

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-0755-23 **Applicant:** Mr J Hook

Proposal: Residential Development - 1 Dwelling - Re-submission of H18-0199-23

Location: Off New Road Sutton Bridge Spalding

Terminal Date: 16th October 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision making
Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	1
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	1	0
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for the erection of a detached five-bedroom dwelling on land off New Road, Sutton Bridge.

Site Description

The application site lies on the eastern side of New Road and is sited on the corner of Golf Court. The land is presently grassed with a few shrubs and trees with a boundary fence to the south of the site. The site is adjacent to defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design.

History

H18-0269-15 - Full - Erection of 2 detached dwellings - Approved June 2015
H18-0145-16 - Outline - Residential development - four dwellings - Approved April 2016
H18-1111-16 - Outline - Residential development - Erection of four dwellings - Approved June 2015
H18-1195-18 - Reserved Matters - Erection of dwelling - Plot 1. Outline approval H18-1111-16 - Approved March 2019
H18-0199-23 - Full - Residential Development - 1 Dwelling - Refused April 2023

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:

Sutton Bridge Parish Council

In keeping with the street scene

Ward Councillor Cllr C J T H Brewis

I presume the circumstances are the same as they were earlier in the year, so the relevant policy comments still apply.

Environment Agency

The proposed development will only meet the National Planning Policy Framework's requirements

in relation to flood risk if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment prepared by Ellingham Consulting Ltd, ref: ECL0962/G R MERCHANT, dated February 2023 and the following mitigation measures it details:

- Finished floor levels to be set no lower than 1 metre above existing ground level
- Flood resilient construction to a height of 300mm above the finished floor level

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 4 of the South East Lincolnshire Local Plan 2011-2036.

SHDC Environmental Protection Office

No comments

LCC Highways & SUDS Support

No objection: The proposed dwelling will occupy what appears to be a building plot that has been set aside for such use and which already enjoys a shared vehicle access crossing with the existing dwelling on the adjacent land. The proposed dwelling has adequate space within its curtilage for parking and vehicle manoeuvring. This is a residential street within Sutton Bridge and another residential dwelling would not therefore be expected to have an unacceptable impact upon highway safety. Accordingly, the highway authority does not wish to object to the grant of consent for this Application.

South Holland Internal Drainage Board

Byelaw 3 (Surface Water)

I cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS) , therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Byelaw 3 (Treated Foul Water)

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

Section 23, Land Drainage Act 1991

I am not aware of any riparian owned or Board maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, two letters of representation have been received.

These can be summarised as:

- The owner could easily block my view and light
- Concerns regarding building noise

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage

Evaluation

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

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

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

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

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

Principle of Development and Sustainability

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

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in terms of sustainability.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Minor 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. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

The application site in this instance lies outside of the settlement boundaries of Sutton Bridge. Policy 1 of the South East Lincolnshire Local Plan is clear in that "the rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. As such, the principle consideration in this instance relates to the principal of development in the countryside outside, with the proposal comprising a single dwelling outside of the settlement boundaries.

As is referenced above, in such locations, permissible residential development within the open countryside is generally limited to that which is necessary to such a location (i.e. agricultural), the provision of replacement dwellings, dwellings converted from redundant rural buildings or affordable homes on 'Rural Exception Sites'. This is clearly detailed within policy 1 of the South East Lincolnshire Local Plan, which details that development in the countryside will be permitted "that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits".

Taking this further, the supporting text for Policy 1 further details that:

In respect of necessity: "There are types of development that require a Countryside location either because it is the location of an existing building or use of land. Where changes to such buildings or land uses require planning permission Policy 1 and other more detailed Local Plan policies will apply". This goes on to provide an example, outlining that "Agriculture and forestry are clearly uses which must function in the Countryside but other uses which may diversify from agriculture and forestry, e.g. recreation and tourism, can meet the broad sustainable objectives of the Local Plan".

In respect of housing in countryside: "Housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing needs of a settlement (see Policy 19: Rural Exceptions Sites)". As is evident when reviewing the policies detailed, the current proposal would not typically comply with these Local Plan policies. The provision of a single market house located outside of the settlement boundary would provide little by way of wider sustainability objectives.

Therefore, it is noted that development of this type would be contrary to Policy 1 and therefore, would not typically be supported by the Local Planning Authority in principle.

