DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-0684-26**	**Applicant:**	**Roffes Transport Ltd**
Proposal:	Proposed Soil Grading Area		
Location:	Roffes Transport West Bank Sutton Bridge		
Terminal Date:	7th 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
07	Improving South East Lincolnshire's Employment Land Portfolio
30	Pollution
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 3 - Decision-making policies (DM1 - 10)
Section 4 - Achieving sustainable development (S1 - S6)
Section 7 - Building a strong, effective economy (E1 - 4)
Section 12 - Making effective use of land (L1 - 3)
Section 14 - Achieving well-designed places (DP1 - 4)
Section 15 - Promoting sustainable transport (TR1 - 8)
Section 17 - Pollution, public protection and security (P1 - 6)
Section 18 - Managing flood risk and coastal change (F1 - 9)
Section 19 - Conserving and enhancing the natural environment (N1 - 9)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	4
RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission to change the use of the site to a soil grading area. No buildings are proposed; however, a top loading soil grader and a digger would be required to facilitate the proposed use. The change of use would also involve the storage of piles of soil within the site.

According to the submitted information, it is proposed for local utility companies to deposit and collect soil from the site to support their operations such as delivering groundwork requirements.

Site Description

The site forms part of Roffes Transport site located at West Bank in Sutton Bridge. Roffes Transport is a transport and logistics company. The site currently features an area of hardstanding that is bounded by a steel palisade fence along West Bank and there are buildings located to the west and north of the site.

The site is within the settlement boundary of Sutton Bridge, as identified by the South East Lincolnshire Local Plan 2011-2036 and the accompanying policies map.

The site is located within Flood Zone 2, as identified by the Environment Agency's flood risk maps.

Planning History

H18-0438-85: (Full Application) Use of land as haulage depot office workshops - approved 30th July 1985

H18-1081-87: (Full Application) Continuation of use of site, for up to 35 tractor' units and 50 trailers - approved 27th April 1988

H18-1779-88: (Full Application) Change of Use of land to extend tractor unit &' trailer packing facilities - approved 10th August 1989

H18-1140-91: (Discharge of Conditions) Details of screening in respect of Condition 2 of application H18/1780/88 - approved 10th July 1992

H18-0620-92: (Full Application) Erection of wall with access doors - refused 20th August 1992

H18-1002-92: (Full Application) Erection of wall with access doors and close boarded fence - approved 07th December 1992

H18-0918-95: (County Council Regulation 3) Relocate a pole mounted flood warning siren - approved 16th October 1995

H18-1201-95: (Full Application) Erection of storage building - approved 28th February 1996

H18-0179-98: (Full Application) Erection of replacement storage building - approved 07th May 1998

H18-0457-98: (Full Application) Erection of storage building - approved 05th August 1998

H18-0171-02: (Outline Application) Storage building - approved 19th June 2002

H18-0276-03: (Permission Renewal) Erection of replacement storage building (renewal of H18/0179/98) - approved 19th May 2003

H18-0259-17: (S191 Certificate of Lawfulness) Siting of two mobile homes - approved 04th June 2019

Consultation Responses

Health and Safety Executive:

No comments.

Anglian Water:

No comments.

South Holland Internal Drainage Board:

No comments.

Ecology Officer:

We have reviewed the proposals and have no ecological concerns to raise at this time; therefore, we have no objections.

Environmental Protection:

Provide details of dust management control procedures and operating hours to protect amenity of nearby residents.

Environmental Protection (Land Contamination):

No comments regarding land contamination. However the applicant should be aware that they may need a permit from the environment agency for the importing and processing of soils onto site.

Environment Agency:

No objections; however, attention is drawn to the following advice:

This development may require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12.

Lincolnshire County Council - Historic Environment:

The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Lincolnshire County Council - Highways and SUDS:

This proposal is for proposed soil grading area and the access and parking arrangements remain

unchanged; therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

Port of Wisbech Authority: No response received.

Ministry of Defence: No response received.

Lincolnshire County Council: No response received.

Sutton Bridge Parish Council: No response received.

Cllr C J T H Brewis: No response received.

Cllr M D Booth: No response received.

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, 5 representations have been received from members of the public. The following summarises the matters raised within the representations:

-Insufficient information has been provided clarifying what is proposed and how it will be managed.
-The site already generates noise including throughout the night and the proposal will only worsen this.
-The proposal will result in more vehicles visiting the site which will disturb nearby properties.
-The grading machine could be running continuously between 7.30 and to the end of the day.
-There could be unpleasant smells from rotting soil.
-The application would worsen air quality in the area.

