

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0050-26 **Applicant:** Afterglow Tanning Ltd.
Proposal: Change of Use of Former Book Shop/Cafe to Wellness & Community Hub
Location: 18-20 The Crescent Spalding
Terminal Date: 24th March 2026

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
24	The Retail Hierarchy
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
26	Primary Shopping Frontages
29	The Historic Environment
30	Pollution
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 6 - Building a strong, competitive economy
Section 7 - Ensuring the vitality of town centres
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SPALDING & DISTRICT CIVIC SOCIETY	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full planning application for change of use of a former bookshop and cafe (Class E) into a wellness and community hub. No external alterations are proposed. The proposal would include the use of the building for: beauty and health treatments, Pilates, tanning/ sunbeds, saunas/ steam rooms and a cafe/kitchen space.

Site Description

The site is within the town centre boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The site is within the primary shopping area of the town, occupying a prominent corner plot along The Crescent. It is within the Spalding Conservation Area, with the Grade II listed Abbey Buildings located to the rear.

Relevant History

No relevant planning history

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Spalding and District Civic Society

The plans are very sketchy and do not give enough detail. Basically it has to be established whether this change of use is acceptable. The plates, treatment room and exercise room all have large windows next to the pavement and presumably some privacy is required. The use of vinyl or similar privacy measures in the Conservation Area should be resisted. More detailed plans are required, but basically the issue is do we want this change of use? The building occupies a prominent corner position and does not have any great architectural merit and has an asbestos roof. Thought should be given by the owners whether it might make more sense to redevelop the site with a Landmark building.

Historic Environment Officer

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. Finally, as the proposal involves development within DLI10607 (Spalding Conservation Area) and in proximity to MLI22363; Abbey Buildings, 1-7 Priory Road (Grade II Listed Building), the SHDC Conservation Officer should be consulted prior to determination, given the potential for impacts upon the significance and setting of the designated heritage assets

Environmental Protection

no comments

Conservation Officer

No objections. No external physical alterations included and so no risk of harm to the conservation area. Applicant should be reminded of their obligations for any future alterations to the shopfront, including signage/advertising should be fully compliant with the standards accepted within a Conservation Area setting.

Highway and Lead Local Flood Authority

No objection - Change of Use of former book shop/cafe to wellness & community hub. The site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal. The proposal will not have an adverse impact on the public highway.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy Context

Spatial Strategy

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the settlement of Spalding which is classed as a sub-regional centre within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

The Retail Hierarchy

As the site is within the town centre of Spalding, Policy 24 of the SELLP is also applicable here. In this context, Policy 24 states: "planning permission will be granted for retail, food and drink outlets, financial and professional services, leisure and tourist-related uses (Classes A1-A5, B1, D1 and D2) and residential development. The provision of markets and other appropriate initiatives that would enhance the vitality and viability of Boston and Spalding town centres will be supported."

It should be noted that several of the Use Classes referred to within Policy 24 are now defunct under the changes within The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. As a result of this, Classes A1, A2, A3 and B1 have been superseded to become the more flexible Class E category. Several uses within the former classes of D1 and D2 would also now fall within Class E also. Nevertheless, the thrust of Policy 24, in that town centres should have appropriate uses which support the vitality and viability of that centre, remains wholly applicable.

As a result of the outdated Use Classes referenced in Policy 24, the definition of town centre use found within Appendix 1 of the NPPF may be more appropriate. The NPPF defines main town centre uses as:

"Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)."

Supporting Spalding Town Centre

Where an application would be located within the primary shopping area of Spalding, Policies 25 is also applicable.

Policy 25 "Supporting the Vitality and Viability of Boston and Spalding Town Centres" outlines seven broad aims for the town centres of Boston and Spalding. These are not criteria to be met, but are permissive to help enable appropriate development within these defined areas. In this context, Policy 25 states:

"The Councils will promote appropriate opportunities to support and extend the offer of the town centres as destinations through the following:

1. Supporting the redevelopment of land within the town centre boundary that can provide for retail and other town centre uses in accordance with the sequential test;
2. Enhancing existing sites and ensuring changes to premises have regard to the significance of heritage assets and the special interests of the Conservation Areas and their settings;
3. Enhancing the public realm through improvements to public spaces, accessibility and signage;
4. Promoting town centre events;
5. Providing interpretation and promotional information;
6. Supporting proposals that seek to maintain the viability and attractiveness of the weekly markets;
7. Encouraging opportunities to support temporary uses in vacant premises in the primary shopping areas."

Due to the broad scope of the policy, every point would not be relevant to every application; however, should a proposal broadly align with the individual points or the overarching principles, then weight would be given in favour of the development under Policy 25.

Ensuring the Vitality of Town Centres

Section 7 of the NPPF "Ensuring the vitality of town centres" encourages appropriate development within town centres, applying a town centre first approach to the development of town centre uses (as defined in Annex 1 and referenced previously in this report). Paragraph 90 of the NPPF states: "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation"

Assessment

As outlined previously, as the site is within the town centre of Spalding, an assessment of the appropriateness of a use would be made under Policy 24.

The proposal includes a multitude of uses within one building, albeit all being operated by the same business. This plethora of uses would result in the proposal being considered as an overarching sui

Generis use. Sui Generis uses are not explicitly permitted under Policy 24; however, the generality of the class means that appropriate uses within the Use Class may still be permissible. Taken in isolation of the whole, several of the uses would fall within the Class E Use Class; and can therefore be considered as town centre uses in of themselves. Moreover, as previously stated, the outmodedness of Policy 24 means that the updated definition of town centre uses within the NPPF may be more applicable in this circumstance. The NPPF is explicit that leisure and health facilities (which this use would fall within) are appropriate in the town centre.

