Application No:	**H14-0219-22**	**Applicant:**	**Charlotte Properties Ltd.**
Proposal:	Conversion of the ex-Bell Public House into five flats and the development of nine detached bungalows to the rear		
Location:	The Bell Inn 33 Church Street Pinchbeck		
Terminal Date:	4th November 2022		

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
06	Developer Contributions
10	Meeting Assessed Housing Requirements
17	Providing a Mix of Housing
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change
16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	1	0
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	2
OTHER STATUTORY BODIES	1	0	0	5
RESIDENTS	12	0	1	2

Route for determination of application	**Delegated**	X	**Committee**	

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for conversion of the former Bell Public House, 33 Church Street, Pinchbeck into five flats and the development of nine detached bungalows to the rear.

Within The Bell Inn flats 1, 4 and 5 will be two storey with Flat 2 solely at ground level and Flat 3 solely at first floor level. Flat 1 will contain a lounge and kitchen at ground floor level with a bedroom and a shower room at first floor level. Flat 2 will contain two bedrooms, a shower room and a combined living / dining area. Flat 3 will contain two bedrooms, a shower room and a combined living / dining area. Flat 4 will contain a living / dining area and a wc at ground floor, with a bedroom and shower room at first floor. Flat 5 will contain a living / dining area and a wc at ground floor, with two bedrooms and a bathroom at first floor. The flats have 9 parking spaces to the rear of the building.

Nine bungalows are sited to the rear of The Bell Inn and dwellings off Church Street. Plot 1 is named Cottesmore and will contain three bedrooms, an en-suite, bathroom, utility, living room and combined kitchen / diner. Two parking spaces are sited to the front of the property. Plot 2 is a chalet bungalow named Langham and will contain a bedroom, en-suite, study, shower room, lounge, utility and a kitchen / diner at ground floor level. Two bedrooms and a bathroom will be located in the roof space with a void above the ground floor kitchen. The plot is served by a semi-detached single garage with additional parking space in front.

Plot 3 is named Manton and will contain three bedrooms, an en-suite, bathroom, lounge and a kitchen / diner. The plot is served by a semi-detached single garage with additional parking space in front. Plot 4 is a handed Manton and will contain three bedrooms, an en-suite, bathroom, lounge and a kitchen / diner. A detached garage is located to the southern side of the dwelling.

Plot 5 is a handed Oakham and will contain three bedrooms, an en-suite, bathroom, lounge and a kitchen / diner. A detached garage is located to the western side of the dwelling. Plot 6 is named Oakham and will contain three bedrooms, an en-suite, bathroom, lounge and a kitchen / diner. A detached garage is located to the eastern side of the dwelling. Plot 7 is named Braunston and will

contain two bedrooms, an en-suite, bathroom, lounge and a kitchen / diner. Two parking spaces are provided to the southern side of the property. Plot 8 is named Egleton and contains three bedrooms, an en-suite, bathroom, lounge, utility and a kitchen / diner. Two parking spaces are provided to the southern side of the property. Plot 9 is a chalet bungalow named Rutland and contains a bedroom, en-suite, study, wc, lounge, utility and a kitchen / diner at ground floor level. Two bedrooms and a bathroom will be located in the roof space with a void above the ground floor kitchen. The plot is served by a detached single garage with additional parking space in front.

The road will be a private road with refuse collection provided by a private contractor. Surface water would be disposed of to an existing watercourse with foul sewage going to a mains sewer.

SITE DESCRIPTION

The proposal is within defined settlement limits and the surrounding area is characterised by buildings of varying ages and designs. The entirety of the site is within Pinchbeck Conservation Area. The site to the rear of The Bell Inn is not designated as Recreational Open Space in the South East Lincolnshire Local Plan (SELLP). The site is in Environment Agency Flood Zone 3 and the easternmost extent of the site is within a "Danger for Some" hazard area with a maximum predicted flood depth of 0.5 metres on the easternmost extent of the site.

