

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-1047-24 **Applicant:** Mr T Bissett
Proposal: Proposed workshop conversion to dwelling, including lifting of existing roof
Location: Workshop Rear Of 9 New Road Fronting King Street Sutton Bridge
Terminal Date: 31st March 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

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	1	0
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for the conversion of a workshop to form an independent residential dwelling, including the lifting of an existing roof, at the rear of 9 New Road fronting King Street, Sutton Bridge.

Site Description

The site is located within the defined settlement boundary of Sutton Bridge as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). It is located on the eastern side of Sutton Bridge in a predominantly built up residential area just off Bridge Road, the main road running through the settlement. King Street is similar in layout to Queen Street and Prince's Street, all terraced properties with long narrow plots.

History

H18-0655-24 - Demolition of workshop (retaining northern and eastern boundary walls of building to create garden walls) & erection of dwelling - Refused

Consultation Responses

South Holland Internal Drainage Board

No comments.

Lincolnshire County Council Highways

Recommendation: No objection

The proposal is for workshop conversion to dwelling, including lifting of existing roof and it does not have an impact on the Public Highway or Surface Water Flood Risk. Sufficient parking provision can be accommodated within the development.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

No Objections

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 or increase surface water flood risk and therefore does not wish to object to this planning application.

Lincolnshire County Council as a Highway and Lead Local Flood Authority have no objection to Amendment 1 - Proposed dwelling conversion made smaller to increase private amenity space (to address concerns of Planning Officer) (7089/01E, 7089/02F & 7089/03B) regarding this application.

Environment Agency

Environment Agency position

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning conditions are included.

Condition 1

The development shall be carried out in accordance with the submitted flood risk assessment dated 30 July 2024, prepared by S M Hemmings and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 4.65 metres above Ordnance Datum (AOD)
- The dwelling shall have a minimum of two storeys
- Flood resilience and resistance measures shall be incorporated into the development, to a minimum of 0.3 metres above the predicted flood level
- Demountable defences/flood doors shall be provided to a height of 600mm above the finished floor level, to cover all external doorways

These mitigation measures shall be fully implemented prior to occupation and subsequently 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.

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, three letters of representation have been received.

These can be summarised as follows:

- Privacy issues through overlooking
- Loss of light/overshadowing - will impact the natural light
- The walls to be retained are in poor condition, these walls are unlikely to be structurally adequate to form a boundary wall
- Will severely impede access down the adjacent lane during the construction period

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 and Drainage
- Biodiversity

Evaluation

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

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 December 2024) 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.

Planning Considerations

Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) 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 (2019) 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.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) 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 National Planning Policy Framework, (NPPF) (December 2024) outlines, within Paragraph 61, that "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Para 73 of the National Planning Policy Framework (December 2024) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. This states that "Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly". This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application site in this instance is within Sutton Bridge, a Main Service Centre, and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location would typically be considered appropriate, where development comprises infill development or that on allocated/ committed sites. Main Service Centres are defined within the Local Plan as areas that 'consist of those settlements seen to perform significant service roles for quite wide areas of South Holland'.

Whilst it is noted that the site lies within the defined settlement boundaries, Policy 1 identifies that within Main Service Centres development would 'normally' be limited to allocated and committed

sites and infill. Although this does not specifically identify that all development proposals within 'Main Service Centres' must be infill, committed or allocated sites, this is consideration of the policy. In this context, development that is not considered infill development or on a committed/allocated site, should typically be limited to those that have a justifiable reason to be located in such sites.

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

Section 12 of the National Planning Policy Framework (December 2024) 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 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout 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.

Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) 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 (December 2024), 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 (December 2024) and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

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

The proposed development comprising the conversion of the existing workshop to form a residential dwelling would include the alterations to the materials of the built form, changing the red facing brick to white rendered walls. Furthermore, the roof would remain as grey slate tiles, whilst the proposed windows would be white uPVC casement windows. Whilst there are multiple dwellings constructed from brickwork, there are also multiple that feature render. This includes 1 - 7 New Road, 9 New Road and the large row of terraces No. 2 - 40 King Street, which feature rendering and brickwork amongst others. Therefore, the materials in these instances are considered to be acceptable and suitable.

The layout of the conversion includes a porch leading to a lobby, with a store for extra storage. This goes up into a family/dining area with an open plan kitchen. A small WC would also be provided within the location that currently exists. The staircase, located within the lobby, leads to a landing that provides access to three separate bedrooms, a shared bathroom and a living room. Independent from other material considerations, the floor layout is considered acceptable and would not materially harm the street scene or layout.

The height of the conversion would take it somewhat level to the eaves and ridge of 2 King Street, sitting at around 5400mm (eaves) and 7600mm (ridge). Whilst this is a notable increase from the existing workshop, detailed street scene and section drawings have been provided which demonstrates the development's suitability within this environment in this regard, as it is not

indifferent to the surrounding built form.

Notwithstanding this, the application site is relatively small in size and when viewed with regard to its immediate surroundings does not reflect the prevailing character in respect of the plot size or its siting amongst other independent dwellings. Given the small and contrived size of the plot, the proposal to convert the workshop to an independent dwelling would result in a somewhat cramped and contrived form of development.

The previous proposal on site, which was subsequently refused, although proposing to demolish the built form and rebuild a new dwelling, was considered unsuitable. This previous decision noted that 'From this it is considered that any potential dwelling being located as a result of the demolition of this workshop would appear cramped and contrived due to the minimal capacity it has to offer'.

