

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-1135-23 **Applicant:** Harlaxton Estates Limited

Proposal: Erection of 3 light industrial units (Class B2, B8, E(g)(i)(ii)&(iii) with associated parking spaces

Location: Land Off Bervor Close Wardentree Lane Pinchbeck

Terminal Date: 16th April 2024

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
28	The Natural Environment
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

- 4 - Decision-Making
- 6 - Building a strong, competitive economy
- 12 - Achieving well-designed and beautiful places
- 14 - Meeting the challenge of climate change, flooding and coastal change
- 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	2	0
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CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application at Land off Bervor Close, Wardentree Lane, Pinchbeck, for Erection of 3 light industrial units (Class B2, B8, E(g)(i)(ii)&(iii)) with associated parking spaces.

The proposal seeks to provide three light industrial units, totalling 340 square metres in new floorspace. The three combined units will measure 34.85 metres in width and 10.55 metres in depth externally. The eaves would be 4.5 metres in height, with a ridge height of 6.257 metres. The units would be identical in size and design and contain a wc.

The frontage of each unit would contain a personnel door of 2.1 metres in height and a roller shutter door of 3.5 metres in height. A 50 watt LED spotlight would be sited above each personnel door. There are to be no windows on any elevation of the units.

The units will be constructed from cladding, 73mm Kingspan Quadcore KS1000RW LEC Wall panel system Vertically laid; colour: Gull Grey (Ral 240 80 05). Trims, flashings, etc. will be Plastic coated metal; colour: Anthracite Grey (Ral 7016). The roof will be constructed from 100mm Kingspan Quadcore KS1000RW roof panel system; colour: goosewing grey (RAL 7038). Gutters and downpipes will be Plastic coated metal; colour: Anthracite Grey (Ral 7016).

A site visit was conducted on Friday the 5th of January 2024.

SITE DESCRIPTION

The proposal site is within the defined settlement limits of Pinchbeck in the Wardentree Lane Industrial Estate. The surrounding area is characterised by industrial buildings of varying ages and designs.

The site is located in Environment Agency Flood Zone 3, and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. Surface water and foul water drainage will be addressed by the existing mains sewer.

RELEVANT HISTORY

H14-0883-12

Full - Change of use to Wholesale Cash and Carry and distribution of flowers and plants (B8) - Approved - 05 May 2012.

H14-0297-14

Full - Proposed new access on Wardentree Lane - Refused - 16 June 2014.

H14-1011-15

Full - Alterations to provide additional unit, two-storey extension to industrial units, change of use of 2 units to retail/storage, provide additional car parking and valet bay - Approved - 22 December 2015.

H14-0282-16

Section 73 Continuation - Alterations to provide additional unit, two-storey extension to industrial units, change of use of 2 units to retail/storage, provide additional car parking and valet bay -

approved under H14-1011-15. Modification of Condition 5 relating to use of units - Approved - 27 April 2016.

H14-0811-16

Full - Change of use of vacant Unit 1 from distribution and retail trade counter (B8 and A1) to MOT/repair workshop (B2) including internal works - Approved - 06 October 2016.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 2nd January 2024 to 23rd January 2024)

South Holland District Council - Environmental Protection - Diane Gordon - 02 January 2024

"No concerns."

South Holland District Council - Environmental Protection - Oliver Abrams - 18 January 2024

"No comments regarding land contamination."

Welland & Deepings Internal Drainage Board - 18 January 2024

"No comment."

Lincolnshire County Council - Highways & SUDS - 22 January 2024

Additional information required - *"A parking justification statement is required."*

Pinchbeck Parish Council - 02 February 2024

Support - *"The proposals help employment in an industrial location."*

Lincolnshire County Council - Highways & SUDS - 06 February 2024

Following submission by agent of the requested Parking Justification Statement the following comments have been received:

No objections - *"The proposal is for the erection of 3 light industrial units (Class B2, B8, E(g)(i)(ii)&(iii) with associated parking spaces within an already existing industrial/commercial estate. The access remains unchanged and a parking justification statement was requested due to the fact that the existing units will be losing 23 parking spaces. The parking allocated to the proposed units is acceptable and the justification provided for the loss of parking for the existing units is satisfactory. There will be sufficient parking on site for all units. The proposal will not have an adverse impact on the public highway."*

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Note to Planner - in order to promote sustainable modes of transport I would recommend that secure cycle parking is included/conditioned."

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle of Development and Sustainability

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

Impact on Amenity/Land Users

Parking / Highway Safety

Flooding Considerations / Drainage

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 above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Principle of Development and Sustainability

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development 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 in terms of sustainability.