RELEVANT HISTORY

H14-1131-92

Full - Replacement windows - Refused - 11 December 1992.

H14-0621-94

Full - Domestic garage and shed - Approved - 11 October 1994.

H14-0097-96

Full - Dining room extension - Approved - 30 April 1996

H14-1172-17

Full -Demolition of existing building; creation of new single-storey A1 retail unit, with associated car park and rear yard area (with fencing); creation of new access road into site, with turning area for delivery vehicles; removal of trees - Application Withdrawn - 26 March 2018.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

Requests construction management plan and method statement conditions, as well as access, utility and private road informatives.

Lincolnshire County Council - Historic Environment Officer

...The Bell Inn and its former paddock are also located in an area of archaeological interest, close to the medieval parish church and within the historic settlement core of the village of Pinchbeck. We would therefore support the recommendations of the developer's Desk Based Heritage Impact Assessment that an archaeological trial trench evaluation should be required prior to determination, because of the high potential for as yet unrecorded medieval remains to survive in this central position within the medieval settlement adjacent to the parish church.

The evaluation should consist of trial trench excavation and should provide sufficient information to enable the local planning authority to make a reasoned decision regarding the potential impacts on below ground heritage assets of archaeological interest.

Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation - NPPF, 194.

Lincolnshire County Council - Corporate Property Service - Educational Contributions

A total of £28,267 is sought. However a subsequent response states *The County Council has no comments on this consultation in relation to education as any impacts should have been mitigated at the outline stage.*

This application has been firstly submitted as a full application and does not follow an outline application.

NHS

Request a contribution of £8140.

SHDC - Strategic Housing

The amended Planning Application indicated a proposed development of 14 homes, this equates to the provision of 4 affordable homes. The application comprises of 10 market homes (8 x 3 bed bungalows 1 x 2 bed bungalow and 1 x 2 bed flat as part of the proposed alterations to the building known as The Bell Public House) and 4 affordable homes all encompassed within the former Bell Public house building. The application will require a S106 agreement that secures 25% of the total number of dwellings as affordable housing. The S106 agreement requires the applicant to submit an affordable housing scheme for approval detailing the tenure, mix, size, and location of the affordable housing.

Policy 18: Affordable Housing of the Local Plan indicates a tenure split of 70% in favour of Rented and 30% Intermediate housing for sale dwellings will be sought, whilst appreciating that this may vary on a site-by-site basis due to factors such as viability or affordable housing need. Policy 17: Providing a Mix of Housing in the Local Plan encourages a mix of house types and sizes to meet a range of needs. To meet housing needs and adhere to local and national policy and meet S106 contribution a proposed affordable housing mix of 4 affordable dwellings is set out below: -

3 Affordable rented homes
2 x 1 beds and 1 x 2 beds

1 Intermediate affordable - First Home
Comprising a 2 or 3 bed bungalow

Policy 6: Developer Contributions of the Local Plan, it would be preferable for the affordable housing to be secured through a s106 agreement. The s106 agreement should include an agreed affordable housing scheme detailing the tenure split, property types and sizes, plot numbers, internal floor areas, design standards and the phasing of the affordable housing.

Housing Strategy initially responded to this application in March 2022 and again on 23rd August 2022. It was noted the applicants proposed supplying 4 affordable dwellings as part of The Bell Inn, flat conversion. 3 Affordable rented 1 x 2 bed flat, 2 x 2 bed flats.1 First Home, 1 x 1 bed First home or shared ownership.

In August Housing Strategy stated further information would be welcomed from the developers on how they intend to meet the affordable housing obligations. The applicant's agent Matrix Planning subsequently contacted Planning/ Housing Strategy and a list of Registered Providers was provided. The applicant has recently submitted revised drawing of the flats/apartments proposed within The Bell Inn and a Supplementary Report dated 2.12.22.

