

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0689-24 **Applicant:** Mr M Short

Proposal: Demolition of existing agricultural barns and greenhouse and erection of residential development

Location: Water Lane Nursery Low Road Spalding

Terminal Date: 13th March 2025

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
28	The Natural 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 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC				

ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	4
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the demolition of existing agricultural barns and greenhouse and erection of residential development.

The proposal is for 9 number dwellings some of which are linked and technically semi-detached. They are arranged in linier form with the southwest elevation facing toward the Coronation Channel. The access road serving these dwellings runs along the east of the dwellings of which driveways serving each plot are connected.

The amenity space is located to the west of the dwelling between the south west (rear) elevation and the Coronation Chanel. Landscaping including tree planting is shown and this is generally to the front of the plots.

The plots can be described in the following way:

Plot 1 - Built across 3 floors, with the ground floor being a garden store, under croft parking and access to upper floors. The first floor is made up of kitchen, dining and lounge with access to a balcony that overlooks the Coronation Channel. Three bedrooms and a bathroom exist on the upper floor. The property has a gabled frontage with recessed entry to the front door. It is brick build on ground as well as the parapet walls for the balcony, the upper floor are clad in a metallic standing seam.

Plot 2 and 7 - These dwellings are built across 3 floors with stairwell contained within an intersected section, ground floor is made up of parking and store, dining, lounge kitchen, pantry and balcony on first floor and 4 number bedrooms on 2nd floor. The property has a gabled frontage with recessed entry to the front door. It is brick build on ground as well as the parapet walls for the balcony, the upper floor are clad in a metallic standing seam.

Plot 3 & 4 - Linked Dwellings - These dwellings are built across 3 floors with downstairs W/C, garaging and store. The 1st floors are made up of kitchen, lounge and dining are with terrace garden, The upper floors contain two bedrooms both with ensuites. The property has a gabled frontage with recessed entry to the front door. They are brick build on ground as well as the parapet walls for the balcony, the upper floor are clad in a metallic standing seam.

Plots 5 & 6 - These are again linked; however plot 5 mirrors plot 1 and plot 6 that of the house type on plots 3 & 4.

Plots 8 & 9 - These dwellings are linked built across 3 floors with garaging and store. Kitchen, lounge, dining and W/C are located on the first, with walk on balcony terrace. Three number

bedrooms are located on the 2nd floor. They are brick build on ground as well as the parapet walls for the balcony, the upper floor are clad in a metallic standing seam.

Biodiversity net gain is provided on site, this has resulted in the slight change to the red line boundary and so the application has been advertised for the second time, to gauge any additional local view.

Site Description

The application site is located outside the settlement boundary for Spalding and on the east bank of the Coronation Channel. The application site abuts the wildlife corridor that lines the Channel and the sustainable cycle/pedestrian link that follows along the east bank.

The site itself has a number of agricultural units including glass houses that are proposed to be demolished as part of this application. The application site is accessed from Low Road, this access already exists and serves Water Lane nurseries.

The application site is located in flood zone 3 in accordance with Environment Agency Flood Maps and the South East Lincolnshire SFRA predicted modelling for 2115 shows the site to be in a mix of Danger for some, danger for most.

History

H16-0211-11 - Proposed extension and alterations to bungalow. Approved 18-05-11

H16-0415-12 - Proposed new glasshouses. Approved 20-07-12

Consultation Responses

South Holland IDB

I cannot see that the applicant has identified a drainage strategy for the site within their application, other than selecting 'soakaway' on the Application Form. We recommend that a drainage strategy is provided to support this application.

Foul Water - I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3

Environment Agency

Environment Agency position

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

The ground floors of the properties hereby approved shall be used as a garage, garden store and WC only and as annotated on approved drawings reference: '594.PD2.01', '594.PD3.01', '594.PD4.01', '594.PD5.01', '594.PD6.01', and for no other habitable accommodation.

Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to provide additional habitable/living accommodation shall be erected

Highways & SuDs

Approve with conditions Comments: The application is for the demolition of the existing agricultural barns, greenhouse and erection of residential development of 9 dwellings. Parking has been demonstrated and is appropriate for the sizes of dwellings proposed. They are showing undercroft parking of adequate dimensions to accommodate a parked car. A Simple Transport Statement has been submitted that details that although the proposal will result in an increase in domestic vehicles it will result in a significant reduction of agricultural vehicles. There is no precise definition of "severe" with regards to NPPF Paragraph 115, which 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." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF. The access exists and is of good construction - the parameters of the private drive have been demonstrated on the site plan and they are sufficient to allow two cars to pass one another. They accord with Lincolnshire County Council's policy for shared private drives. Refuse will be collected by a private refuse company that will be able to enter and turn within the site. The site is served by existing footways along Low Road, as this development will increase the pedestrian footfall from the site a pedestrian crossing point is required at the access. The proposal will not have a detrimental impact on the public highway

Natural England

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Crime Prevention Officer

No objections

Ecologist

The PEA appears rigorous and provides the authority with much more confidence that the development will incur minimal impacts on protected species provided the mitigation strategies recommended in the report are followed. Specifically, I agree that further bat surveys are not necessary prior to demolition, and I would endorse the recommended biodiversity provisions such as lighting recommendations, bat and bird box provision, habitat clearance measures, and landscaping measures detailed in sections 8.1-8.14.

I'd also note that I believe the amended statutory metric and landscaping plans indicate that the development will be able to achieve the 10% biodiversity net gain requirement.

Environmental Protection

I request a standard land contamination condition be applied at this location

Historic Places Team

Thank you for your email and the clarification regarding the barns. Based on the new information that the structures are post-WWII steel frame buildings, I no longer recommend conducting a Historic Building Recording (HBR).

Representations

This application has been advertised in accordance with the Development Management Procedure Order and has received some objections. The material points are clarified as:

- Impact upon ecology and biodiversity
- Access issues/highway safety
- Flooding
- Lack of mains infrastructure

No comments have been received following the second phase of publicity.

Planning Considerations

Evaluation

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

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

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

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

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

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 importance⁷ provides a strong reason for refusing the development proposed; or
ii.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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. However, Paragraph 12 of the National Planning Policy Framework (December 2024) reiterates that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making".

The following issues are relevant to this assessment:

- Principle of Development
- Flood Risk and Drainage
- Amenity
- Character & Landscape
- Highways Safety
- BNG/Ecology
- Planning Balance

Principle of Development

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 until 2036. Policy 1 (Spatial Strategy) expresses the 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.

The application site is located within the open countryside in accordance with Proposal Map (inset 2 Spalding & Pinchbeck) of the South East Lincolnshire Local Plan 2011 - 20236. Policy 1 'D' (Spatial Strategy) of the Southeast Lincolnshire Local Plan is concerned with development within the open countryside, it states:

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefit.

The application site is located within the open countryside and as confirmed there are sufficient deliverable housing sites in South Holland District, beyond the 5 year requirement.

The proposal therefore which is for the erection of a single market dwelling is considered unacceptable in principle being contrary to policy 1 of the South East Lincolnshire Local Plan.

Potential for fall back

Further to the above assessment of the principle of development, a significant consideration for this proposal relates to the 'Class Q fallback'.

Specifically relating to 'Class Q development and its subsequent fallback', the Court of Appeal case, 'Mansell vs Tonbridge and Malling Borough Council (2017)' provides a significant benchmark and consideration. This case concerned the grant of permission for a four dwelling scheme on land which was presently occupied by a single bungalow and agricultural buildings. The council in this case, granted permission forming the view that a fallback position was present given that the agricultural buildings 'could' be subject to a prior approval under Class Q, which 'could' have provided a resultant development of the same quantum of residential dwellings (three dwellings via Class Q and the retention of the existing bungalow).

This case, which was quashed by the High Court, was subsequently 'reinstated' through the Court of Appeal; with the Court of appeal establishing through this case that where there is demonstrably a 'realistic prospect' of a 'permitted development' scheme being implemented, and where an alternative proposal would normally conflict with the development plan insofar as it being an unsuitable location for housing, the potential for the fallback position to outweigh that conflict must be considered by the local authority.

The overarching result of the case law identified is not disputed by the Local Planning Authority, with a need for 'fallback positions' to be considered.

