

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-0841-23 **Applicant:** Mr J Lavender
Proposal: Conversion of office to dwelling - Retrospective
Location: Lavender Corner King John Bank Walpole St Andrew
Terminal Date: 25th December 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2023**

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

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

SHDC INTERNAL	0	0	1	0
---------------	---	---	---	---

CASE OFFICER ASSESSMENT

PROPOSAL

This is a partially retrospective application for the conversion of an office to a dwelling at Lavender Corner, King John Bank, Walpole St Andrew. The proposal seeks to make minor internal alterations at ground floor level as well as a ground floor level rear elevation door. The ground floor level will not be used for habitable rooms. At first floor level two bedrooms, a sitting area, office, bathroom and combined store / kitchen will be provided. A new window will be sited in the rear elevation of the store / kitchen room. The area of the roof space above the store / kitchen and sitting area has been extended in height by a slope dormer to allow access to the terrace. The slope dormer is constructed from timber cladding.

This floor will be accessed via an existing internal staircase. An external first floor terrace will be provided to the rear south-west facing elevation. This partially constructed terrace will be 10.34 metres in width, project 3.33 metres from the rear wall. The terrace will be accessed via doors from the sitting area as well as an external spiral staircase to the side of the balcony measuring 1.75 metres in diameter. The finished floor level of the terrace is set at 2.4 metres above ground level. Materials of construction for the terrace have not been submitted but the structure of the terrace was observed to be metal. The works that have already taken place are in compliance with the previously approved application H18-0863-22 for extensions and alterations to the office building and dwelling.

As the Flood Risk Assessment made reference to an annexe the agent and applicant were asked whether they wished for the application to be assessed for conversion to an annexe. An email was received on the 3rd of November 2023 where the agent confirmed that they wished for the application to be assessed as conversion of an office to a dwelling.

A site visit was conducted on Thursday the 9th of November 2023.

SITE DESCRIPTION

The site is outside defined settlement limits and as such in planning terms is designated as being located within the open countryside. The nearest settlement limits are for Sutton Bridge which is over 2 kilometres away as the crow flies. The site is bordered by an access track and drain to the north of the site with Centenary Way beyond. The northern boundary is partially bordered by a 1.8 metre high timber fence either side of the proposed dwelling. Arable fields are located to the west of the site with a dwelling 105 metres away at the nearest point. The western boundary is marked by a 3 metre high hedge. A shared garden space with Lavender Corner containing a covered swimming pool is located to the south, with a dwelling named Aston Villa approximately 50 metres away from the terrace beyond a 1.8 metre high timber fence and established trees. The existing dwelling on site named King John Bank is 4.5 metres away at the nearest point. The eastern and northern eastern corner of the site is bordered by hedging approximately 1.6 metres in height.

The site is in Environment Agency Flood Zone 2 and partially in a 'Danger for All' hazard area with a maximum predicted flood depth of 2 metres plus within the red line boundary on the 2115 South Holland Strategic Flood Risk Mapping. The ground topography on site ranges from 3.8m AOD to 5.0m AOD. Surface water will be addressed via an existing watercourse and a soakaway. Foul water will be addressed by a mains sewer.

RELEVANT HISTORY

H18-0548-90

Full - Change of use (industrial) - Approved - 18 July 1990.

H18-0211-91

Full - Double storey extension to house - Approved - 11 April 1991.

H18-1077-91

Full - Proposed double storey extension to house - Approved - 23 December 1991.

H18-0492-92

Full - Alterations to existing buildings (Windows and doors) - Approved - 16 July 1992

H18-1197-17

Full - Proposed conservatory to existing dwelling - Approved - 22 February 2018.

H18-0863-22

Full - Extension & alterations - Approved - 21 October 2022.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 02 November 2023 and 23 November 2023)

Lincolnshire County Council - Highways & SUDS Officer - 03 November 2023

No objection:

"The Application Form advises that the proposed change of use involves no alteration to the existing access arrangements for the subject building. Although the submitted details do not appear to indicate what is intended to be the extent of the domestic curtilage of the proposed dwelling, the wider site is of sufficient size for it to be possible to provide adequate off-highway car parking for residents of both the existing dwelling and the proposed dwelling. The site is remote from any settlement and is not served by any footways, it is likely however that all journeys to and from the proposed dwelling would be made by motor vehicle."

"In consideration of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application."

Environment Agency - 17 November 2023

They request that a condition that the ground floor of the property shall be used for storage/utility/office accommodation only, and for no other habitable accommodation. They also request another condition removing permitted development rights for extensions that provide habitable accommodation.

