DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0700-26**	**Applicant:**	**Vara Bros Ltd.**
Proposal:	Change of use from cafe/restaurant (Use Class E) to ground floor flat (Use Class C3) and external alterations including external spiral stairs to the rear		
Location:	28/28a Westlode Street Spalding		
Terminal Date:	22nd October 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
17	Providing a Mix of Housing
24	The Retail Hierarchy
29	The Historic Environment
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework August 2026

Section 4 - Achieving sustainable development
Section 8 - Ensuring the vitality of town centres
Section 14 - Achieving well-designed places
Section 15 - Promoting sustainable transport
Section 17 - Pollution, public protection and security
Section 18 - Managing flood risk and coastal change
Section 20 - 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	0	1	0	0

CIVIC SOCIETY				
OTHER STATUTORY BODIES	0	0	0	4

CASE OFFICER ASSESSMENT

Description of Proposal

This is a Full planning application for external alterations at 28/28A Westlode Street and the change of use of the ground floor to a flat. This includes alterations to the frontage, in line with those approved under H16-0208-26, and the addition of a black powder coated, spiral staircase to the rear of the property. A new rear door to enable access to the staircase is proposed.

The external alterations would facilitate a change of use of the ground floor to a one-bedroom flat, with a floor area of approximately 46.75sqm.

Site Description

The site is within the town centre boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The area is characterised by ground floor town centre uses with residences above. 28 Westlode is a terraced property, forming a pair with 29. The ground floor was previously occupied by a licenced cafe but is now vacant.

The application site lies within Spalding Conservation Area.

Relevant History

H16-0208-26 - Full - Change of use from cafe/restaurant (Use Class E) to ground floor flat (Use Class C3). Approved 30/06/26.

H16-0095-18 - Full - Proposed extension to coffee shop. Approved 22/03/18

H16-0889-15 - Full - Extension to rear of building - retrospective. Refused 19/11/15

H16-0105-11 - Full - Change of use of tattoo parlour to cafe. Approved 05/05/11

H16-0087-08 - Full - Change of use to Tattoo Studio. Approved 05/03/08

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:

Highway and Lead Local Flood Authority

The proposal does not have an impact on the Public Highway.

Fire and Rescue

Please note that Lincolnshire Fire and Rescue do not wish to make any representations in relation to the above consultation, reference H16-0700-26

Spalding and District Civic Society

Support - no observations

Ecology

We have no significant concerns regarding the ecological impacts of this proposal. We recommend that the applicant remains ecologically mindful, and that all works cease if there is any risk of impacting nesting birds or protected species, with advice sought from a suitably qualified ecologist.

Conservation Officer

We have no objections to the proposal on built heritage grounds. The principal elevation will remain as previously approved under the earlier application, and the proposed external staircase is located to the rear of the property. Given its position and limited visibility, it is not considered to have any harmful impact on the character or appearance of the conservation area

Historic Environment Officer

Initial comments, dated 03-09-26

Thank you for consulting us on this application. 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 heritage assets. 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 includes development affecting a non-designated heritage asset within the DLI10607 Spalding Conservation Area, and as the building is shown on the Ordnance Survey Second Edition map (1888-1913), the SHDC Conservation Officer should be consulted, given the potential for indirect impacts on the setting and significance of the Conservation Area

Additional comments, dated 17-09-26

We reiterate our previous comments dated 03-09-26.

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, 2026 (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.

Policy S3(1) of the NPPF states:
"Decisions on development proposals should apply a presumption in favour of sustainable development. This means:
a. Policy S4 in this Framework should be applied when considering development proposals within settlements;
b. Outside settlements, policy S5 should be applied"

As previously outlined, the site is within a defined settlement limit, and therefore, Policy S4 is relevant. This states:
"Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework."

Policy S4(2) outlines circumstances where the benefits of approving a development are likely to be substantially outweighed by adverse effects. This includes, but is not limited to, development on allocated land for purposes other than those allocated, the loss of cemetery land, loss of land used for flood risk management, or failure to comply with a policy which explicitly states development should be refused in specific circumstances.

Policy Context - Town Centre Uses and the Retail Hierarchy

As the site is within the town centre of Spalding, the relevant town centre policies are applicable here.

Policy TC2(1) of the National Planning Policy Framework, 2026, states:
"In considering proposals for development in town centres, substantial weight should be given to the benefits of:
a. Supporting the overall vitality and viability of the centre, including where this can be achieved through the diversification of uses, intensification and provision of residential accommodation (provided this would not conflict with policies in the development plan for specific locations"

Policy TC2 of the National Planning Policy Framework, 2026, is supported by Policy 24 of the South East Lincolnshire Local Plan, 2019. Policy 24A states:
"The town centres of Boston and Spalding (as defined by the Town Centre Boundaries) will be the locational focus for the development of town centre uses; 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 B of the National Planning Policy Framework, 2026, may be more appropriate. The National Planning Policy Framework, 2026, 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); banks; professional services; offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)."

Whilst acknowledging the discrepancies between the two above definitions, it should be noted that both Policy TC2 of the National Planning Policy Framework, 2026, and Policy 24 of the South East Lincolnshire Local Plan, 2019, outline that residential development in the town centre may be appropriate.

Assessment

It should be noted that the change of use of the ground floor to a residential use was approved under H16-0208-26. This is material consideration here. The change of use of the building has already been established by this permission, and considered to be permissible. Therefore, irrespective of the outcome of this decision, the ground floor can become residential. This is a significant fall back position.

