

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0981-24 **Applicant:** Woodola Group Ltd

Proposal: Proposed erection of two 1.5 storey detached dwellings with attached garages, vehicular access and landscaping

Location: Rear Of 24 Broad Lane Moulton Spalding

Terminal Date: 27th January 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy

02 Development Management

03 Design of New Development

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 2 - Achieving sustainable development

Section 4 - Decision-Making

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

Representations:

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

BOARD				
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full planning application seeking permission for the erection of two, 1.5 storey dwellings to the rear of 24 Broad Lane, Moulton. Both dwellings are comparable in terms of scale and layout, comprising of a "L" shaped chalet style bungalow facing onto a shared access. While the development location has been titled "rear of 24 Broad Lane" the plot also comprises an area of 26 Broad Lane's garden.

Plot 1, to the north of the site, would have an approximate depth of 15.4 metres, with a width of 14 metres. This produces a total floor area of 197.2sqm. The maximum height of the dwelling would be 6.4 metres. A standard dual pitch roof is proposed, with solar panels on two of its western and eastern slopes, alongside a sedum roof on the garage. Velux windows are proposed facing north and south.

Plot 2 is comparable in terms of layout and overall design, albeit mirrored and at a slightly smaller scale. A maximum depth of 14.4 metres is proposed, with a width of 14 metres. This would produce a total floor space of 191.7sqm dwelling. Maximum ridge height is set at 6.37 metres. To counter this slightly reduced scale, Plot 2 benefits from a larger garden.

Access is to be secured via an extension to the existing access of 24 Broad Lane. A turning head is proposed midway down the plot, at the point where the gardens widen. Each plot will have its own garage and turning area. Garden space for each dwelling is located to the east. Foul water will run underneath this access towards the main road, where it will discharge to Anglian Water's main sewer.

No specific set of materials have been provided, although it is stated each dwelling would be red brick with grey tiles.

Site Description

The site is within the settlement of Moulton, defined in the South East Lincolnshire Local Plan, 2019. The location is fairly central, being located approximately 100 metres east of The John Harrox Primary School. The site is located to the rear of a white rendered, large two-storey home.

The area is characterised by a mixture of residential developments, although there is a preference towards two-storey, red-brick houses along the frontage. Back-land developments, such as that proposed here, are common in the area, with these dwellings typically taking the form of red-brick bungalows. The site is approximately 0.16 hectares. Large boundary treatments are currently in situ, taking the form of well established trees and hedges (over 2 metres in height) to the east and north, an approximately 2 metre high brick wall to the south, and a 1.8 metre high close boarded fence to the west. The site is in flood zone 1 on the Environment Agency's Flood Maps for planning.

Relevant History

H13-0882-16 - Outline. Residential development - 2 buildings plots. Approved 31-10-16.

H13-0406-23 - Outline. Erection of one dwelling. Approved 14-06-23.

H13-0446-24 - Full. Proposed two storey rear extension, including demolition of existing single storey rear projection. Approved 22-07-24.

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:

Tree and Nature Conservation Officer

"It is suggested that due to the site borrowing much of the neighbouring peripheral landscaping as shown in Drawing No. 113W.2024.10c that the trees and shrubs which overhang the grounds of the property as shown on this plan are protected from pre-site clearance to the completion of the development as recommended in British Standard 5837:2012: 'Trees in relation to design, demolition and construction - Recommendations'. Protective Heras fencing being installed as in the Standard at one metre outside of any canopies drawn on the plan. The only exception being where such fencing would in conflict with the construction works of the northern elevation of the dwelling on Plot One. This is to protect as much as possible the roots of neighbouring vegetation throughout the development.

On the aforementioned plan it states, 'existing overhanging trees / landscaping pruned back accordingly by arboricultural specialist outside of bird nesting season'.

All pruning works should be carried out as in British Standard 3998 2010: 'Recommendations for Tree work.'