In respect of a 'realistic prospect', this case highlighted that of 'Sullivan L.J.'s judgment', in that "a 'real' prospect is the antithesis of one that is 'merely theoretical' (paragraph 20). The basic principle is that for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice' (paragraph 21)". This went on to detail that "when the court is considering whether a decision-maker has properly identified a 'real prospect' of a fallback development being carried out should planning permission for the proposed development be refused, there is no rule of law that, in every case, the 'real prospect' will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO".

As such, "in some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand". However, in the case of 'Mansell vs Tonbridge and Malling Borough Council', it was stated that to not consider the fallback of Class Q (even if there is no

evidence of a specific proposal under Class Q), would "have been a failure to have regard to a material consideration, and thus an error of law". This clearly demonstrates the need to assess and review the fallback position in respect of Class Q development.

In this case, the applicant has demonstrated through plans that the conversion of two on site barns could be a real prospect and this would achieve 9 number dwellings.

In light of the above, material weight is given to the real prospect of converting the two barns on site to form nine number dwellings. This topic is given further discussion within the planning balance.

Flood Risk & Drainage

Policy 4 sets out South Hollands approach to Flood Risk. The application site is located within flood zone 3 in accordance with the Environment Agency Mapping systems. A review of the hazard mapping and depth mapping that are derived from the SFRA show that the application site is located within an area that has a mix of 'Danger for most' & 'Danger for all' (with depth between 1.25 and 2.0).

In such locations SELLP Policy 4 states that development will be permitted subject, where:
It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed). The sequential test will be based on a Borough or District wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment area for the development justify a reduced search area, i.e. there is a specific need for the development in that location. The sequential test is not required for sites allocated in the Local Plan, minor development¹ or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site)

However in this instance as the justification of the submission is based upon the fall back of a class q on this site, it is inappropriate to apply the sequential test. The Exception Test requires two additional elements to be satisfied (as set out in paragraph 164 of the National Planning Policy Framework) before allowing development to be allocated or permitted in situations where suitable sites at lower risk of flooding are not available following application of the sequential test.

It should be demonstrated that:

- development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and
- 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 proposal would result in the creation of 9 dwellings, built to a high design merit. The proposal would reinforce the sustainable cycle link along the Coronation Channel, therefore the socio-environmental benefits of the proposal would mean that this represents a sustainable proposal.

The EA have reviewed the scheme and are satisfied that the proposal would be safe subject to conditions, relating to finished floor levels. The applicant has shown on plan that the ground floor would be made up of non-habitable rooms. Therefore, it is considered that the proposal subject to conditions reinforcing the plans, as well as the EA conditions on finished floor levels, would be safe for its lifetime, without increasing flood risk elsewhere.

Drainage

The applicant has not provided a principle drainage strategy and stated that the surface water created will be disposed of via soakaway. No information of infiltration testing has been provided and it is therefore not clear whether this strategy would in fact work. That said the net increase in surface water created, when considering the demolition of the agricultural buildings (including class houses) is likely to represent a reduction. On this basis the drainage can fairly be conditioned.

The applicant has stated that they intend to dispose of foul water to a main sewer. This will also be conditioned.

On the basis of the above section, it is considered that the proposal, subject to conditions would accord with the

Amenity

Policy 2 and 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.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

The proposed dwellings are located away from existing properties, the closest being Water lane nurseries which is outlined in blue on the location plan. These swelling would also share the existing access with that property from Low Road. There are a cluster of dwellings to the east of this property and north of the application site, they have separate access and are of a sufficient distance not to be impacted upon unduly through noise and disturbance.

The proposed scheme would conform with NDSS and is a mix of detached and two storey dwellings. They are arranged so each dwelling would benefit from experiencing the Coronation Channel as well as fields to the rear. They provide an ample area of external amenity (including terraces) and are designed in a way that would ensure each dwelling remains private.

Given the style of the dwelling and the walk on terraces, it is necessary to remove PD rights for additional openings, as the arrangement is unconventional and any poorly placed opening may result in overlooking.

On this basis it is considered that the proposal would meet with SELLP Policies 2 and 30.