The applicant proposes to provide the following affordable housing within the former Bell Inn building as per planning drawing 3170-EB06 Rev B Proposed Layouts - Amendment 3.

3 Affordable rented flats
1 x 1 bed flat unit 4
2 x 2 bed flats units 2 & 3

1 First Home flat
1 x 1 bed flat unit 1
·The applicant's Supplementary Report refers to 1 x 1 bed flat First Home/Shared Ownership
·It is noted the entrance to Unit 1 proposed First Home is via the kitchen and not the communal area

and the entrance to market flat within building is separate and via the lounge.

The affordable rented dwellings proposed do not concur with the identified local housing need however the difference in provision composition does not differ to a great extent and is acceptable in meeting housing need.

The First Home provision does not meet the identified housing need. The 1 bed First Homes flat is housed within the former Bell Public house and will be leasehold and although any purchaser will have ownership of the leasehold flat. Potentially this may be problematic, as the aim is that the First Homes is in perpetuity. Concerns are with long leases coming to an end and difficulties in securing leases on the remainder. In addition, the owner will likely need to pay ground rent to the freeholder.

First Homes are mainly led by developers as opposed to Register Providers who mainly hold share ownership properties. Provision of shared ownership property would be acceptable in this instance. However, a 1 bed flat does not meet the identified local housing need.

There is substantial need for affordable rented homes in the Pinchbeck area. Currently there are 141 applicants on the Housing Waiting List of which 67% are for 1 and 2 bed properties. The local Housing Needs Assessment indicated there is some need for intermediate housing First Homes and/or Shared Ownership in Pinchbeck however 74% of the indicative housing need is for 2 bed homes (42%) and 3 bed homes (32%).

We would welcome further discussion from the applicant on meeting local housing need, pursuant to meeting affordable housing obligations.

It would be preferable for the homes to be built to the 'Nationally Described Space Standards' at 1 bed 2 person 2 storeys, 2 bed 4-person 2 storey and 3 bed 5 person 2 storeys, although this is encouraged but not a requirement of policy. I note from the sizes listed within the planning statement that none of the homes meet NDSS, but they do meet at least 85% of NDSS which is often a minimum requirement for Registered Providers (RPs). Local policy also encourages homes that are capable of adaptation over time so it would be useful to understand if any of the homes are proposed to meet either M42 or M43 standards. It would also be useful to understand if the homes are proposing any net zero carbon initiatives, again encouraged but not a policy requirement.

The applicant should also seek to secure a RP for the affordable dwellings at the earliest opportunity. The Strategic Housing Team can provide a list of RPs with stock in the local area should the applicant require this. The applicant and RP should be prepared to enter into a Nominations Agreement with the Council to ensure that the rented homes are let to households from the Council's Housing Register.

SHDC - Environmental Protection

No objection - Requests a construction management plan.

SHDC - Trees & Conservation Officer

Comments still awaited.

SHDC - Conservation Officer

Comments still awaited.

Welland & Deepings Internal Drainage Board

The proposed surface water discharge of 5 litres/second is agreeable with the Board in principle subject to the submission in advance of an application to discharge surface water which is subject to the agreement of technical details, payment of the application fee and correct development contribution. For the scheme as currently submitted the development contribution amount payable to the Board is £8,983.57.

I am pleased to see that the receiving watercourse to the east is to be cleaned out/reinstated to enable proper function and I would recommend undertaking the same works to the private dyke on the southern boundary if not already the case. I am also pleased to see the inclusion of the

proposed perforated drain along most of the western boundary to gather and discharge any overland flows into the open watercourse on the southern boundary. Both the perforated drain and the open watercourses should be maintained in perpetuity.

If any dykes are to be altered at all as part of the scheme then an application for consent to alter a watercourse would need to be submitted to the Board in advance of any site works. This would be subject to the agreement of technical details.