Trees and shrubs that require to be pruned back, to be selectively reduced to existing growth points, taking care not to un-balance them as a whole.

Birds generally nest between mid-February and end of September, pruning during this period is best avoided; unless absolutely sure no nesting birds are present; it being particularly hard to see for certain in dense hedgerows. Always be vigilant not to disturb nesting birds what ever month of the year.

Under the Wildlife and Countryside Act 1981 (as amended) all birds, their nests and eggs are protected by law and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built. In the event of query please contact Natural England on Tel: 03000 603900.

Bats are protected species under the Wildlife and Countryside Act 1981 (as amended) and in the event that bats are living in any cavities in the tree(s), or if they are discovered while the works are taking place, please inform Natural England on Tel: 03000 603900 before works proceed.

Species used in proposed new tree planting fine if spread throughout site."

Environmental Protection

"No comments regarding land contamination or environmental protection."

Highway and Lead Local Flood Authority

No objections raised.

"This application is for the erection of two 1.5 storey detached dwellings with attached garages, vehicular access and landscaping that was previously approved under application H13-0406-23 for a single dwelling. This proposal will utilise the existing access off Broad Lane which meets the visibility guidelines set out in Manual for Streets and will require widening to 4.1 metres suitable for the passage of two-way vehicular movements. There is sufficient parking provision and turning facility within the site to allow vehicles to enter and leave in a forward gear. That said, the existing vehicle access crossing has been damaged/deteriorated considerably and therefore, needs to be made up to the County Council's specification within the extent of the public highway appropriate for

its proposed residential use"

Proceeds to recommend two informative conditions be placed upon the application.

Cllr T Sneath

"As a ward member I have been approached with numerous concerns regarding this application. The proposal would result in an incongruous form of backland development, out of character with the existing character and pattern of development in the locality. It would also materially harm the amenity of nearby residents by virtue of removal of privacy, additional noise and disturbance, including vehicles using the shared private driveway. The layout and density would appear over development of the site. The driveway serving the 2 private dwellings is narrow, stretching circa 50m with no passing places. This is a major concern due to the poor visibility entering the site from Broad Lane, resulting in potential vehicular reversing onto the highway. President is for a single bungalow on a such development & planning for which is still in place H13-0406-23"

Historic Places Team

"Thank you for consulting us on this. 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"

South Holland Internal Drainage Board

States that land drainage consent may be required. It is recommended that the applicants discuss the application with the Board directly.

Anglian Water

"Thank you for your email for the application above. This falls outside of the remit for comments by Anglian Water."

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, one letter of objection has been received.

This can be summarised as:

- Loss of privacy
- Increase in traffic generation in area by a school
- Noise disturbance during development

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.

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.

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

Principle of Development

Policy 1 of the South East Lincolnshire Local Plan (2019) 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 Moulton which is classed as a 'Minor Service Centre' within Policy 1. As such development will be permitted that supports Moulton's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Allocated and Committed sites and infill.

The National Planning Policy Framework (December 2024) 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 National Planning Policy Framework (December 2024) 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.

The proposed development is located to the rear of the host dwelling, and as such is considered as a back land plot. As a result, failing to conform to the definition of an infill development. The site is not allocated nor a committed site. That being said, the area displays a clearly defined presence of back land development, with this being the sole remaining undeveloped plot in the immediate area in this regard. As such, whilst this would not strictly accord with the detail of Policy 1, it is considered appropriate in this instance, with resistance to such potentially be inappropriate on this basis. Furthermore, the site benefits from an extant outline permission for a single dwelling, further establishing the principle of residential development on the site.

In any event, as the site is within a settlement, the site is a more sustainable location for development. Occupants would have easy access to essential services via sustainable methods of transport and would benefit accordingly.

