DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0134-23**	**Applicant:**	**Seagate Homes**
Proposal:	Residential Development (9 Dwellings)		
Location:	Millfield House Spalding Common Spalding		
Terminal Date:	20th October 2023		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

NPPF 2023

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11.Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	1	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks full planning permission for a residential development of nine dwellings, on land off Spalding Common. The proposal, which has been supported by a Design and Access Statement and Flood Risk Assessment, comprising six semi-detached dwellings (in the form of 3no. pairs) and a terrace block of three dwellings.

The proposed dwellings are to be two-storey in scale, with access from Spalding Common via a new access point.

Site Description

The site, which has an area of approximately 0.2ha, comprises part of the side and rear garden areas to a large detached frontage property. It would appear that the dwelling, which dates from the 1970's was once associated with an adjoining nursery site, although the sites have been in separate ownerships for several decades

The site is adjoined to the south and east by new residential development taking place on the nursery site.

The site is located within Flood Zone 2. The safety of the development will be achieved by ensuring the finished floor levels of all the properties are above the relevant predicted flood level.

The level of the footpath (alongside Spalding Common) on the western side of the site is 3.36m ODN and this side of the site slopes down to a level of 2.40m ODN 25 metres from the western boundary. Further east the levels are lower with an average of 2.30m ODN. The northern part of the site east of the existing house is higher with levels between 2.40m and 2.60m ODN. The existing house has a finished floor level of 2.89m ODN.

History

The application site is not subject to planning history.

Adjacent Sites:

H16-0668-16 - Outline Planning Permission - Residential development - Approved

H16-0984-19 - Reserved Matters - Residential development comprising 40 dwellings (outline approved H16-0668-16) - Approved February 2020

H16-1070-20 - Reserved Matters - Erection of 95 Dwellings (outline approval H16-0668-16) - Approved September 2021

H16-0021-21 - Section 73 - Residential Development comprising 40 dwellings (approved under H16-0984-19). Modification of Condition 1 to allow amendments to previously approved plans -

Approved July 2021

H16-0107-21 Section 73 - Residential Development (approved under H16-0668-16). Modification of Conditions 2 & 18 relating to Flood Risk (new Flood Risk Assessment submitted) - Approved October 2021

H16-0551-22 - Section 73 - Residential Development (approved under H16-0107-21). Modification of Condition 1 to allow amendments to previously approved plans. (Variation in house-type design/elevational treatment, based on the same overall footprints(areas)/general site layout, with exception of the previously approved plots 8-11, 23 and 75/76) - Approved August 2022

Consultation Responses

LCC Highway and Lead Local Flood Authority

No objection with informatives: The proposed development of nine dwellings is to be accessed from a new vehicle access to be constructed off the B1172 Spalding Common and a private drive. The private drive includes adequate provision for vehicle turning and a refuse collection point adjacent to the Spalding Common junction. Space is to be provided within the curtilage of each plot for vehicle parking. Spalding Common is straight and the proposed new junction will have sufficient visibility in both directions for drivers exiting the proposed development to be able to see any approaching vehicles and therefore be able to complete this manoeuvre safely. The Legend on the submitted Site Plan indicates that the private drive is to have a tarmac surface. There is an existing footway along the Application Site side of Spalding Common, which will provide suitable pedestrian access to the proposed dwellings. The Applicant Company is in the process of developing the adjacent, former Millfields Nursery site for residential properties and it is therefore expected that suitable arrangements will be made for deliveries of materials, vehicle parking and site accommodation within that wider site, so that Spalding Common is not obstructed or its safety compromised during the construction of the proposed development. Although the Application is not classified as a Major, and it is therefore for the Local Planning Authority to determine whether the arrangements for managing the surface water run-off from the development are acceptable, it is noted that no detailed surface water drainage proposals have been submitted with this Application.

In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that subject to compliance with Informatives, the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Welland & Deepings Internal Drainage Board

A suitable drainage strategy plan should be submitted clearly detailing the proposed surface and foul water provisions as I notice on the application form that both SUDS and existing water course have been selected as the surface water disposal method. The plan should detail the routes for each provision as well as their outfall locations if possible. The total proposed impermeable area and proposed maximum flow discharge should also be stated.

Environmental Protection - Contamination

Request a standard contaminated land condition to be applied at this location

Ward Member

Supported on information received

Environmental Services - Waste Collection

As this is a private drive and not public highway, we are unable to drive on it due to insurance purposes. This means the bin store needs to be located as close to the highway as possible.