The proposal site is within the defined settlement limits of Pinchbeck, which is a Main Service Centre in the settlement hierarchy of the South East Lincolnshire Local Plan. The relevant assessment criteria states "Within the settlement boundaries of the Main Service Centres (as shown on the Inset Maps) development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities." The proposal is considered to help support Pinchbeck as a main service centre and is in keeping with the surrounding industrial uses.

This proposal is also assessed against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio, further to Section 6 of the National Planning Policy Framework (December 2023).

Section 6, one of the key principles of the National Planning Policy Framework (NPPF), relates to Build a strong, competitive economy. Within Section 6, paragraph 85 states that "planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt", and also outlines that "significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for

development".

Further, paragraph 86 of the NPPF details that "Planning policies should:

- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;
- b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
- d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

Policy 7 expresses that to ensure that growth happens in the right areas (both from the market's perspective and to meet sustainability objectives) and will ensure that resources can be focused on delivering a small number of quality, attractive business locations. This approach helps ensure that the right infrastructure and conditions can be delivered to give businesses the confidence to invest in the area.

The relevant section of Policy 7 is titled Main Employment Area and this section states:

"The Policies Map identifies Main Employment Areas, as listed below, which are reserved for main employment in Classes B1, B2 and B8. On Mixed-use development sites, which incorporate main employment uses under Class B as specified for each site, together with other identified appropriate employment-generating uses, non-Class-B uses will only be supported where the applicant can demonstrate they are ancillary to the effective functioning of the Mixed-Use Area identified. A master plan will be required for prestige sites identified. Mixed-use developments, which incorporate main employment uses together with other identified appropriate employment-generating uses, will be supported in Mixed-Use Areas identified."

The proposed light industrial units are to be used for B2, B8, E(g)(i)(ii)&(iii) purposes. The Use Classes Order has been updated since SELLP Policy 7 was introduced and the uses proposed above are as follows:

B2 is a "General Industrial" use.

B8 is a "Storage and distribution" use.

E(g)(i) is for "an office to carry out any operational or administrative functions.

E(g)(ii) "the research and development of products, or

E(g)(iii) "any industrial process"

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit."

The proposed uses for the proposed units would be in keeping with the use classes originally identified, and therefore the application is considered to accord with Policy 7 of the South East Lincolnshire Local Plan.

The principle of development in this location is considered to be acceptable.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the amenities of neighbouring buildings, and parking provision which are discussed in turn as follows.

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

Section 12 of the National Planning Policy Framework (December 2023) 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 2023), 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. Development proposals should also ensure that developments 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.

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.

Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it 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 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.

The layout of the proposal is such that the frontage of the units will face in a westerly direction. Whilst the majority of units along Bervor Close are orientated on a north / south axis this is not considered to materially impact the character of the surrounding area when viewed from the highway or adjacent industrial sites. The building will be sited 28 metres from the highway to the north, 12 metres from the western boundary, 2 metres from the existing 1.8 metre high palisade fencing on the eastern boundary and 2 metres from the car wash building of the adjacent MOT / repair business to the south.

The units are to be constructed from Gull Grey clad walls and a Goosewing Grey coloured clad roof. The proposed materials are considered to be in keeping with the built materials of the industrial units in the vicinity of the site. The scale and design of the units area in keeping with other units in the surrounding 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 South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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.

There is not considered to be an overdevelopment impact arising from the proposal. The units have an appropriate level of parking and do not represent as a cramped visually discordant feature in the surrounding industrial estate.

There is not considered to be an overlooking impact from the proposal. The units do not have any windows and the personnel door / roller shutter doors will face the parking areas of the site and the adjacent site to the west. These openings do not directly face any industrial units. There is not considered to be a material overshadowing impact from the proposal. When right to light lines are

drawn from the building no nearby units are significantly impacted by a loss of light. This is because of the separation distance and that the buildings are sited to the north of the MOT / Repair building to the south and the South Holland Wardentree Depot to the south-east. As the sun traverses the sky on a southerly trajectory from east to west there will be no significant or unacceptable shadows cast on either of these buildings. There are no windows in the north facing side elevation of the car washing building to the south, therefore there is not considered to be an overbearing impact on this building.

There are no residential properties in the vicinity of the site. Given the location there is not considered to be a requirement to impose a noise condition or hours of operation condition on this application. This stance was taken on a similar industrial unit development along Bervor Close under application H14-0957-22, which was approved on the 16th of November 2023.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the amenities of the occupiers of adjacent buildings or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Parking / Highway Safety

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) 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 would be severe".

Within this context, development should give priority first to pedestrian and cycle movements, facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility in relation to all modes of transport, safe, secure and attractive places, allow for efficient delivery and access for emergency services, and be designed to enable and encourage ultra-low emission vehicles in safe, accessible and convenient locations.

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.