Therefore, while the proposal is not in strict accordance with Policy 1, it is wholly in keeping with the built form of the area, which displays a clear existence for back land development. As the site is still within a settlement, the sustainable benefits this provides would benefit the occupants of the dwelling, meaning that the broad principles of Policy 1 are still applied. The proposal is in accordance with Paragraphs 61 and 73 of National Planning Policy Framework (December 2024). 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 National Planning Policy Framework (December 2024) specifically relates to

'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout 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.

Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) 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 South East Lincolnshire Local Plan (2019) requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework (December 2024) 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 outlined above, the area has existing back land development. As such, in the broadest terms, the bungalows would not look out of character in this regard. The use of a chalet bungalow is also consistent with built form in the wider area currently.

Given the size of the plot, and the built form of the area, the scale of the dwellings are considered appropriate. The development is of appropriate scale, as to not represent overdevelopment, leaving plenty of amenity space to enjoy. This density of development is comparable to existing plots, particularly those to the east which are of similar density.

Furthermore, the height of the dwellings is similar to its counterparts in the area. The cross sections submitted as part of this application show that the maximum height of the dwelling would be a mere 40cm above those of 11a West Cobgate, which would not be a significant differential as to appear out of keeping or overly dominant. In any event, the existing and proposed boundary treatments on the site, coupled with the positioning of the bungalows to the rear of two-storey dwelling, will obscure the majority of views into the site.

While no exact materials schedule has been submitted, the use of red bricks with grey roof tiles has been proposed. This is consistent with the wider area, thereby naturalising the development. The materials would also create a strong contrast with the white rendered 24 Broad Lane, enhancing the sense of character in the immediate area. It is recommended that a suitably worded condition be imposed requiring a full materials schedule prior to the commencement of the development.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024).

Impacts Upon Resident Amenity

Paragraph 135 of the National Planning Policy Framework (2024) 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 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 proposed bungalows would not overlook any neighbouring dwellings. Views from ground floor windows would be obscured via the existing boundary treatments on the site. The velux windows are located at such a height that views obtained from them would be limited. These views are further reduced by their angling upwards, ensuring any views obtained are chiefly of the air space above dwellings. In any event, the windows are largely positioned away from neighbouring residential dwellings, with the bulk of the proposed windows facing into the site and the semi-private space proposed within.

It is not considered significant overshadowing would occur from Plot 1. Any shadows falling on the plot to the north would largely fall upon the existing boundary treatments. In any event, any overshadowing which may occur (if the boundary treatments were removed) would be minimal and would fall solely into areas of rear garden, thereby lessening their impacts.

Turning to Plot 2, any shadow cast would fall solely upon 11a West Cobgate. Primarily, this would overshadow the northern elevation of the dwelling here, which contains three windows connecting onto non-habitable rooms (a utility room and a kitchen/ diner). As non-habitable rooms, the weight given to the preservation of light here is reduced. In any event, the kitchen/ diner is served by bi-fold doors, which will allow ample light into the room regardless. In addition, these windows are north facing; and therefore, in line with BRE guidance, the weight given to the preservation of light here is reduced further.

The relative scale of the buildings would ensure no overbearing effect occurs.

The positioning of the turning point, coupled with the expected low level of traffic on the site, would ensure no significant noise impacts. The addition of two dwellings would not create sufficient footfall/activity as to significantly increase noise generation. While there would be an increase in noise as a result of the development, this would only be temporary, and can be reduced via a suitable Construction Management Plan.

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 National Planning Policy Framework (2024) and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) 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 South East Lincolnshire Local Plan (2019), 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.

Both dwellings are three-bedroom homes. Both have ample space for at least two parking spaces, ensuring conformity with Policy 36 and Appendix 6. Should an additional bedroom be added (via internal alterations post decision) then ample room would still be maintained for three spaces.

The proposed access would have no significant detrimental impact upon highway safety. Visibility is adequate in both directions from the access. Furthermore, as the proposal is opposite a school, therefore placing the site in a 20mph zone, traffic speeds would be low, further ensuring no harmful impacts upon highway safety.