Key Planning Considerations

Development Plan

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, August 2026 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located. A Neighbourhood Plan has been designated for Long Sutton, however, a draft version of the plan has not yet been issued.

The main issues and considerations in this case include the following:

- Principle of Development;
- Impact on the Character and Appearance of the Area;
- Impact on Residential Amenity;
- Contamination;
- Highway Safety and Parking;
- Flood Risk and Drainage; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan 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 boundary of Sutton Bridge which is a Main Service Centre. Policy 1 sets out that within Main Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

The site is also within an Established Employment Site, as identified by Policy 7 of the Local Plan (Site SB001 - West Bank Industrial Estate). Policy 7 sets out that these areas are reserved for main employment in Classes B1, B2 and B8. For development proposals within such sites, Policy 7 sets out the following:

"The following Established Employment Sites, as identified on the Policies Map, perform an important role in the local economy and will be protected for new B1, B2 or B8 development and/or redevelopment in Class B1, B2 or B8, provided the proposed development is of a scale that respects the character of the area and/or neighbouring land uses. Any non-B development will only be supported where the applicant can show that it is ancillary to the effective functioning of the Established Employment Site."

The supporting text for Policy 7 subsequently sets out the following:

"*Established Employment Sites perform an important role in the local economy, and therefore are in need of protection for employment (B-Class) purposes. Some are traditional industrial estates within a settlement boundary, others are businesses of considerable scale, within or well-related to the edge of higher-tier settlements. Policy 7 sets out a flexible approach to help ensure that businesses can continue to operate or expand with confidence should business needs require additional or different provision."*

Policy S4 of the NPPF (Principle of development within settlements) is also considered to be relevant in this case. The policy sets out the following:

"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.
In applying policy S4, the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include (but are not restricted to) situations where the development proposal would:
a. Have a substantial adverse impact in relation to:
i. The allocation or safeguarding of land or buildings for particular uses in the development plan, unless there is no reasonable prospect of an application coming forward for the allocated use, or there is evidence that the safeguarding is no longer appropriate"

The policy continues with additional criteria; however, these criteria are not considered to be relevant in this case.

In this case, the proposal is for a soil grading facility. No buildings are proposed; however, a top loading soil grader and a digger would be required to enable the proposed use. Based on the information provided, it is considered that this would comprise a sui generis use rather than a use that falls under Use Classes B1, B2 or B8. As such, it is necessary for the applicant to demonstrate that the proposal is "ancillary to the effective functioning of the Established Employment Site" to accord with Policy 7.

Initially, limited information was provided to explain the proposals and there was initially no

explanation as to how the proposals were considered to accord with Policy 7. This was queried with the applicant's agent and some further information has been provided.

The site is located within Roffes Transport site which is a transport and logistics company. The site is currently used for storing trailers and pallets and according to the applicant's agent, the wider site is only used at 60% of its capacity. Therefore, the items and trailers that are currently stored within the application site can be accommodated elsewhere within the Roffes Transport site. This suggests that the proposed change of use would not undermine the functioning of the wider site and the land is potentially under utilised.

According to the submitted information, it is proposed for local utility companies to deposit and collect soil from the site to support their operations. For example, this includes delivering new infrastructure or upgrading existing infrastructure such as water pipes, telecommunities, and road works. When such companies are digging up land, for example along a road, there are restrictions set out in other legislation which restrict how much soil can be kept on a road. Therefore, utility companies need a place to temporarily store soil and for the soil to be sorted. The soil can then be put back into the land once the infrastructure works have been undertaken.

The proposal would involve utility companies delivering soil to the site and then this soil would either be sorted within the top loading soil grader the same day, or within a few days. According to the applicant's agent, there could be one or two deliveries of soil per day. Once processed, the soil is then collected by the same companies and placed back into the land where it came from. The sorting process assists with depositing the soil back to where it came from by allowing for easier compaction.

According to the applicant's agent, the nearest soil grading facilities are located in Peterborough and Kings Lynn and as such, utility companies currently have to travel further afield to deposit and collect soil. The proposal seeks to provide a more local facility to help speed up turn around times for depositing and processing soil.

According to the second Justification Statement (September 2026), the soil grading area will be managed and worked by one member of staff and approximately 200 tonnes of soil could be processed per week.