South Holland District Council - Environmental Protection - 20 November 2023

No comments.

KEY PLANNING CONSIDERATIONS

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

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 above.

The policies and provisions set out in the National Planning Policy Framework (updated September 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.

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

However, paragraph 12 of the National Planning Policy Framework reiterates that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making".

Principle of Development and Sustainability

To support the Government's objective of significantly boosting the supply of homes, paragraph 60 of the National Planning Policy Framework (2023) details that "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".

In identifying land for homes, paragraph 69 of the National Planning Policy Framework also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements, detailing that "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".

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.

The proposal site is located outside of any settlement boundary and is therefore classed as being in the countryside. Policy 1 of the South East Lincolnshire Local Plan (SELLP) states that development in the countryside will only 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. Economically, there is not considered to be any material benefit other than short term construction jobs for the conversion of the building. There is not considered to be a community benefit from the proposal as there will be a material impact on the amenity of the neighbouring property at Lavender Corner. Environmentally the proposal site is over 2 kilometres from Sutton Bridge and any occupant would be solely reliant on private transport to access good and services.

It is not considered that the application has demonstrated that development is essential in this location or meets a defined housing need. As of 31 March 2023 the Council can now identify a 5-year housing land supply, and is able to demonstrate a supply of deliverable sites equivalent to 6 years under the Liverpool Method through the latest Housing Land Supply Assessment. The assessment covers the five-year period 2019/20 to 2023/24 and has been prepared in accordance with the revised National Planning Policy Framework and Planning Practice Guidance.

Open market housing is not a development type that requires a countryside location. This is particularly the case in this instance where the council has a 5 year housing land supply and a recently adopted up-to-date development plan with a spatial strategy setting out how the housing needs for the area will be met. Furthermore, public transport does not operate along King John Bank. Consequently, access to services and facilities is unlikely to be convenient on a day to basis and there is likely to be some reliance on the private motor vehicle to access services and facilities. The location of the site does not therefore have attributes that make it sustainable for development for new market housing.

The proposed development would set a harmful development by positioning a residential dwelling in a countryside location outside the main built-up area of the settlement. This would have an adverse impact on the character of the area and would set a harmful precedent for further development outside the settlement boundary.

Paragraph 80 of the National Planning Policy Framework, 2023 (NPPF) sets out that:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

This proposal would not be considered to satisfy any of the above criteria. Therefore this proposal is contrary to Paragraph 80 of the NPPF.

The proposal is contrary to policies 2 and 3 of the SELLP which amongst other things require proposals to have regard to the character and appearance of an area and stipulate that proposals which fail to maximise opportunities to improve the character and quality of an area will not be acceptable. The proposal would also conflict with Paragraph 170 of the Framework which requires planning decisions to recognise the intrinsic character and beauty of the countryside.

As such, the proposal is considered not to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the

character or appearance of the area, impact on the amenities of neighbouring buildings, parking provision 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.

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 proposal is not considered to constitute a sympathetic conversion of a curtilage building and will lead to a residential use and design out of keeping with other residential properties in the vicinity of the site.

It is considered that the proposed design and layout constitutes a cramped and incongruous form of development that will have a material impact on the character and appearance of the surrounding area. No pre-application advice was sought prior to submission of the application and this is considered to be reflected in the proposed design. The design is not reflective of a countryside vernacular dwelling and does not appear to follow a defined architectural style. The separation distance of the dwelling to the existing dwelling at Lavender Corner is 4.5 metres at the nearest point. This is not considered to accord with the well spaced, linear development along King John Bank

Taking account of the design, scale and nature of the development, as detailed above, the proposal is not considered to be acceptable. The proposal would cause an adverse impact to the character or appearance of the area and would therefore not 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.

The proposal is considered to constitute overdevelopment. No private amenity space has been allocated to the dwelling and no clarity has been given as to the use of garden space to the rear of the proposed dwelling.

There is considered to be a material overshadowing from the proposal. Whilst the building in which the dwelling is to be contained is already on site, the installation of a terrace is located over a garden in the ownership of Lavender Corner. Therefore a terrace is under construction on and above garden space that it utilised and owned by another dwelling.