Lincolnshire Police

No objections - *This development has made good use of a cul-de-sac layout that has been proved to help reduce crime and disorder and enhance community cohesion, restricting the opportunity for anonymous or unwanted intrusion.*

Anglian Water

No objections. Requests the following informative - *"Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence."*

Environment Agency

No objection. Requests the following condition:

The development shall be carried out in accordance with the approved flood risk assessment and the following mitigation measures it details:
· Finished floor levels of the bungalows shall be set no lower than 3.20 metres above Ordnance Datum (AOD) with flood resilient construction to a height of 300mm above the predicted flood depth.
· Finished floor levels of the pub shall remain at 4.10 metres AOD. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

The Rt Hon Sir John Hayes MP

Objects

- Attention needs to be paid to scale and design.
- Assessment should be made as to whether the proposal has beauty at its heart.
- More effort could be made with the refurbishment of The Bell Inn.
- Lack of parking provision.

Public

Objections received summarised as follows:

Matters of material planning weight:

- Water sits in the field for 3 months during winter.
- Dyke around the site needs cleaning out.
- Development of the field will increase impact on drainage.
- Happy to see The Bell converted but the land to the rear should remain undeveloped or used as garden / paddock.
- Happy to see The Bell converted but it should be for a single dwelling only.
- Lack of services in Pinchbeck
- Overdevelopment of site
- Overdevelopment of Pinchbeck
- Overlooking
- Pinchbeck is merging into Spalding
- Impact on wildlife - "Nesting Kestrels, Buzzards along with a Barn Owl and Tawny Owl all live in

the area and use the land as hunting ground. Muntjac Deer and snakes also frequent the area along with a host of other species."
- Impact on bats.
- Not enough room for visitors cars on site.
- Parking near junctions and along Church Street due to lack of parking availability on site.
- Increase in traffic.
- Impact on the setting of St Mary's Church which is a Grade I Listed Building.
- Bungalows are out of keeping.
- Plans are contradictory - One plan shows a tree to be retained and another shows a fence going through the middle of it.
- There should be 5 or 10 parking spaces for the flats.
- The amended plans do not materially increase greenery.
- Noise between flats.

Matters not of material planning weight:

- Loss of view of the church from property.
- Proposed removal of trees not in ownership of applicant.
- The developer is only seeking to make money.
- Part of the site is subject to a legal agreement for garage access.
- Security of houses on Church Street due to adding of fencing to rear of existing Church Street properties.
- The response from the corporate property team is confusing. Why are they only considering 9 properties, when there are actually 15 proposed residences. 9 bungalows and 6 flats. It appears the flats are not considered in the impact assessment and I question why.
- Site should be for bungalows only. No chalet bungalows or rooms above garages.
- We have a coal fire that will blow over the site and bungalows must be informed.
- Affordable housing rate should be upped to 50%
- At least two homes should be for the ageing community only.
- The calculations taken re an increase in NHS patient care does not take into account other developments recently built or already approved. There must be a limit/stop to new builds until health services, school places etc, can accommodate an increase in population.
- The developer is from Merseyside.
- Fence panels could snap in high winds, break our bedroom windows and we get cut with glass. If it did happen they must pay for new windows. That would look good in the local paper.
- "Just to reiterate, this is being carried out by a development company that is not local to this area, bought as part of a package property deal, where the bulk of the properties were in their area of Liverpool, and this property was the only one not in their area of commercial concern."

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy - Main Service Centres

When assessed against the relevant criteria the following can be observed:

The proposal is within the defined settlement limits of Pinchbeck so the principle of development in this location is considered to be acceptable. The proposal will help to support the role of Pinchbeck as a main service centre and help sustain existing facilities.

This application accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout is considered to be appropriate for the site and is comparable in plot size to others in the vicinity. Some trees will be removed to facilitate the proposal, with some retained and additional planting throughout the site. There is not considered to be a material impact on the character or appearance of the surrounding area as a result of this proposal as the majority of the site is away from public view, and The Bell Inn will be restored, thereby enhancing the frontage of the site.