Therefore, in terms of Policy 7, the proposal is for a sui generis use that does not fall under any of the permitted uses within an Established Employment Site (Use Classes B1, B2 and B8). Notwithstanding this, the proposal could enable the re-use of a seemingly under utlised parcel of land within the Established Employment Site. Whilst the proposal is for an alternative use rather than a strictly ancillary use, it is considered that the proposal could offer some economic benefits in terms of providing a service to local utility companies and providing employment, albeit only on a small scale. Furthermore, as set out previously, within the supporting policy text for Policy 7, there is a recognition for the need to allow a flexible approach to help ensure that businesses can continue to operate or expand with confidence should business needs require additional or different provision.

Policy S4 of the NPPF also needs to be taken into account. The policy sets out that proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects. In accordance with Policy S4, it is not considered that the change of use of part of the Roffes Transport site to a soil grading area would have a 'substantial adverse impact' on the safeguarding of employment land within the district.

Therefore, it is considered that the proposal accords with the underlying aims of Policies 1 and 7 of the Local Plan and Policy S4 of the NPPF.

Impact on the Character and Appearance of the Area

Policy DP3 (Key principles for well-designed places) of the NPPF states 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.

Policy 2 of the Local Plan similarly outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the

sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF as it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The site comprises land within Roffes Transport site which includes a parcel of land where lorries and trailers are stored. The site is within an industrial estate and there are various warehouses and other buildings located around the site.

No buildings are proposed as part of the change of use of the land; however, the proposals would result in the provision of piles of soil within the site. It is unclear how tall or large these piles of soil could be or how many piles of soil be within the site. The submitted site plan shows two piles of soil; however, it is unclear if this is just for indicative purposes or if the soil would be restricted to these areas. It is considered unlikely that the soil would be taller than any of the nearest buildings. Whilst the storage of machinery outside and the introduction of large piles of soil is unlikely to enhance the appearance of the area, it is not considered that the visual impact would be adverse in this case due to the site's location within an area that features an industrial / commercial character.

Therefore, the proposed development would have an acceptable impact on the character and appearance of the area in accordance with Policies 2 and 3 of the Local Plan and Section 14 of the NPPF.

Impact on Residential Amenity

Policy P3 (Living conditions and pollution) of the NPPF sets out that development 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. The policy also sets out that proposals should not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site.

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

Policy 30 of the Local Plan sets out that development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon the amenities of the area (part 2), air quality (part 4) and noise (part 5).

In this case, the site is located within an established transport and logistics site and there are other industrial and commercial uses within the site. The nearest dwellings to the site are currently located approximately 115m to the south of the site on Customhouse site, and approximately 120m to the south-west of the site on Nene Meadows. Planning permission has been granted for 8 dwellings on land that is approximately 70m to the south-west of the site (ref: H18-0879-25). Although this permission appears not yet to have been implemented, it is considered relevant to consider the potential impact of the current proposals on both existing dwellings near to the site and potential future dwellings that could be located closer.

The council's environmental protection team have requested further details of dust management control procedures and the operating hours for the proposals. The operating hours are set out within the application form and cover 07:30am to 4pm on weekdays. No works are proposed during the weekends or on bank holidays.

In terms of dust suppression measures, according to the applicant's agent "the material will be watered down before going into the grader to stop the dust" and this "will be managed as per their H&S guidance". This is considered to be relatively vague and as approximately 200 tonnes of soil could be processed per week, more specific and stringent measures would be deemed necessary. Such measures could potentially be secured via a planning condition.

The proposal involves the use of a top loading soil grader which will be operated outside and can generate 85dB(A) once running to capacity. Whilst this is considered to be a high level of noise, the applicant's agent has set out that the machine is only likely to be used for a maximum of 2 hours at a time. Therefore, the machine would likely only be used for a maximum of 2 hours in the morning

and 2 hours in the afternoon due to the requirements of separate health and safety requirements. Whilst the operation hours are longer than this, the hours are proposed to enable flexibility and to allow soil to be delivered and collected.

The environmental protection team have set out that daytime background levels are likely to be relatively high given the site's location within a semi-industrial area and the proximity of the A17. Given that there is likely to be reduction of 3dBA per meter, the noise levels drop relatively quickly from the application site and as such, due to the separation distances between the site and the nearest dwellings, the proposed level of noise emanating from the site is not likely be significant given the existing background noise within the area. Notwithstanding this, it is nonetheless considered appropriate to secure further details of the predicted levels of noise and any necessary mitigation via a planning condition in the interests of protecting the amenity of the nearest dwellings as this has been recommended by the environmental protection team.

