DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-1064-24**	**Applicant:**	**Mr M Erguven**
Proposal:	Proposed conversion of rear part of existing shop to bedsit including rear extension		
Location:	16 New Road Spalding Lincolnshire		
Terminal Date:	29th September 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
24	The Retail Hierarchy
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
28	The Natural Environment
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 December 2024

Section 7 - Ensuring the vitality of town centres
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

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

SUPPORT				
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SPALDING & DISTRICT CIVIC SOCIETY	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This is a Full Application, seeking planning permission for the erection of a rear extension to facilitate the change of use of part of 16 New Road, Spalding. The extension would measure 4.75m (width) by 4.6m (depth). It would be a flat roof extension of height 3.34m. It is proposed that all materials would match the host. The resultant dwelling, once the extensions are considered, would have a floor area of approximately 37.5sqm.

Site Description

The site is within the settlement boundaries of Spalding outlined within the South East Lincolnshire Local Plan, 2019. The site is within the defined town centre of Spalding, although is outside of the primary shopping area. The site is within Spalding Conservation Area.

16 New Road is one of three premises within a prominent three storey, red brick building, comprised of two shop fronts with dwellings to the rear and above. The location of the proposal is entirely obscured from New Road by the frontage. The courtyard it would sit within is in a fairly dilapidated state and is of minimal visual value.

Relevant History

H16-0599-11 - Full. External staircase and landing area (retrospective) and replacement boundary wall. Approved 19/10/11.

H16-0760-11 - Full. Use of first and second floors for multiple occupation (9 residents). Approved 11/01/12.

H16-0865-12 - Full. Change of use of ground floor from Class A1 (Shops) to Class A5 (Hot Food Take-Away). Refused 13/12/12.

H16-0841-13 - Full. Reinstatement of store building, raise part of existing boundary wall and new slate roof (retrospective). Approved 11/11/13.

H16-0995-13 - Full. Internal alterations and external ventilation flue. Approved 17/01/14.

H16-0856-14 - Full. Proposed change of use from A1 to A5. Refused 10/12/14.

H16-0507-15 - Full. Conversion of derelict outbuildings into two self-contained flats. Approved 12/08/15.

H16-1005-15 - Full. Timber window and surround repairs/replacement. Approved 06/01/16.

H16-0462-18 - Full. Change of use from A1 use (Shop) to A3/A5 (Restaurant/Takeaway). Allowed at appeal 18/06/19.

H16-1120-19 - Full. Part conversion/new build of derelict outbuildings into two self-contained flats. Approved 02/03/20.

H16-0549-23 - S73A. Change of use from A1 use (Shop) to A3/A5 (Restaurant/Takeaway) - approved under H16-0462-18 (allowed on appeal). Modification of Condition 3 to allow extension of opening hours. Refused 11/08/23.

H16-0813-23 - S73A. Change of use from A1 use (Shop) to A3/A5 (Restaurant/Takeaway) - approved under H16-0462-18 (allowed on appeal). Modification of Condition 3 to allow extension of opening hours - re-submission of H16-0549-23. Refused 30/11/23.

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:

Welland and Deepings Internal Drainage Board

"Further to receipt of the above, I confirm that Welland & Deepings IDB have no comment to make with regard to this application at this stage."

Highway and Lead Local Flood Authority

"The proposal is for the conversion of rear part of existing shop to bedsit including rear extension. The site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal. The proposal will not have an adverse impact on the public highway."

Historic Environment Officer

"It is noted that the applicant has provided an assessment of the historic environment potential of the site, as outlined in the NPPF (paragraph 207).

The Heritage Impact Assessment submitted with the application confirms the archaeological potential of the site and the significance of the building where the extension is proposed. The proposed development comprises: 'Proposed conversion of rear part of existing shop to bedsit including rear extension. The proposed development groundworks and any temporary works associated with the development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present.

As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 218). We recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site.