As detailed above, the Authority does have a 5-year housing land supply. As such, development proposals outside of the settlement boundaries similar to the above would typically be considered unacceptable should they come forward, subject to the consideration of 'planning balance'. Whilst this may be typically resisted in principle given the above, the planning history of the site, extant permissions and material considerations must be assessed.

Nevertheless, in assessing the three matters specifically outlined above, there is potential for an extant planning permission (H18-1195-18) on this site, comprising the erection of a single dwelling on this application site, with application H18-1195-18 having been assessed and approved in March 2019. Whilst recent decisions have restricted development on this site, for development that largely reflects that hereby proposed, in that instance no evidence was provided to ensure the Local Planning Authority that a commencement of this development had occurred.

In this instance, following further dialog between the applicant, applicants agent and the Local Planning Authority, the applicant has provided a written statement and photographic evidence to show that a material start had commenced by creating the access to plot 1, which is believed to have taken place in 2020. In light of the above, should this be the case, the evidence suggests that a material start had occurred within the time limits for application H18-1195-18 and as such, there is a extant permission on site for a single dwelling, and therefore, whilst development of this nature would typically be resisted, the presence of an extant permission on site holds significant weight.

As such, it is considered, on balance, that whilst the proposal is not considered to comply with policy 1 of the South East Lincolnshire Local Plan, the principle of development has been established through the material start commenced under application H18-1195-18 and as such, the principle of development, comprising a single dwelling within this plot, is considered to be of an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy, therefore being acceptable on balance.

This is subject to the assessment and appropriate detail of the proposal; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 130, contained within section 12 of the National Planning Policy Framework (2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Likewise, policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

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

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The proposed development, as described within this report, comprises a detached residential dwelling within a site located off New Road. The dwelling is relatively sizeable and, due to its scale and siting, would be readily visible from New Road and Golf Court. Notwithstanding its visibility, the proposed dwelling has been appropriately designed as to not cause an unacceptable adverse impact upon the character or appearance of the area.

The eastern side of New Road has a relatively consistent building line within the immediate vicinity of the application site, although it is noted No.130 and No.118 slightly detach from this consistency by way of a forward projection. The dwelling has been sited as to largely reflect this building line, ensuring that whilst visible and a notable addition, this would not comprise an unwarranted or detrimental addition to the streetscene.

The site also lies within an area (New Road) that fails to have a distinctive approach in respect of housing types, with the properties residing to both the eastern and western sides of New Road being of a mixture of scales, styles and material finishes. This being said, it is also noted that within the immediate vicinity, the area does have other similarly sizeable properties with the most immediate neighbouring property being similar in character also. Overall, it is considered that the development is not considered to be out of keeping and is appropriate for the area.

The materials for the development have not been provided and as such, a condition that seeks to gain this information has been attached.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

It is not considered that the proposed development will have a material adverse impact on residential amenity in terms of being overbearing, or creating an overlooking or loss of light impact. The proposed development proposes a layout that would ensure adequate separation distances to neighbouring properties. The proposed development is considered to form an appropriate design as to minimise the potential for overlooking to the existing neighbouring dwellings.

It is noted that a letter of representation has been received that outlined objections due to the potential loss of light, seemingly from the future potential of outbuildings being erected. The neighbouring property, No.1 Golf Court, is situated with adequate separation distance from the application site, being separated by the access of Golf Court. The proposed development, although within relatively close proximity to this southern boundary, is set back from the boundary to a modest extent. It would be possible for outbuildings to be erected within the rear garden of the site; however, such outbuildings must be considered by the Local Planning Authority or be of such a scale that they comply with permitted development rights. The resultant development is not considered to give rise to unacceptable impacts upon the occupiers of this neighbouring property, as to warrant refusal of planning permission.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

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

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

Lincolnshire County Council Highways/SuDS, as Local Highway Authority, were consulted as part of the application process. No objections were raised, stating that "The proposed dwelling will occupy what appears to be a building plot that has been set aside for such use and which already enjoys a shared vehicle access crossing with the existing dwelling on the adjacent land. The proposed dwelling has adequate space within its curtilage for parking and vehicle manoeuvring. This is a residential street within Sutton Bridge and another residential dwelling would not therefore be

expected to have an unacceptable impact upon highway safety. Accordingly, the highway authority does not wish to object to the grant of consent for this Application."