The current use of the site has been classed on the application form as "surplus carpark." The existing numbers of parking spaces in and around the red line boundary will be reduced by 23 spaces from the existing number of 81 to the proposed number of 58 spaces. Within the red line boundary one parking space and one disabled parking space is located to the north of Unit 1. One parking space and one disabled parking space is located to the west of Unit 2. Four parking spaces and one disabled parking space is located to the west of Unit 3. Six parking spaces are located to the north-west of the units adjacent to the site entrance.

The County Highways & SUDS Officer requested a Parking Statement to justify the loss of car parking spaces to facilitate the proposal. The agent has responded below.

"It is noted that no 'Parking Statement' was requested for app. no. H14-0957-22, a recent application of a similar nature on a nearby site accessed from Bervor Road,. We would therefore question why a parking statement has been requested in this instance? Notwithstanding, please see below:

PARKING STATEMENT

The application site was formerly part of a larger site serving IN 'n' OUT Autocentre and Lincs Van Hire, which fronts Wardentree Lane but is accessed from Bervor Street to the rear. Access arrangements will remain unchanged. The existing building is subdivided into 3 units, with IN 'n' OUT occupying Units 1 & 2 and Lincs Van Hire occupying Unit 3.

The existing units are currently served by 85 car spaces and 7 larger vehicle / van spaces, which is

considerably more than is required and substantially in excess of the criteria set out in Appendix 6 of the local plan. The current application is for 3no. 1200sqft units, Use Classes B2,B8 E(g) (i), (ii) and (iii).

According to Appendix 6, the most parking intensive use applied for would be Class E (formerly B1) at 1 space per 30m² (gross) which would give four spaces per unit. Provision is made for 5 per unit as the applicant is adamant that parking should be sufficient to minimise the risk of fly parking and associated congestion on surrounding streets, which can be typical of this type of development. Space on the site is not unduly limited and this can be accommodated. The existing buiding will retain in excess of 46 dedicated spaces, which more than meets the requirements of Appendix 6."

The County Highways & SUDS Officer has responded to state that they have no objections: "The proposal is for the erection of 3 light industrial units (Class B2, B8, E(g)(i)(ii)&(iii) with associated parking spaces within an already existing industrial/commercial estate. The access remains unchanged and a parking justification statement was requested due to the fact that the existing units will be losing 23 parking spaces. The parking allocated to the proposed units is acceptable and the justification provided for the loss of parking for the existing units is satisfactory. There will be sufficient parking on site for all units. The proposal will not have an adverse impact on the public highway.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Note to Planner - in order to promote sustainable modes of transport I would recommend that secure cycle parking is included/conditioned."

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Flooding Considerations / Drainage

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: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "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", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

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 site lies within Flood Zones 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

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 South East Lincolnshire Local Plan 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 South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site is located in Environment Agency Flood Zone 3, and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. Surface water and foul water drainage will be addressed by the existing mains sewer.

As the proposed units are not for habitable rooms there is not a requirement to raise finished floor levels to address flood risk. The land on which the units are to be sited is currently a tarmacked parking area. Therefore, there is not considered to be a need for additional surface water details to address potential surface water drainage on site. The submitted Flood Risk Assessment does state that flood resilience measures will be installed. These measures are water resisting airbricks, backwater valves and non-return valves, as well as all electrical installation to be above 4m AOD which is approximately 1 metre above ground level.

Biodiversity and Landscaping

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

Policy 28 of the South East Lincolnshire Local Plan (2019) outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

As the proposal is a minor application there is a requirement to demonstrate a biodiversity net gain of 10% from the 2nd of April 2024. However, because the requirement to demonstrate a biodiversity net gain for minor applications commences for applications submitted on or after the 2nd of April 2024 this is not a requirement for this application. This is due to the application being accepted on the 22nd of December 2023. Landscaping and biodiversity does still remain of importance in local and national policy when assessing this application, with the proposal still expected to demonstrate a biodiversity uplift.

Whilst the need to demonstrate a minimum of a 10% biodiversity net gain is not a requirement for the application, it is considered that the application would need to demonstrate a satisfactory landscaping and biodiversity uplift layout that would constitute a betterment for the site. This can be achieved via a number of measures such as ponds, and hedge / tree planting.

A landscaping condition will be added to the decision notice to ensure that the site can satisfactorily demonstrate a material biodiversity uplift in accordance with Policy 28 of the SELLP.

PLANNING BALANCE

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within an established industrial estate. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby businesses, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework (December 2023) when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

CONCLUSION

This application is considered to accord with Policies 1, 2, 3, 4, 7, 28 and 36 of the South East Lincolnshire Local Plan, 2019, as well as Sections 4, 6, 12, 14 and 15 of the National Planning Policy Framework, December 2023.

RECOMMENDATION

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

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.