Irrespective of this, the proposal would align with the provisions of Policy S4 of the NPPF, in that it is an appropriate use within a settlement. Moreover, the site is within the defined town centre of Spalding. Policy 1 and 24 of the SELLP and TC2 of the NPPF are explicit that residential uses may be considered within this context. The loss of a single unit, which itself is currently empty, would not significantly impact the viability of the shopping area. Furthermore, the provisions of Part 3, Class MA of the General Permitted Development Order, 2015, would enable a change of use to occur, subject to the submission of the appropriate application. In light of this fallback position, and that of H16-0208-26, only minimal weight should be attached to this point.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP, as well as Policy S4 and TC3 of the NPPF. The principle of development on this site is considered acceptable subject to other material considerations being met.

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

Policy Context - Design

Section 14 of the NPPF, "Achieving well-designed places", outlines that planning decisions and policies should "promote high quality, healthy, inclusive and sustainable places".

Paragraph 1 of DP3 outlines that "development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets".

In order to create well-designed places, Paragraph 2 outlines that proposals should reflect seven key principles, as appropriate to the nature of the development and its location. These are: liveability, climate, nature, movement, built form, public space, and identity.

Paragraph 3 of DP3 is explicit that proposals which conflict with paragraph 1, the relevant aspects of paragraph 2 of DP3, or relevant development plan policies and guidance, should be refused. Conversely, substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

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.

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Policy Context - Heritage

The site is within Spalding Conservation Area, within a reasonable proximity of numerous Grade II listed buildings.

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.

Policy HE6 of Section 20 of the NPPF states that "When considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial 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 effect amounts to a positive effect, harm, substantial harm, or total loss of its significance".

The above assessment of impact should be informed by the submission of an appropriate Heritage Impact Assessment (HIA). On this point, Policy HE5(1) of the NPPF outlines that " proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance. The level of detail should be proportionate to the assets' importance and no more than is necessary to understand the potential effect of the proposal on their significance." HE5(2) outlines that this assessment should identify whether the proposal would have a positive effect, no effect or harm to the asset, and the degree of harm caused.

The aforementioned harm can be divided into harm, substantial harm, or total loss. HE6(4) outlines that in such circumstances the harm must be weighed against any public benefits of the proposal, with the extent of benefits required to outweigh harm being determined, in part, by the extent of harm.

Policy HE9(1) of the NPPF states: "Development proposals within or affecting the significance of conservation areas should:
a. Retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible; and
b. Consider the area's special architectural or historic interest (as identified as part of the designation of the conservation area) in the design of development"

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

Bar the external staircase and the new rear entrance, the alterations proposed align with H16-0208-26, and therefore can be considered acceptable in light of this fallback position.

The proposed alterations to the rear are largely hidden from the public realm. As a result, their impacts upon the area are limited. In any event, the material and design are in keeping with the character of this section of the conservation area.

Therefore, on balance, it is considered that the proposal would preserve the character of the area, particularly when the aforementioned fallback position offered by H16-0208-26 is considered. Therefore, the proposal is consistent with Policies 2, 3 and 29 of the SELLP as well as Section 14 and 20 of the NPPF.

Impacts Upon Resident Amenity

DP3 of the NPPF outlines that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a focus on promoting liveability.

Likewise, Policy P3(1) outlines that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site. This point is expanded upon in P3(2) which states all development proposals should "provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life ".

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.

Views of neighbouring properties could be obtained from the staircase, although these views appear to primarily be of either roofs or a service courtyard, which does not strictly appear to be amenity space. In any event, this area is already highly overlooked by the surrounding flats, meaning the actual impacts are low.

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 14 and 17 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 15 of the NPPF is titled 'Promoting sustainable transport'. Within this, Policy TR6(4) advises that "development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion."

Policy TR3 of the NPPF outlines that development should be located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure. The policy outlines a series of principles to achieve these aims, with the expectation that all proposals should, so far is relevant, conform to them. Policy TR3(2) is explicit that "The Connectivity Tool should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations proposed for development."

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 and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The proposal would have no impact on highway movements or parking, particularly given the fallback position offered under H16-0208-26.

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 18 of the NPPF relates to "Managing flood risk and coastal change". It requires a sequential approach to flood risk, in accordance with the decision making policies contained within this section. Policy F7 is clear that "development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere."

Policy F5(1) outlines that:
"The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Where the test applies, development proposals should not be located in areas at risk of flooding where alternative sites, appropriate for the development, are reasonably available in areas with a lower risk of flooding. The area to which the test is applied should not be greater than the anticipated catchment of the development in terms of its likely occupiers or users."

Paragraph 3 expands on this, stating that :
"The strategic flood risk assessment covering the area of the proposed development and the Flood Map for Planning should provide the evidential basis for applying the sequential test."

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.

As explicitly stated within Policy F5(3), the SFRA should be used in conjunction within the Environment Agency's maps to assess the sequential test. Within the SFRA the site is outside of any identified hazard zone.

Policy F5 of the NPPF outlines that:
"The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, other than for:
Changes of use, other than changes of use to a caravan, camping or chalet site, or to a mobile home or park home site"

In any event, within Annex 3 of the NPPF, both the existing and proposed uses are classified as "more vulnerable". On this basis, the proposal cannot be said to be a significant worsening of the arrangements, particularly given the site is outside of an identified hazard area in the SFRA.

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.

The proposal would conform to the de minimis exemption, and would therefore be exempt from the need for BNG under The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

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 settlement boundary. 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 SELLP and the provisions of the NPPF when viewed as a whole.

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, 28, 29, 33, and 36 of the SELLP, as well as Sections 4, 8, 14, 17, 18, 20 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.