This will comprise a phased programme of archaeological mitigation work including but not limited to a continuous archaeological monitoring (watching brief) and a level 1 historic building recording of the affected areas of the building, in accordance with Historic England's document 'Understanding Historic Buildings: A Guide to Good Recording Practice. (2016).' This is to enable any remaining archaeology which currently survives on this site to be properly recorded prior to its alteration or destruction and to enable the affected areas of the building to be recorded prior to conversion.
I defer comments related to indirect impacts (setting) to the SHDC Conservation Officer. This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is in accordance with National Planning Policy Framework paragraphs 207 and 218 and the South East Lincolnshire Local Plan (Policy 29).

With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1YL, 07386 656079, email ruben.lopez@lincolnshire.gov.uk to discuss the requirements and request

preparation of a brief for the works.

It is recommended the resulting mitigation strategy and Written Schemes of Investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works".

Spalding and District Civic Society

"We appreciate the considerable work that must have been undertaken in the Heritage Impact Assessment submitted with this application. We support the comments of Lincolnshire County Council in that an archaeological excavation should be undertaken on the site prior to work commencing.

We do not consider that the proposal has significant implications on the setting of the surrounding historic environment within the conservation area but would ask that a view be obtained from the Conservation Officer to confirm that this is the case".

Public Representations

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

Key Planning Considerations

Evaluation

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

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

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

Principle of Development

Housing Need and Location

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

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

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

The NPPF outlines, within Paragraph 61, 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. The overall aim

should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.".

Paragraph 73 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 paragraph 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.

As the site is within Spalding, development within this location is considered appropriate. The proposal would support the settlement's role as a Spalding and make a positive contribution to local housing stocks.

Town Centre Uses

As the site is within the defined centre of Spalding, the relevant SELLP and NPPF policies relating to the town centre are also applicable here. In this instance, this would be Policies 24 and 25 of the SELLP and Section 7 of the NPPF.

Section 7 of the NPPF, "ensuring the vitality of town centres", outlines broad considerations for planning decisions within defined town centre limits. Relevant here is parts b and f of Paragraph 90, which states:
"Planning policies should: (...)
define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre(...)
recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites".

Policy 24 defines this town centre strategy for the SELLP area. Policy 24 "the retail hierarchy" outlines that, within the town centre of Spalding, "planning permission will be granted for retail, food and drink outlets, financial and professional services, leisure and tourist-related uses and residential development". As a residential use, the proposal adheres to this point. The development would support the town centre, without detracting from the viability of the existing business on the site. As the use is located to the rear of a building, and is completely obscured from the public realm, the proposal would not impact upon the vitality of the area, or result in harmful non-retail frontage.

Policy 25 expands upon these policies in relation to the town centres of Boston and Spalding. It outlines a strategy to encourage appropriate development and regeneration with the town centres. Most relevant here is point 1, which states:

"The Councils will promote appropriate opportunities to support and extend the offer of the town centres as destinations through the following:
Supporting the redevelopment of land within the town centre boundary that can provide for retail and other town centre uses in accordance with the sequential test;"

The proposal would result in the redevelopment and change of use of land for residential purposes. This would be at a relatively small scale, in a manner which would not detract from the viability of the existing retail premises. The creation of a residential unit on this site would, however marginally may be the case, increase footfall within the town centre, helping to aid with the overall vitality of the area.

Principle of Development - Summary

Therefore, the proposal is considered to be in accordance with Policy 1, 24 and 25 of the SELLP, as well as Paragraphs 61 and 73 and Section 7 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

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

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

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

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

The proposed extension is relatively small and is entirely obscured from the street scene. As such, the tangible impacts are negligible. While it is slightly wider than the existing building, the extension would appear broadly as a continuation of the existing built form in the courtyard. All materials would match the host, further integrating the development.

Comparable uses are present in the wider area, therefore naturalising the proposal to a certain extent. The courtyard already provides access to residential accommodation, thereby ensuring the proposal is consistent with existing uses.

