

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0781-24 **Applicant:** Holbeach Parish Council

Proposal: Change of use from residential dwelling to offices with outbuildings to be used for storage

Location: Park Bungalow Park Road Holbeach

Terminal Date: 14th January 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
07	Improving South East Lincolnshire's Employment Land Portfolio
24	The Retail Hierarchy
28	The Natural Environment
31	Climate Change and Renewable and Low Carbon Energy
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 14- Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

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

HIGHWAYS & SUDS SUPPORT	0	0	0	1
HOLBEACH & DISTRICT CIVIC SOCIETY	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	2	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full application for the change of use of a residential dwelling, Park Bungalow, to be used as offices, for Holbeach Parish Council. From the submitted information, this would appear to be a change of use from Class C3 to Class E.

The existing outbuildings will be used for storage, in conjunction with the administrative use of the building.

It is proposed that an existing window will be removed and replaced with a disabled access, with associated exterior ramp. No further external alterations are proposed within this application, with all other alterations would be interior.

It is proposed that one full time and one part time employee would operate from the site, with business hours being 09:00 to 16:00 Monday to Friday, with occasional meetings running from 16:00 to 20:00. No alterations to parking arrangements are proposed, although overflow parking could be accommodated within the adjacent car park when open.

Site Description

The site is within the settlement boundaries of Holbeach, as outlined within the South East Lincolnshire Local Plan, 2019. The site is adjacent to the defined town centre of Holbeach, abutting the Conservation Area. The dwelling is located between the Boston Road car park (which serves as one of the main public parking facilities for the town) and Carter's Park.

The positioning of the existing dwelling makes it somewhat anomalous within an area of primarily commercial or recreational uses. The dwelling is a moderately sized bungalow, fairly typical in design.

Relevant History

No relevant history

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 Hutchinson

Comments received 23/10/24. These comments were received prior to the submission of a revised planning application form and before consultation letters had been sent out.

Cllr outlines various inaccuracies or issues with the proposal, including:

- Incorrect number of dwellings lost
- Lack of hours of opening (addressed via amended application form)
- Lack of information on the proposed use
- Floor plan is not to scale and is inaccurate
- No floor plans or elevations for outbuildings
- Incorrect block plan
- Lack of onsite parking and inaccurate information submitted related to onsite parking
- Incorrect number of staff stated
- Public car parks and on road parking cannot accommodate the required additional parking
- Lack of information on site access
- Poor quality existing boundary treatments and a lack of information provided

Further comments received 03/12/24.

Cllr outlines various inaccuracies and issues with the proposal and submitted transport statement, summarised as:

- Location of the vehicular access on pg 5 is incorrect
- Information provided for current use is false - the grass cutting machinery has never been stored on site
- Previous tenant did not use a vehicle to get to work, therefore, figure given on estimated current vehicular movements is incorrect
- Information given relating to previous office parking spaces is incorrect
- Shortfalls in previous parking allocations does not justify shortfalls in parking on proposed site
- Parking has not been demonstrated on site plan
- No on-site parking has been provided for staff, councillors, or the majority of visitors (with the exception of one disabled parking bay if deliverable).
- Boston Road Car park is not open 24/7 and is closed when evening meeting of the council will take place, which is often the busiest time.
- Does not believe the information requested by Highways has been adequately demonstrated
- "The application fails to demonstrate a clear assessment of the cumulative impact or reasoning for the shortfall of the parking provision. As such the application is contrary to LP36."

Environment Agency

Initial comments, received 25/10/24:

"This application seeks the change of use from a 'more vulnerable' use to a 'less vulnerable' use and on this basis, the Environment Agency has no comments to make"

Revised comments, received 17/12/24:

"We have no further comments to make on the amended plans and refer you to our letter dated 25 October 2024 for our position on this application."

South Holland Internal Drainage Board

"Thank you for your consultation on planning application H09-0781-24. 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."