It is considered that a condition could also be included to restrict the operating hours to 8am to 4pm rather than the suggested start time of 7:30am, in the interests of minimising the impact of the proposals on the nearest dwellings.

Therefore, with the inclusion of conditions, the proposal could accord with Policies 2, 3 and 30 of the Local Plan and Policy P3 of the NPPF.

Contamination

Policy 30 of the Local Plan sets out that development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon the land quality and condition (part 7).

The applicant's agent has set out that the soil that is brought to the site is unlikely to be contaminated as the soil will be screened on site for signs of contamination. If soil shows signs of being contaminated when it is dug up on site, companies are required to take the soil to designated facilities for decontamination. The proposed soil grading area is not proposed to decontaminate soil.

The council's environmental protection team have not raised any objections in terms of potential land contamination from the proposals; however, the team have drawn attention to the need to obtain a permit from the Environment Agency for importing and processing soils within the site.

Highway Safety and Parking

Policy TR6 (Assessing transport impacts) of the NPPF sets out that development proposals should only be refused on highways grounds 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.

Policy 2 of the Local Plan sets out 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.

No changes are proposed to the existing parking or access arrangements for the site. Therefore, vehicles could continue to use the existing access from West Bank.

The proposal would result in the loss of some outside storage space for Roffes Transport; however, it is considered that there is sufficient room within the wider Roffes Transport site to accommodate replacement storage space.

According to the submitted information, a small increase in lorry movements is expected and this is likely to involve one or two soil deliveries per day. LCC's highways team have not raised any objections to the potential increase in vehicular movements to and from the site. Therefore, it is considered that the anticipated increase could be accommodated within the local highway network without having an adverse highway safety impact.

The submitted site plan does not clarify where vehicles are expected to enter and park within the site whilst delivering and collecting material. Notwithstanding this, it is considered that there is sufficient room for vehicles to park and turn within the site and further information regarding these arrangements could be secured via a planning condition.

Therefore, the proposal would have an acceptable impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 15 of the NPPF.

Flood Risk and Drainage

Section 18 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site lies within Flood Zone 2 as identified by the Environment Agency's flood risk maps.

Policy 4 of the Local Plan sets out that development within Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

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. The site is within a mixture of hazard areas including 'Danger to Some', 'Danger to Most' and 'Danger to All'. As the proposal is for a change of use for a 'less vulnerable' use and no buildings are proposed, no specific mitigation is recommended by the SFRA in this case.

As the proposal is for a change of use that does not relate to a caravan, camping or chalet site, it is not necessary for the development to pass the sequential or exception tests. As the site is within Flood Zone 2, it is still necessary to assess the flood risk associated with the proposals. The submitted Flood Risk Assessment concludes that the probability of the development flooding from localised drainage systems is low

The proposed soil grading area that would be located on an existing area of hardstanding and no new buildings are proposed. Therefore, the proposal would not increase the impermeable area within the site, and this means that the development is unlikely to increase surface water run-off from the site.

Overall, it is considered that the proposal accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of 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.

It is considered that the proposal would be exempt from the requirement to provide BNG as the proposals falls under the de minimis exemption.

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 proposed development would be located within an Established Employment Site within the defined settlement boundary of Sutton Bridge. It is considered that the proposal accords with the aims of Policy 1 of the Local Plan which seeks to support development that supports Main Service Centres.

The proposed use of the site as a soil grading facility is not considered to be a strictly ancillary use within the wider employment site; however, it is considered that Policy 7 encourages a degree of flexibility when considering alternative uses to help ensure that businesses can continue to operate or expand with confidence should business needs require additional or different provision. It is not considered that the change of use would undermine the functioning of the wider Established Employment Use and as such, it is considered that the proposals accord with the aims of Policy 7 of the Local Plan and Policy S4 of the NPPF.

The development is also considered to be acceptable in terms of other material considerations such as its impact on the residential amenity of the nearest dwellings, highway safety, flood risk and biodiversity.

In this instance, there are no material considerations that weigh significantly against the proposal and as such, the planning balance is in favour of the development.

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 the above considerations into account, the proposal is considered to accord with Policies 1, 2, 3, 4, 7 and 30 of the Local Plan, along with the identified sections within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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