The same can be said in this instance. The proposal, even in the case of a conversion which itself seeks to enlarge the existing built form, would vastly contrast with the built form along New Road and King Street, which are predominantly semi-detached or terraced properties with long narrow gardens. The properties opposite comprise a slightly different form; however, they also comprise much larger plots with larger gardens. As a result of this, the proposal is not considered to be acceptable, irrespective of the current proposal seeking a conversion instead of a new build; the site's naturally small size results in a challenging plot in respect of proposing a suitable scheme that is more suited and acceptable to the area.

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 conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024).

Impact on Residential Amenity/ Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) 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.

Both the Flood Risk Assessment and Environment Agency's comments require the finished floor levels to be set no lower than 4.65 metres above ordnance datum. This would result in the finished floor level being set at 1m above surrounding ground levels. When taking this into consideration, being a requirement in respect of ensuring adequate flood risk mitigation, would give rise to concerns of material overshadowing from the proposed dwelling, due to its two-storey scale of a 7600mm height, as also required by Environment Agency's comments, further to the aforementioned requirement to have a finished floor level of 1m. This would result in an unacceptable impact on the residential amenities of neighbouring occupiers, particularly due to the height and positioning causing a loss of light to No. 9's rear garden.

No windows are provided on the western elevation; this would ensure that no material overlooking would occur to any existing neighbouring properties to the west. There would be no concerns to the southern/front elevation due to the orientation of the proposal, facing onto the public highway.

Notwithstanding this, the first floor rear elevation windows overlooking for the living room and Bedroom 3 would directly overlook the amenity space of 13 New Road, as this elevation would be set only 7m to the south of this. This relationship is not considered to be sufficient and there would be a direct loss of privacy. The same could also be said about the potential for the family/dining area, plus outside landing to overlook, as the FFL would be raised in such a way that the boundary wall would be rendered obsolete.

As detailed above, the scale and design of the proposal is considered to be such that there would be significant and 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 conflict with the provisions of Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Flood Risk and Drainage

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should 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 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).

Paragraph 174 goes on to state that, "Within this context 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 strategic flood risk assessment being the tool to demonstrate this.

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

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

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

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site is in an area defined as 'Danger for All' and an area greater than 2.0m flood depth, as such, a detailed flood risk assessment has been provided alongside consultation to the Environment Agency. Firstly, the Flood Risk Assessment outlined the following summary of risk of flooding to the site:

The main risk of flooding to the site is if a breach occurred in the west bank of the tidal River Nene,

the risk of this happening is considered to be low. The bank has a wide top and bank slopes are not steep. Maps of the site predict flood depths of above 1.0 metres on the actual site with a separate map predicting that the road level opposite the south east corner of the building is 3.65m OD with the flood depth at this point of 1.0 metres. From this, it can be concluded that the maximum predicted flood depth on the site will not exceed 1.0 metre above the level of King Street, resulting in the need for the floor level of any residential building on site to be raised by 1.0m.

Further to this, the recommendations set out within the Flood Risk assessment detail that the ground floor level of the proposed new dwelling should be a minimum level of 4.65m OD, which is 1.0 metres above the road level of King Street. Flood resilient construction should be incorporated to a minimum height of 300mm above the predicted floor flood level with all electrical installation at a similar height. Finally, demountable defences should be provided to 600mm above ground floor level on every external doorway.

As previously mentioned, due to the high flood risk on site, the Environment Agency have been consulted and recommended a condition be imposed. This outlines that finished floor levels shall be set no lower than 4.65 metres above OD, the dwelling shall have a minimum of two storeys, flood resilience and resistance measures shall be incorporated into the development to a minimum of 300mm above the predicted flood level and demountable defences/flood doors shall be provided to a height of 600mm above FFL.

Whilst the measures outlined give rise to adverse impacts in other regards as outlined above, when viewing these solely in respect of flood risk, these recommendations/mitigation measures are considered to be acceptable and suitable in flood risk terms and should ensure that residents who reside in this proposed property would be safe from flooding on site. Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

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

Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), 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 proposes three bedrooms and as such, two vehicle parking spaces are required. The small drive to the front rear of the site allows for one vehicle plus an internal garage with access via King Street makes room for a second. It should be noted that on street parking is common along King Street and New Road and would not necessarily cause harm to the highway. Lincolnshire County Council Highways were consulted and raised no objections to the application with their comments reading as follows: 'The proposal is for workshop conversion to dwelling, including lifting of existing roof and it does not have an impact on the Public Highway... Sufficient parking provision can be accommodated within the development'. Following on from this, in relation to Amendment 1, their comments raised no further comments of importance.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

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.

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

When taking the above into account, the development in this instance is exempt from the statutory 10% Biodiversity Net Gain requirements. The 'Ecology & BNG' section from within the design and access statement, accurately assesses the site to be exempt from BNG, this is through it being classed as de minimus. The existing building and floor slab is to be retained through the conversion and the works would not affect more than 25sqm of habitat. There is no existing grassed area within the site currently due to its current use being as a workshop and therefore the conversion would solely relate to the workshop and a small concrete outside area.

Planning Balance

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

The proposal represents inappropriate development within the defined settlement boundary.

The development hereby proposed materially harms the character and appearance of the locality due to it appearing cramped and overbearing. Furthermore, due to the need for raised floor levels, it would directly impact the amenity of surrounding neighbouring occupiers. Although it provides adequate parking and is exempt from BNG, the main concern surrounding the design outweighs the benefits of a single dwelling in this case, and therefore does not conform with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole.

In this instance, this is a material consideration that weighs against the proposal and as such, the planning balance is not 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 conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the national Planning policy Framework (December 2024), in respect to its design appearing cramped and out of character, in addition to the impact to the amenity of neighbouring occupiers through both overlooking and overshadowing. These are considered to be significant factors in this case that indicate against the proposal.

Recommendation

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