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 South East Lincolnshire Local Plan (2019), as well as Section 9 of the National Planning Policy Framework (December 2024).

Environmental Sustainability

In respect of the climate emergency, Section 14 of the National Planning Policy Framework (December 2024) states that new development should be planned for in ways that "avoid increased vulnerability to the range of impacts arising from climate change". Paragraph 161 states that "the planning system should support the transition to net zero by 2050 and take full account of all climate impacts".

Section 15 of the National Planning Policy Framework (December 2024) promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 ensure sites of biodiversity value are protected through the planning system; while Paragraph 193 states that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".

In line with both aforementioned sections of the Framework, Policies 28 and 31 of the Local Plan (2019) ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place.

The installation of solar panels would, to a certain extent, help to achieve the aims of Paragraph 161 via a reduction in dependency on finite energy sources. As such, some weight is given in favour of the proposal.

Schedule 7A of the Town and Country Planning Act, inserted by the Environment Act 2021, "makes provision for grants of planning permission in England to be subject to a condition to secure that the biodiversity gain objective is met". As a result, the grant of any planning permission, bar those excluded from the legislation within Paragraph 17 of Schedule 7A and The Biodiversity Gain Requirements (Exemptions) Regulations 2024, is subject to the condition that "development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority and (b) the planning authority has approved the plan". All proposals therefore must demonstrate a Biodiversity Net Gain (BNG) of at least 10%, measured in standard units.

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.

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.

The submitted BNG plan and metric show a net loss of 65.19% (0.48 habitat units). The scheme is unable to secure the requisite gains on site. As such, BNG should be secured via an off site scheme or the purchase of credits. This should be secured via the relevant condition (imposed on all non-exempt applications by default) and the signing of a S106 agreement to ensure the maintenance of

the site if required.

The development would be subject to the mandatorily set BNG condition.

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 South East Lincolnshire Local Plan (2019) and Sections 14 and 15 of the National Planning Policy Framework (2024).

Site Drainage

Policy 4 of the South East Lincolnshire Local Plan (2019) concerns flood risk and site drainage. As the site is within Flood Zone 1, and is not considered to be at an increased risk of flooding, the following assessment, in line with the provisions of the National Planning Policy Framework, 2024, will solely concern site drainage.

Paragraph 182 of the Framework states: "Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity".

No specific details of surface water drainage have been provided. Given the significant increased in hard surface areas on the site, it is considered necessary to secure these details via condition. That being said, given the relatively small scale of the site, the installation of small scale drainage systems, such as soakaways, may be appropriate in this instance. The installation of larger scale sustainable urban drainage features such as swales may not be appropriate on this site given the reduced scale.

It is proposed that foul water shall be disposed of via the main Anglian Water sewer along Broad Lane. Anglian Water are obliged to take this additional waste flow. Given the scale of the development, and its positioning within the settlement, this strategy is considered appropriate.

Refuse Collection

It is proposed that refuse is disposed of via kerb side pick up. The distance from the kerb to the dwelling is approximately 60m, thereby exceeding the 30m recommended carry distance in the Council's Private Drives - Waste Vehicle Collection Service - Guidance Note. However, given the small scale of the proposal, and the minor difference in recommended carry distance and actual carry distance, this method is considered appropriate. It should be noted that the Council's note is simply guidance, and as such carries limited planning weight (as demonstrated in the relevant appeal decisions) and as such, it would be inappropriate to resist the application on this basis. The kerb side nature of the refuse collection means that the properties would function like any other along the street, thereby ensuring that no significant visual harm would occur as it may if a designated refuse collection point was installed.

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 South East Lincolnshire Local Plan (2019) and the National Planning Policy Framework (December 2024) 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, 28, 31, 33, and 36 of the South East Lincolnshire Local Plan (2019), as well as Sections 5, 9, 12, 14, and 15 of the National Planning Policy Framework (December 2024). 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.