The proposal is considered to meet the aims of Policy 24 and the NPPF. The use proposed is appropriate in a town centre, with all components, taken in isolation, being an appropriate town centre use under the definition of the NPPF. Moreover, the overarching aim of a wellness centre would be most appropriate within a town centre, as it would increase the potential clientele pool and the number of residents who could benefit from the facilities.

Turning to the provisions of Policy 25, while not all points are appropriate, the proposal would meet the primary aims of the Policy. 18-20 the Crescent is currently a vacant unit within a prominent corner of the primary shopping area. Its vacancy directly harms the vitality of the area. The reinstatement of this unit would therefore be a significant benefit to the vitality of the primary shopping area, meeting the aims of points 1 and 7 of Policy 25. The relationship with other nearby uses would create secondary economic benefits, thereby further ensuring conformity to Policy 25.

On this basis, the proposal is consistent with the aims of Policies 1, 24 and 25 of the SELLP, as well as Section 7 of the NPPF. The proposal would reoccupy a vacant unit and enhance the vibrancy of the area; and therefore, significant weight is given in favour of the proposal.

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

Design Policy Context

Section 12 of the NPPF, "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

These Policies are supported by the Spalding Shopfront Design Guide, 2025. This document identifies key features within Spalding town centre which contribute positively to the character of the area, and guidance proposals ought to conform to in order to enhance the area.

Heritage Policy Context

The site lies within Spalding Conservation Area and lies within close proximity to a number of listed buildings and structures; including those listed within the site description section of this report.

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

In assessing proposals of this nature, the Local Planning Authority must also ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

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

Section 16 of the NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Paragraph 220 expands upon this, in relation to Conservation Areas, stating:

"Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole"

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the NPPF. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets. Policy 29 is broken into five interrelated sections, with parts A, and B relevant here.

Policy 29A, relating to listed buildings, states: "Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building."

Policy 29B, relating to conservation areas, states: "Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:

1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;
2. Retain architectural details that contribute to the character and appearance of the area;
3. Where relevant and practical, remove features which are incompatible with the Conservation Area;
4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;
5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;"

To this end, all proposals in the Conservation Area or which affect listed buildings should preserve or enhance their settings.

Assessment

No external alterations are proposed. On this basis, the impact upon the character of the area and the Conservation Area is low. As such, the proposal would retain a frontage which is cited as a positive feature in the draft Spalding Shop Front Design Guide, and would therefore cause no harm

to the historic environment. This view aligns with the comments of the Conservation Officer.

The comments of the Civic Society are noted; however, requiring the replacement of an existing, functional unit with a "Landmark building" would be entirely disproportionate and far beyond the scope of this application.

As established previously, the use is appropriate in the town centre. As such, the change of use in of itself would have no negative impact upon the character of the area. It could be argued that the occupation of a currently vacant unit would be a betterment to the character of the area.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2, 3, and 29 of the SELLP and Sections 12 and 16 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

It is proposed that the hours of opening would be 09:00 to 21:00. Dwellings are present on all sides of the building. As such, there would be some impact upon residential amenity created by these relatively late opening hours. However, the site is within the town centre of Spalding, an area where evening uses are more common and residents could expect increased disturbances at these times. On this basis, there is already a greater tolerance for disturbance at this time, thereby reducing the potential amenity impacts. Moreover, it should be noted that the opening hours of the site are not currently defined within any historic permission. On the basis, an alternative use could occupy the site and operate extended hours without necessarily requiring further consent. In light of this fallback position and the existing conditions of the town centre, it is considered that the opening hours proposed are acceptable.

No details of refuse arrangements have been provided. As such, a condition requiring the submission of an appropriate refuse strategy within six months of the date of this permission is considered appropriate to prevent a sustained impact upon the character of the area.

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 Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards. No specified minimum level is provided for the use proposed. However, as the site is within the town centre, users would have ample public parking spaces available. Moreover, the town centre location enables access via sustainable modes of transport, reducing the need for private

vehicles to access the site, reducing the need for parking by extension.

No details of deliveries have been provided. However, a dedicated area to the rear of the site exists for this function. The proposed use would not be so intensive as to require alterations to these arrangements; therefore, the proposal is considered acceptable in this regard.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The site lies within Flood Zone 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 SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is located outside of any identified hazard zone.

Paragraph 176 of the NPPF states: "Applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test". Footnote 62 clarifies that this "includes householder development, small non-residential extensions (with a footprint of less than 250sqm) and changes of use".

On the basis of Paragraph 176 and Footnote 62 of the NPPF, there is no requirement to apply the sequential or exceptions test. In any event, the proposed use would be no more at risk than the existing use and would not increase the risk of flooding elsewhere.

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

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

No extensions or alterations are proposed. As such, the development would have no impact upon any habitat, thereby meeting the requirements of Regulation 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024. As such, the proposal is exempt from the need for net gain.

Economic Sustainability

Section 6 of the NPPF broadly gives weight in favour of proposals which support economic growth. In this regard, Paragraph 85 states: "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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."

The proposal would enable the expansion of an existing business, whilst also occupying a prominent vacant unit within the town centre. On this basis, significant weight is given in favour of the proposal under Section 6 of the NPPF.

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 town centre boundary, occupying a prominent unit in the primary shopping area which is currently vacant. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole. Significant weight is given in favour of the proposal under Sections 6 and 7 of the NPPF and Policy 25 of the SELLP.

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, 24, 25, 29, 33 and 36 of the SELLP, as well as Sections 6, 7, 9, 12, 14 and 16 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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