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 SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

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

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

The flat would have a floor space of 37sqm. This is the minimum floor space required under the Nationally Described Space Standards (NDSS). Therefore, while the proposal is not considered to provide a significant living space, the space provided is considered sufficient to provide a decent standard of amenity. In any event, the town centre location means that residents could access publicly available spaces, reducing the onus placed upon internal living space.

No overlooking would occur as a result of the development due to the courtyard arrangement. The proposed windows all face west, with one of these windows proposed per room. This would not necessarily provide a substantial level of natural light, but it would be sufficient, and given the constraints of the site is the most preferable arrangement that could be proposed.

The extension would overshadow the neighbouring property to some degree; however, due to the relatively low height of the extension, and the relatively small distance the extensions projects forward of the boundary, it is not considered that this would have a substantial amenity impact.

As detailed above, the scale and design of the proposal is considered to have no significant or

unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

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

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

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

No onsite parking has been provided. However, occupants would have access to all relevant services via sustainable methods of transport, thereby reducing the need to own a vehicle. As stated by the Highway Authority "residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal". In any event, should parking be required, nearby public carparks and street parking could be used.

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

Flooding Considerations

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

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

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

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

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

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

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

Within the SFRA the site is not identified within a hazard area. Based upon this, the actual flood risk, when defences are considered, is low.

Under the provisions of Paragraph 176 of the NPPF and footnote 62, it is not debatable as to whether there is an actual need to apply the Sequential and Exceptions tests, as a change of use to residential would be exempt under these provisions. That being said, as stated in Paragraph 174, the SFRA is the basis of applying the Sequential test. The SFRA does not identify this site as within a hazard zone; and therefore, the proposal is considered to pass the Sequential Test regardless.

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 development would be on an area of hardstanding. Therefore, the proposal is considered to be exempt from the standard net gain condition under part 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Heritage and Conservation

Policy 29 of the SELLP, alongside Section 16 of the NPPF, relates to the preservation of the historic

environment. Both outline that all applications within the Conservation Area should preserve or enhance the setting.

In this regard, 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.

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

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

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, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

The frontage of 16 New Road is of a moderate significance to the character of the Conservation Area and is part of a group of buildings within the immediate area identified within both the HIA and the Extensive Urban Survey of some historic value. However, it is the frontage which provides this positive historic character, with the rear courtyard appearing far more modern and utilitarian. As the proposal is not visible from the front of the building, and therefore the wider Conservation Area, the impacts of development are principally limited to its immediate setting.

It is proposed that all materials would match the host. While this is acceptable in principle, it is somewhat unclear, as within the host building differing window materials are present. Accordingly, it is recommended a materials condition be applied to ensure an appropriate selection.

Therefore, in addressing Policy 29B of the SELLP, the proposal is considered to preserve the character of the area. There would be no significant impact upon street patterns or the wider character of the Conservation Area arising from the development. Boundary treatments and existing buildings restrict views between listed buildings, therefore further reducing the impact of the development.

While no harm is identified, in line with the provisions of Section 16 of the NPPF, it should be noted that there are public benefits arising from the development in the form of contribution to housing supply, particularly addressing the need for one-bedroom dwellings identified in Policy 17 of the SELLP. Therefore, even if less than substantial harm had been identified, which as stated above is not the case, then the proposal would still conform to the principles of Policy 29 and Section 16.

Turning to archaeological evidence, both the HIA and the comments from the Historic Environment Officer have identified the potential for archaeological remains to be affected by the extension. However the submitted Foundation Investigation statement has outlined that the works would be located on top of an existing surface and would not impact upon the sub-soil. As such, there would be no impact upon archaeological remains beneath the surface. On this basis, a precautionary condition is considered appropriate, requiring works to cease in the event archaeological evidence is found.

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 and Conservation Area, 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, 10, 11, 17, 24, 25, 28, 29, 33, and 36 of the SELLP, as well as Sections 7, 9, 12, 14, 15 and 16 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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