2. The design of The Bell Inn is not materially altered and the design and orientation of the bungalows is not alien or incongruous to other development in the area.

3. Proposed materials of construction would be addressed by condition.

4. The County Highways & SUDS Officer has no objections to the proposed access. The road would be private with refuse collection by a private contractor. There is not considered to be a material impact on traffic in the area which connects to the busiest road in the settlement. Each bungalow has a minimum of two off road parking spaces which accords with Appendix 6 of the SELLP. 9 parking spaces are provided for the 5 flats. Ideally 10 spaces should be provided which would provide 2 per flat. However, as some flats are singular, some occupants may not have cars, shops and services are in walking distance and unrestricted street parking is available nearby, then this level of provision is considered acceptable in this location.

5. There is not considered to be a material impact on existing community services and infrastructure as a result of the proposal.

6. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to visual intrusion the following can observed:

Overdevelopment - The proposal is not considered to represent overdevelopment. Each property has ample garden space to the rear and plot spaces are comparable to others in the area.

Overshadowing - The Bell Inn is being retained and renovated so there is not considered to be an increase in overshadowing from this building. Each bungalow will have fencing to the side and rear at a minimum height of 1.8 metres. Further details would be secured by condition. When right to light lines are drawn between the bungalows or to neighbouring properties there is not a material overshadowing aspect.

Overlooking - There is not considered to be a material overlooking impact from The Bell Inn. Aside from a rear facing obscure glazed window serving the shower room of Flat 3, there are no new fenestration elements that are not considered to offer a new view of the surrounding area. As this window will be obscure glazed and not directly facing any residential properties there is not considered to be a materially overlooking aspect. With regard to the bungalows due to the proposed boundary fencing and no dwelling being raised more than 300mm above ground level there is not considered to be an overlooking aspect from Plots 1 and 3 to 8. Plots 2 and 9 are chalet bungalows. With regard to Plot 2 the rear first floor window serving bedroom 3 will face the rear garden, established trees and arable fields beyond. The frontage first floor window serving bedroom 2 will face the frontage windows of Plot 9 which are approximately 10 metres away. Given that Plot 9 has a frontage first floor window facing this window this is considered to be a reciprocal overlooking relationship that does not materially impact any other properties on the site or neighbouring properties. The rear elevation window of Plot 9 is over 40 metres from 23 and 21 Church Street. The rear gardens of these plots are already overlooking by the neighbouring Church Street dwellings. There is not considered to be a material overlooking impact from any element of the proposal.

7. Finished floor levels of the bungalows shall be set no lower than 3.20 metres above Ordnance Datum. The Environment Agency have no objections to the submitted details. There does appear to be some discrepancy for individual plots when compared to the submitted drainage plans. Whilst the plots are predominately single storey, character and amenity may be impacted if plots are significantly raised, and / or there is disparity between adjacent plots. Therefore, a condition requesting further details of the finished floor levels for individual plots has been imposed.

8. Due to the separation distance, the existing tree line boundary and the proposed boundary fencing, there is not considered to be a material impact on the setting of the Grade I Listed St Mary's Church to the south of the site.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout is considered to be appropriate for the site and is comparable in plot size to others in the vicinity. Some trees will be removed to facilitate the proposal, with some retained and additional planting throughout the site. There is not considered to be a material impact

on the character or appearance of the surrounding area as a result of this proposal as the majority of the site is away from public view, and The Bell Inn will be restored, thereby enhancing the frontage of the site. A sense of place is considered to be improved by this proposal by virtue of the visual enhancement of the frontage building of The Bell Inn.

4. The site is well served by pavements on both sides of Church Street and bus stops within a short walking distance of the site.