There is considered to be a material overlooking impact from the proposal. Whilst the frontage windows on the north elevation overlook a drain and road, there is considered to be a material overlooking impact from fenestration on the southern rear elevation. The window on the eastern side elevation serves a staircase and directly faces the predominately glazed conservatory to the northern side elevation of Lavender Corner, which is 11.6 metres away. This is considered to constitute a material overlooking impact, albeit not from a habitable room. The doors, windows and first floor terrace of the southern rear elevation are 13.7 metres away from Lavender Corner at the furthest point, and 4.5 metres away at the nearest point. The rear elevation terrace, doors and windows offer material overlooking views over the garden, swimming pool and north-west facing rear elevation windows of Lavender Corner. The ground floor western side elevation door faces the established 3 metre hedging on the western boundary. There is not considered to be an overlooking impact from this door.

As detailed above, the scale and design of the proposal is considered to be such that there would be an unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users. As such, the proposal is not 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.

Parking / Highway Safety

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".

Within this context, development should give priority first to pedestrian and cycle movements, facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility in relation to all modes of transport, safe, secure and attractive places, allow for efficient delivery and access for emergency services, and be designed to enable and encourage ultra-low emission vehicles in safe, accessible and convenient locations.

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.

Furthermore, 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.

The application form states that the proposal will not provide any parking spaces. There is an area to the front of the dwelling that can accommodate two regular size vehicles without impacting the track / road adjacent. This would mean that the number of parking spaces would accord with Appendix 6. However, the parking spaces and width of adjacent track / road means that the ability to manoeuvre vehicles to exit the site in a forward gear is difficult and cannot be achieved without multiple vehicular movements. The Highways Officer also considers that the off site parking provision for Lavender Corner can be shared with the proposed dwelling.

The proposal whilst not ideal with regard to manoeuvrability, the proposal in this regard would 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 / Drainage

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 lies within Flood Zone 2 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.

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 South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

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 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" in instances where specific criteria is met.

The site is in Environment Agency Flood Zone 2 and partially in a 'Danger for All' hazard area with a maximum predicted flood depth of 2 metres plus within the red line boundary on the 2115 South Holland Strategic Flood Risk Mapping. The finished floor level of the dwelling is 2.4 metres above ground level. The Environment Agency has no objections to the submitted details and requests conditions that no habitable rooms are sited at ground floor level, and permitted development rights are removed for any extensions that would contain a habitable room.

Given the above considerations it is considered that flood risk has been adequately addressed by the proposal.

Impact on Biodiversity

Section 15 of the National Planning Policy Framework (NPPF) seeks to protect sites of biodiversity value, minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. Policy 28 of the SELLP seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and assess proposals directly or indirectly affecting these assets by assessing if the benefits of the proposal would outweigh the adverse impacts on the site and wider network of natural habitats. In addition, the policy seeks to promote biodiversity net gain in proposals by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserving or enhancing habitat to adapt to climate change.

No proposals associated with mitigating the proposals in biodiversity terms have been submitted with the application. As a result the proposal do not demonstrate biodiversity net gain. With such a restricted layout, there is also limited opportunities to incorporate any biodiversity net gain measures

into the scheme. This is again a reflection of poor design. It is considered that the proposals conflict with Policy 28 of the SELLP as a result.

Outstanding matters from representation

None

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.

The proposal site is located outside of any settlement boundary and is therefore still classed as being in the countryside. Policy 1 of the South East Lincolnshire Local Plan, 2019 states that development in the countryside will only 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. It is not considered that the application has demonstrated that development is essential in this location or meets a defined housing need. As of 31 March 2023 the Council can now identify a 5-year housing land supply, and is able to demonstrate a supply of deliverable sites equivalent to 6 years under the Liverpool Method through the latest Housing Land Supply Assessment.

The proposed replacement dwelling would be intrusive and overbearing upon the neighbouring property at Lavender Corner. The proposal is considered to constitute overdevelopment leading to a cramped and incongruous form of development, with a resulting unacceptable impact upon nearby residential amenity contrary to the provisions of Policy 3 of the South East Lincolnshire Local Plan, 2019. This Policy seeks to minimise impact on neighbouring properties from overbearing, overlooking and overshadowing, as result of inappropriate design and use in the context of the surrounding area. Paragraph 130 of the National Planning Policy Framework, 2023, is also of relevance. This Paragraph states that development should create places that add to the overall quality of the area, are sympathetic to local character and are visually attractive as a result of good architecture.

There has been no effort to address biodiversity net gain on site. The proposal is therefore not in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019, as well as Section 15 of the National Planning Policy Framework, 2023.

In this instance, there are material considerations that weigh against the proposal and as such, the planning balance is not in favour of the development.

CONCLUSION

This application is not in accordance with Policies 1, 2, 3, 4, 10, 11, 17, 28, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12, 14 and 15 of the National Planning Policy Framework, 2023.

RECOMMENDATION

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

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.