Conservation Officer

"No objections"

Environmental Protection

Initial comments, received 15/11/24:

"No observations"

Further comments, received 18/12/24:

"No comments regarding amendment 1 in regards to land contamination or environmental protection"

Highway and Lead Local Flood Authority

Initial comments received 13/11/24.

"Additional information required. A site plan is required showing the parking and turning available on site and the access with the public highway. A simple Transport Statement should be submitted to provide information on vehicle movements to and from the site. It should detail what the existing vehicle movements to/from the site are on a daily basis compared to those envisaged with the proposal. The parking should be justified that it is fit for purpose"

Further comments received 12/12/24:

"The application is for the change of use from a residential dwelling to offices with outbuildings to be used for storage. It will be used by Holbeach Parish Council. It is currently a 3-bed bungalow, existing staff 2 full-time and 1 part-time, the proposed will be 1 full-time & 1 part-time. Mon-fri 9-4. The access is shared with the public car park so the full-time member of staff will park there and there will be two spaces at the site reserved for disabled use. The change of use will be a reduction in vehicle movements they envisage 1-4 movements a week to the bungalow. The site is in a sustainable location with additional parking in the vicinity of the site. The proposal will not have an adverse impact on the public highway"

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, two letters of representation have been received.

These can be summarised as:

- Space should be used by the medical centre instead
- Holbeach Parish Council do not own the building
- Rent from a residential property would be more beneficial to the Parish Council

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, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

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.

As the site is within Holbeach, development within this location is considered appropriate as the proposal would support the settlement's role as a main service centre. The proposal would help to serve the local community and provide an essential democratic function.

The Council, as of 31st March 2024, can demonstrate a housing land supply in excess of the required 5 years. As such, the loss of a single dwelling, which at time of writing is vacant, would have no significant detrimental impact upon the housing position of the District.

The use of the site as an office would fall within use Class E, formerly B1. While the proposed use is not a business in the tradition sense, within the description of Class E, The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 Schedule 2, Part A, paragraph g states that class E uses include the use, or part use for "an office to carry out any operational or administrative functions". It is considered therefore that this use class is the most appropriate for this proposed use.

Policy 7 of the SELLP (written before the amendments introduced within The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) concerns the creation of new employment opportunities falling within the former use class B1. As outlined above, this policy is considered is considered relevant here due to the use as a class E unit.

This policy states that "new employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings". Naturally, the proposal adheres to this point and is therefore in accordance with this policy.

Where a proposal would result in the creation of a "Town Centre use" (identified to include former B1, now class E), Policy 1 is also supported by Policy 24. Due to the ambiguous wording of the policies, it is considered that Policy 24 should also be utilised here in the interests of completeness and thoroughness.

Policy 24 is divided into sections A, B and C, with parts B and C referring to development within "district and local centres" and "outside the retail hierarchy" respectively. While the site is outside of the defined town centre of Holbeach, the positioning immediately adjacent to the town centre boundaries, coupled with the overall openness of wording within part B and in the interest of thoroughness, an assessment against both parts is considered appropriate here.

Policy 24 states that "in the District Centre of Holbeach, town centre uses will be permitted where they, on their own or cumulatively with other permitted development, will generate no significant harm upon the vitality and viability of that centre or any other centre within the hierarchy, particularly with regard to their role for food shopping". While the site is outside of the Town Centre, there is a clear and tangible link the town. The area displays a more commercial sense of place than residential, and therefore the addition of a town centre use here would not be out of keeping with the established character of the area, nor would it be contrary to Policy 24B.

Policy 24C goes on to state that: "Outside the retail hierarchy, individual local shops and small neighbourhood clusters of them within a settlement boundary, which meet the day-to-day needs of nearby residents, will be promoted". As outlined above, the site is clearly within a defined retail cluster, and while physically outside the defined town centre, the site is functionally a part of it. As such, the site is considered an appropriate location for development, in accordance with Policy 24C.

Therefore, the proposal is considered to be in accordance with Policy 1, 7 and 24 of the SELLP. The principle of development on this site is considered acceptable subject to other material considerations being met.

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.

The proposed external alterations to the building are minor and would result in no significant impact upon the character or appearance of the area.