Public Representation

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

The main issues and considerations in this case are (but are not limited to):
- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage
- Biodiversity

Evaluation

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

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

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

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted. The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

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 National Planning Policy Framework (NPPF) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Para 69 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application site in this instance is within Spalding, a Sub-Regional Centre, and lies within the defined settlement boundaries as detailed by Policy 1. Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Spalding, as defined by the settlement boundaries within the inset maps, development will be permitted that supports their roles as a Sub-Regional Centre. In context of this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

Furthermore, policy 11, which details the Housing Allocations, identifies the immediately adjoining site as being ref. STM004, which is a housing allocation for an indicative site capacity of 140 dwellings. It is noted that this application site, in part, lies within the area covering this housing allocation. The assessment of a housing allocations sustainability and acceptability in principle is established.

In any event, when viewing the application site beyond the allocation in which it partially lies, the site 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 residential amenities of neighbouring occupiers, impact on highway safety and flood risk, 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 (2021) 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 130, contained within section 12 of the National Planning Policy Framework (2021), 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.

Likewise, 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 application site, which itself comprises part of the residential garden of an existing residential dwelling which dates from the 1970's, is likely to have once been associated with the adjoining nursery site. Within this adjoining 'nursery site', which bounds to the south and east, permission has been obtained for residential development as outlined within the planning history section above. The context of this area is therefore to progressively alter as the development progresses, resulting in an increased residential character, beyond the relatively spacious frontage dwellings that resided to the eastern side of this immediate area prior to development.

The area is further characterised by residential development further northwards along Spalding Common, with terrace blocks of dwellings with long narrow gardens being sited to the east and semi-detached dwellings, along with properties off Goodfellows Road, residing to the western side of Spalding Common. Ashwood care and nursing home lies nearby to the south, with further residential properties lying further south, beyond a relatively spacious and rural aspect of the surrounding context.

The propsoed development, which comprises terrace and semi-detached plots, would be sited between the existing dwelling of Millfield House (to the north) and the permitted residential development (to the east and south). The development of this nature would therefore not be out of context within this location.

The recently permitted development within the adjacent nursery site comprises differing properties, but also includes semi-detached dwellings, including those within closest proximity to the eastern boundary of this application site. The semi-detached and terrace properties hereby proposed are not considered to be unsuitable for the site and would form an appropriate development.

The materials proposed include the use of Marshall`s Payton Heath brick, a brick comprising an orange/brown appearance. Darker style brick, of similar nature, can be visually seen within the surrounding context, with the properties residing towards the southern aspect of Spalding Common comprising a 'browner' style brick with render to the upper floors. The materials outlined are considered to be appropriate.

Overall, the siting of the development, coupled with the scale, design and external appearance, is considered to be acceptable and whilst comprising an addition to the streetscene that would be readily visible, is not considered to comprise an oppressive or dominant addition to the streescene or context.

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 Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2021) 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.

The proposed development, when viewed alongside that approved on the adjacent site, would result in a number of differing relationships; with side elevations of plots 6-9 (with plot 6 being that which is immediately adjacent the eastern development) facing the rear elevations of the approved development. Plots 4 and 5 would have a 'rear-to-rear- relationship with the adjacent development, albeit with a separation distance that exceeds 20.0metres between each elevation and plot 1-3 (with plot 3 being that which is immediately adjacent the southern development) comprising a 'side-to-side' relationship.

The proposed development ensures adequate separation distances to neighbouring properties, by way of an appropriate layout and design being put forward. This includes those permitted on the neighbouring the site and that of the exisitng residential properties that reside neighbouring. Likewise, the layout and design comprises a resultant relationship between the proposed dwellings that is also considered to be appropriate as to ensure that no unacceptable adverse impact would be caused to the residential amenities of future occupiers.

It is noted that due to the site characteristics, current levels and recommendations of the flood risk assessment, the land level is to be altered on site, resulting in an increase in level and an increased finished floor level of the proposed dwellings. Notwithstanding this, conditions have been attached to ensure that the levels are appropriately detailed and considered, along with the resultant impact

upon the future boundary treatments,. This will ensure that no unacceptable impact would occur to neighbouring residents.

Furthermore, the dwellings within the surrounding context also benefit from relatively sizeable amenity spaces. The resultant garden space serving Millfield House would be reduced; however, the resultant garden would remain adequate in scale. The garden spaces proposed are sufficient to serve the proposed development.

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 residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (2021) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2021) 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".