5. An allocated bin and cycle store is well sited to the rear of The Bell Inn with ample space at each bungalow for cycle and bin storage. The County Highways & SUDS Officer has no objections to the proposed access. The road would be private with refuse collection by a private contractor. There is not considered to be a material impact on traffic in the area which connects to the busiest road in the settlement. Each bungalow has a minimum of two off road parking spaces which accords with Appendix 6 of the SELLP. 9 parking spaces are provided for the 5 flats. Ideally 10 spaces should be provided which would provide 2 per flat. However, as some flats are singular, some occupants may not have cars, shops and services are in walking distance and unrestricted street parking is available nearby, then this level of provision is considered acceptable in this location.

11. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to visual intrusion the following can observed:

Overdevelopment - The proposal is not considered to represent overdevelopment. Each property has ample garden space to the rear and plot spaces are comparable to others in the area.

Overshadowing - The Bell Inn is being retained and renovated so there is not considered to be an increase in overshadowing from this building. Each bungalow will have fencing to the side and rear at a minimum height of 1.8 metres. Further details would be secured by condition. When right to light lines are drawn between the bungalows or to neighbouring properties there is not a material overshadowing aspect.

Overlooking - There is not considered to be a material overlooking impact from The Bell Inn. Aside from a rear facing obscure glazed window serving the shower room of Flat 3, there are no new fenestration elements that are not considered to offer a new view of the surrounding area. As this window will be obscure glazed and not directly facing any residential properties there is not considered to be a materially overlooking aspect. With regard to the bungalows due to the proposed boundary fencing and no dwelling being raised more than 300mm above ground level there is not considered to be an overlooking aspect from Plots 1 and 3 to 8. Plots 2 and 9 are chalet bungalows. With regard to Plot 2 the rear first floor window serving bedroom 3 will face the rear garden, established trees and arable fields beyond. The frontage first floor window serving bedroom 2 will face the frontage windows of Plot 9 which are approximately 10 metres away. Given that Plot 9 has a frontage first floor window facing this window this is considered to be a reciprocal overlooking relationship that does not materially impact any other properties on the site or neighbouring properties. The rear elevation window of Plot 9 is over 40 metres from 23 and 21 Church Street. The rear gardens of these plots are already overlooking by the neighbouring Church Street dwellings. There is not considered to be a material overlooking impact from any element of the proposal.

12. Finished floor levels of the bungalows shall be set no lower than 3.20 metres above Ordnance Datum. The Environment Agency have no objections to the submitted details. There does appear to be some discrepancy for individual plots when compared to the submitted drainage plans. Whilst the plots are predominately single storey, character and amenity may be impacted if plots are significantly raised, and / or there is disparity between adjacent plots. Therefore, a condition requesting further details of the finished floor levels for individual plots has been imposed.

This application accords with SELLP Policy 3.

Assessment against SELLP Policy 29 - The Historic Environment - Conservation Areas

When assessed against the relevant criteria the following can be observed:

1. The Bell Inn is considered to be a non-designated heritage asset and the proposal for renovation and retention is considered to aid the proposal.

2. Architectural details of The Bell Inn are retained.

4. The height, massing and form of the proposed bungalows is considered to minimise impact on the character and amenity of the conservation area, neighbouring properties and St Marys Church.

5. There is not considered to be a negative impact on the townscape, roofscape, skyline or landscape as a result of the proposal.

6. A minimal number of trees are to be removed with boundary trees and hedging retained, as well as additional planting on site.

This application accords with SELLP Policy 29.

Affordable housing and registered providers

These are matters that will be assessed in earnest following the conclusion of the Chairman's Panel meeting.

Planning Balance

It is considered the proposal can be accommodated on this site without material impact upon the amenity or character of the surrounding area. Additionally the setting of the Grade I Listed St Mary's Church is not considered to be impacted due to the height of the bungalows, the separation distance and the line of trees and hedging along the southern boundary in closest proximity to the church.

Conclusion

This application is considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12, 14 and 16 of the National Planning Policy Framework, 2021.

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

That the application be approved under delegated powers, subject to the applicant entering into a s106 agreement to secure the contributions set out above.