Character & Landscape

Policy 2 of the SELLP states 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. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states 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 scheme is of high merit, the dwelling types are described above in the proposal description and are arranged in a manner to maximise their surroundings. The design is clearly informed by its context and would once built, be absorbed nicely into the application site and its surrounds. The proposed landscaping scheme also helps soften the design in places.

The scale of the properties whilst built across 3 floors and whilst tall, are considered appropriate, the D&A explains the design rational and the use of existing reoccurring architectural features and how they have informed this design, no more evident than in the use of gable features. Furthermore, the height is also determined somewhat by the necessity for non-habitable rooms at ground.

Notwithstanding the fact that material have been submitted and the palate may well be acceptable, given the sensitivity of the location further information, potentially samples may be required to ensure that the scheme is fully acceptable.

On this basis and subject to the aforementioned mitigation it is considered that the proposal would accord with SELLP Policies 2 and 3.

Highways Safety

SELLP 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.

SELLP 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.

SELLP Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

Highway have been consulted and have no objections to the proposal, they state that 'The access

exists and is of good construction - the parameters of the private drive have been demonstrated on the site plan and they are sufficient to allow two cars to pass one another. They accord with Lincolnshire County Council's policy for shared private drives."

One point of note is that due to the separation distances from Low Road a private waste collection will need to be secured, this will be conditioned. Parking has been demonstrated and is appropriate for the sizes of dwellings proposed. They are showing undercroft parking of adequate dimensions to accommodate a parked car.

Furthermore, the submitted Transport Statement details that although the proposal will result in an increase in domestic vehicles it will result in a significant reduction of agricultural vehicles. In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

Highway have requested that prior to first occupation works to improve the public highway (by means of a tactile pedestrian crossing point at the access) have been certified complete by the Local Planning Authority, this will be conditioned to any permission.

On this basis then the proposal would accord with SELLP Policies 2, 3 & 36.

BNG/Ecology

SELLP Policy 28 is concerned with the Natural Environment points 2 and 3 are relevant to this assessment, point 2 is concerned with Nationally or locally designated sites and protected or priority habitats and species and point 3 with addressing gaps in the ecological network. The application site abuts the local wildlife corridor that stretches along the Coronation Channel.

The applicant has submitted a preliminary ecological appraisal as well as a BNG metric and enhancement plan. The ecologist has been consulted and has stated:

Yes, the PEA appears rigorous and provides the authority with much more confidence that the development will incur minimal impacts on protected species provided the mitigation strategies recommended in the report are followed. Specifically, I agree that further bat surveys are not necessary prior to demolition, and I would endorse the recommended biodiversity provisions such as lighting recommendations, bat and bird box provision, habitat clearance measures, and landscaping measures detailed in sections 8.1-8.14.

I'd also note that I believe the amended statutory metric and landscaping plans indicate that the development will be able to achieve the 10% biodiversity net gain requirement.

Therefore, subject to condition relating to recommendations set out within the PEA the proposal is acceptable in terms of impacts upon protected species. The BNG provisions are fine as far as the metric calculations go, but there's a stretch of tree planting along the east boundary, and a strip of species-rich grassland along the west boundary that are outside the red line boundary, which is typically required to be secured via a section 106 planning obligation.

Subsequently the applicant has amended the red line boundary to capture the BNG. This will be therefore secured through planning condition.

On this basis the proposal would accord with SELLP Policy 28.

Land Contamination

SELLP Policy 30, it states *Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon land quality and condition*

Environmental Protection have been consulted and have stated that a full suite of land contamination conditions are attached. Given the agricultural planning history this is considered appropriate.

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 whilst contrary to the aims of SELLP 1 has demonstrated that the attainment of Class Q is a real prospect, for 9 number dwellings and so substantial weight is given to this.

Furthermore, this proposal is of high design merit and is not subject to any consultee objections. It would also result in a 10% net gain for bio diversity.

In this instance then, there are material considerations that weigh in favour of the proposal and as such, the planning balance is in support of the development.

Conclusion

Taking into consideration these factors, the proposal is considered to represent betterment over what has been previously approved on site. The proposal would comply with Policies 2, 3, 4, 30 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). On this basis the proposal is recommended for reapproval.

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.