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.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The highway in which the site would gain access, Spalding Common, is a lengthy highway, but is relatively straight in layout with a footpath on eastern side of the carriage way, including at the point of the application sites access. The propsoed access point, along with the private access routes within the site are considered to be acceptable. Given the nature of the scheme, comprising nine dwellings, the propsoal will result in a marked rise in vehicular traffic; however, this is not considered to be unacceptable and the propsoed access is considered to be adequate to accommodate this activity.

Lincolnshire County Council Highways/SuDS, as Local Highway Authority, were consulted as part of the application process. No objections were raised, stating that subject to compliance with Informatives "the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application".

Further, as detailed above, Policy 36 (in conjunction with Appendix 6) of the Local Plan sets out minimum vehicle parking standards. In this instance, the properties have adequate provision for parking and it is considered that, overall, the development has more than adequate parking is shown within the curtilages of each dwelling.

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 162 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 Zone 2 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 application proposal has been supported by a Flood Risk Assessment, prepared by S.Hemmings. This details that the proposed development has a flood risk vulnerability classification as 'more vulnerable'. In applying Table 2 of the planning practice guidance, the statement details that considering the 'more vulnerable' classification , this development is acceptable within a flood zone 2 area. Given the aforementioned nature of South Holland, large parts of the district lie within Flood Zone 3. The development of this site, being partially within an allocated site and falling within Flood Zone 2, is therefore considered to be appropriate for the development proposed.

Beyond this, the FRA also sets out that the finished floor levels of the dwellings should be raised to "a minimum level of 3.40m ODN which is 50mm above the predicted flood level in a 1 in 100 year event in 2115", whilst also recommending that all buildings should be designed to incorporate flood resistant construction and resilient techniques to a height of 300mm above the predicted flood level.

This assessment also analyses the site levels, outlining that "the level of the footpath (alongside Spalding Common) on the western side of the site is 3.36m ODN and this side of the site slopes down to a level of 2.40m ODN 25 metres from the western boundary. Further east the levels are lower with an average of 2.30m ODN. The northern part of the site east of the existing house is higher with levels between 2.40m and 2.60m ODN. The existing house has a finished floor level of 2.89m ODN".

In respect of flood risk, given the mitigation and recommendations proposed, the development is considered to be acceptable. In respect of the resultant impact of the mitigation, it is noted that the site levels will be increased. Conditions have been attached in relation to gaining exact details of such site levels, with further detail required in relation to the boundary treatments to ensure no unacceptable impact would be caused to exisitng or future occupier's of neighbouring plots.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Contamination

Policy 30 of the South East Lincolnshire local Plan outlines that proposals that relate to "contaminated land, or where there is reason to suspect contamination" must include details of the extent of contamination and any potential risks.

Having consulted with South Holland's Environmental Health, it has been advised that conditions be attached in this regard, given the neighbouring site and its former uses. As such, conditions have been recommended.

Refuse Collection

The proposed development comprises a private road and as such, it is not possible in some instances for refuse vehicles to actively travel onto such private areas. As per guidance, a carrying distance in excess of 30.0 metres to a collection point is not typically considered acceptable, as it exceeds the usual Building Control guidance and can be an indicator of poor design. However, given the nature of this site and provision provided in respect of bin collection points, when viewed on balance with the potential impacts that alternative arrangements may cause on either the likelihood of collection or the visual impacts of differing options, it is considered that on this occasion that it would be unreasonable to insist upon further means in this respect. The provision of a collection point on this occasion is not considered to result in a visually unacceptable development when viewed from the public realm, subject to appropriate design which is to be secured by condition.

It is considered that the proposal accords with Policies 2 and 3 of the SELLP and the intentions of the National Planning policy Framework 2023 in this regard.

Biodiversity

Policy 28 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.

It is noted that a need for a 10% Biodiversity Net Gain is likely to be forthcoming within the near future; however, to date, this has not yet come into force and has recently received a delay. Whilst preferable, it is noted that the development has the ability to provide a level of uplift and as such, conditions that require the submission of details relating to an biodiversity enhancement. has been attached.

Subject to the appropriate detail being submitted and approved, the proposal can accord with policy 28 of the South east Lincolnshire local Plan 2019.

Planning Balance

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

The proposal represents appropriate development within the defined settlement boundary of Spalding, the Sub-Regional Centre of South Holland. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

Conclusion

Taking the above considerations into account, the proposal is considered to comply with Policies 1, 2, 3, 4, 29 and 36, along with Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus the provision contained within the National Planning Policy Framework (NPPF), 2023.

The are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

It is recommended that the application is approved conditionally.

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

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