Policy 36, to be read in conjunction with Appendix 6 of the Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms. The dwelling has adequate provision for parking. It is considered that, overall, the development has more than adequate parking is shown within the curtilage of the dwelling.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Flooding Considerations

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

Paragraph 162 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site is within Flood Zone 3 of the Environment Agency's Flood Maps. They 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. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

However, it is noted that within the previous proposal on site, the Local Planning Authority detailed that "whilst the submitted Flood Risk Assessment provides mitigation, including the provision for finished floor levels to be sited at 4.50mAOD, which is 1 metre above ground level, the Flood Risk Assessment fails to appropriately apply the sequential test".

As stated, the application site lies within Flood Zone 3 of the Environment Agency flood maps, which is land identified as having high probability of flooding. Furthermore, the South East Lincolnshire Strategic Flood Risk Assessment indicates that the site is located within an area identified as a "Danger for Most".

Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted, where:

1. It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed). The sequential test will be based on a Borough or District wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment area for the development justify a reduced search area, i.e. there is a specific need for the development in that location. The sequential test is not required for sites allocated in the Local Plan, minor development or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site)", with 'minor development' in this instance taking the definition outlined within the NPPF and National Planning Practice Guidance in relation to flood matters.

In this instance, the sequential test aspect within the Flood Risk Assessment identifies that the site is within a location that is at an 'actual risk' of flooding that is low. Further explaining that "large parts

of the South Holland district that are near the River Nene lie within Flood Zone 3. As such, the opportunities to undertake the development at an alternative site with a lower flood risk are limited".

However, it is considered that the assessment does not provide any demonstration that alternative sites have been reviewed or assessed, failing to identify that more appropriate or suitable alternative sites are not available. This has not been demonstrated within a district-wide search, or within a more limited search, with no clarification being provided in regard to a need for the search area to be limited for the purposes of the sequential approach as outlined as a requirement within point 1 of Policy 4, which details that:

"The sequential test will be based on a Borough or District wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment area for the development justify a reduced search area, i.e. there is a specific need for the development in that location".

Therefore, the previous proposal on site concluded in respect of flood risk, that: "notwithstanding mitigation that has been identified and notwithstanding the comments raised by the Environment Agency, the sequential test submitted fails to demonstrate an assessment of alternative sites and therefore fails to appropriately consider alternative sites that may be of lesser risk of flooding". This went on to detail that "it is considered that it is likely to be possible for the development of a single dwellinghouse to be delivered on sites that are in locations that are more environmentally sustainable and of lower flood risk. The proposal therefore fails to satisfy the sequential test and is contrary to Policy 4 of the South East Lincolnshire Local Plan and section 14 of the National Planning Policy Framework".

It is noted that the assessment detailed above, taken from the previous proposal, remains valid in that the development and subsequent submission does not demonstrate these matters in sufficient detail. However, similarly to that of the principle of development, it has since been demonstrated, beyond reasonable doubt, that the site has an established extant planning permission for a single residential dwelling.

The proposal, also comprising a single residential dwelling would therefore be similar in nature and, through the mitigation outlined, would not give rise to an increased likelihood of flooding or cause additional concerns in respect of flood risk in comparison to that of the extant permission. It is therefore considered that on balance, the Local Planning Authority would be acting unreasonably to restrict development solely on flood risk terms, given this extant permission on site.

Planning Balance

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

Whilst the proposal, given its siting outside of the defined settlement boundaries, is at conflict with Policy 1 of the development plan, as detailed within the principle section above, the proposed development is considered to be acceptable in principle, when considered on balance.

It is considered that the proposed residential development does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking throughout the scheme. Further, the proposal predominantly accords with the South East Lincolnshire Local Plan when viewed in its entirety (with the exception of Policy 1) and whilst this is a clear conflict and would typically be resisted, the site is subject to an extant permission for a single residential dwelling which largely reflects that hereby proposed and as such, provides a significant material consideration for the proposal.

Given that the sole conflict established is somewhat overcome on balance given the extant permission that has been demonstrated, and could be developed, on balance, with the proposal being in accordance with the development plan in its majority beyond this, it is considered that the development proposed is acceptable.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 2, 3, and 36, along with Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2023. Notwithstanding the aforementioned

conflict, there are no significant factors in this case that would outweigh the benefits of the proposal given the extant permission on site; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above. It is recommended that the application is approved conditionally.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Recommendation

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