The proposed use of the site would also be in keeping with the character of the area. As discussed in part above, the existing use as a bungalow is somewhat incongruous with the wider area. The use of the building to a more commercial one, therefore, would eliminate this alien aspect and bring the use more in line with the established character of the area.

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.

The proposed change of use would have no significant amenity impacts. The positioning of the building would result in no significant overlooking occurring, with all views available being towards non-residential institutions. As no extensions are proposed, it is not anticipated that additional overshadowing would occur.

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 the 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. One space per 30sqm is required in this instance. Sufficient parking has been provided to meet this standard. Furthermore, the positioning adjacent to a public car park means that overflow parking could be accommodated here (during opening hours). During meeting hours, it is likely additional parking need could be met within alternative car parks or on road parking. Requiring Parish Council offices to be able to accommodate at least 18 vehicles (as referenced within the comments received) would be unreasonable given the infrequency this event would occur. In any event, the positioning of the office would enable access via sustainable modes of transport, thereby reducing the tangible demand for parking.

No changes are proposed to the existing site access, nor is it considered that the proposal would result in a significant increase in frequency of the access' use when compared to the existing residential use, as has been demonstrated by the submitted transport assessment. This view has been reaffirmed by the comments of the Highway Authority. As such, it is considered that the proposed access arrangements are suitable.

The comments received by Ward Members relating to parking and access arrangements have been noted and considered as part of this application. However, these comments must be considered in light of all other comments received by the Authority, and in particular those received by the Highway Authority. The comments by the Highway Authority carry significant weight in the decision making process, and accordingly, it would be unreasonable to resist an application on highway safety grounds when this body has not objected and evidence of such concerns has not been forthcoming.

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.

Flooding Considerations

Section 14 of the NPPF 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: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "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". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at

risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

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 process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The 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 SELLP 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 SFRA as a basis to apply the sequential test.

Within the SFRA the site is classed as low hazard, with a hazard depth of up to 0.25 metres. The proposed use is within the "less vulnerable" classification outlined in annex 3 of the NPPF. Therefore, the proposal represents a decrease in vulnerability and as such a betterment.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Environmental Sustainability

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.

As the proposed location is on an area of hard surfacing, the proposal is subject to the de minimis exemption. As such, there is no statutory requirements for net gain in line with the Environment Act

2021.

Taking the above into account it is considered that given the details submitted, and those required by suitably worded condition, the proposal is acceptable with regards to environmental sustainability. The proposal would therefore be in accordance with Policies 28 and 31 of the SELLP and Sections 14 and 15 of the NPPF.

The proposal falls under the de-minimis threshold. As such, the proposal is exempt from the need for biodiversity net gain as outlined within section 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

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 should preserve or enhance the setting locale.

In this regard, in respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.

The NPPF expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

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".

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the NPPF. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

The site immediately abuts the Holbeach Conservation Area. That being said, the proposed alterations are minimal and would not result in any harm to the enjoyment of the Area. Therefore, the proposal is considered to be consistent with the provisions of Section 16 of the NPPF and Policy 29 of the SELLP, and no harm is considered to bruise to the significance of the asset.

Other Outstanding Matters

Two public objections were received, both citing the need for an extension to the nearby medical centre. As this position is purely hypothetical, the comments carry limited planning weight.

A query as to whether the Parish Council own the land was raised. The applicant has submitted Certificate A, thereby declaring ownership of the property. The LPA have no information to the contrary. In any event, if this was not the case, then the application would be invalid and the application null and void.

Comments received referred to perceived inaccuracies within submitted plans, as well as their poor quality. There is no information available to this officer to refute the information provided by the applicant in this instance. Issues regarding quality of plans have been resolved via the submission of an amendment. In any event, these details can be further secured via condition.

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 SELLP and the provisions of the NPPF when viewed as a whole.

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 comply with Policies 1, 2, 3, 4, 7, 24, 28, 29, 31, 33, and 36 of the SELLP, as well as Sections 9, 12, 14, 15 and 16 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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