrelle bat roosts within Farmhouse (B1) which would be impacted by the proposed works. The Council's Ecologist advises all mitigation measures outlined in the Report should be implemented including the requirement to apply for a Natural England Mitigation Licence prior to work commencing. The Council's Ecologist further states that due to the time that has lapsed since the initial bat survey (more than 2years), a new emergency survey should be conducted to inform the mitigation strategy and Natural England licence application.

The Farmhouse (B1) referred to in the Bat Survey Report is the former dwelling located to the east of the application site. The outbuilding, to which the current application relates, is referred to as building B2 in the Report which when assessed to provide 'negligible' potential to support roosting bats, and as such, no further survey work was undertaken at this building. Although it is acknowledged that the Bat Survey Report was undertaken more than 2years ago, given the conclusion reached in respect of B2 along with the fact that construction work is being carried out around the building, it is considered no further survey work is required and the conversion of the outbuilding would not materially affect protected species.

Biodiversity Net Gain (BNG) is required under a statutory framework introduced under Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) and 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.

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.
For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

A Biodiversity Net Gain Statement has been submitted as part of the application. It is stated he development is below the threshold and is subject to the 'de minimis exemption' as the development:

a) does not impact a priority habitat and
b) impacts less than 25square metres (5m by 5m)of on-site habitat that has a biodiversity value greater than zero, and less than 5m of on-site linear habitat.

In justifying the exemption the applicant states the site does not contain any habitats, having been part of an active construction site for the past few years. Photographic evidence has been provided to demonstrate this.

It is considered the development meets the requirements of exempt development and is not required to provide BNG. Whilst the development is exempt from the mandatory 10% net gain, it would remain appropriate, given the content of Section 15 of the Framework and the requirements of Policy 28 of the SELLP, that a condition is attached requiring the provision of landscaping, in the form of ecological enhancement, to accord with the submitted site layout 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 site is sustainably located within the settlement boundary of Holbeach and seeks the provision of a small convenience store to serve the needs of existing and future occupants of the residential development, involving the retention and re-use of a historic building, to which significant weight is attached.

There will be no detriment to highway safety and the development will be made safe for its lifetime without increasing the risk of flooding elsewhere. Moreover, existing and future levels of residential amenity will be safeguarded through the imposition of an hours of use condition.

The proposal accords with the South East Lincolnshire Local Plan (2019) and the provisions of the

National Planning Policy Framework (December 2024) 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, 24,27,29 and 36 of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework(December 2024). The 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.

Recommendation

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