DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H20-1033-23**	**Applicant:**	**Mr P Heanes**
Proposal:	Proposed storage building (for personal use) and extension to domestic curtilage - re-submission of H20-0761-23		
Location:	147 Chapelgate Sutton St James Spalding		
Terminal Date:	22nd January 2024		

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
28	The Natural Environment
29	The Historic Environment
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

2 Achieving sustainable development
4 Decision-making
12 Achieving well-designed places
14 Meeting the challenge of climate change, flooding and coastal change
15 Conserving and enhancing the natural environment
16 Conserving and enhancing the historic environment

Planning Practice Guidance.

Representations:

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

NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	2
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

The proposal relates to the erection of a storage building for motorbikes (Personal Use) and extension to domestic curtilage.

The dimensions of the structure are 18.3 metres long, x 9 metres wide x 4.9 metres high.

The materials are olive green plastic coated corrugated sheets to the walls and roof. The structure incorporates guttering to control surface water drainage. The scheme incorporates a hawthorn hedge.

The proposal is situated in a yard that was agricultural in nature and a former piggery. This was part of a bigger site - the fields belonging to the piggery have been sold off for housing. The red line of the application is arranged so that part of the former yard is to become part of the domestic curtilage of the host bungalow, making it into a residential curtilage. The shape of the curtilage is unconventional as it excludes a large commercial building on site which still operates, and an adjacent bungalow belonging to a relative. Two temporary cabins exist on site, that appear to be site cabins for the adjoining residential development, which would be removed as a result of the proposal as they are in the same location.

The proposed storage building would be situated 9.5m in from the boundary with Taylor's Drove and an IDB drain and set in 2m from the boundary with residential development of 30 dwellings under construction at the present time. The proposed building is 11m from the commercial building on site. One small terraced residential property, approved but not yet constructed, will be in close proximity to the proposed structure comprising of a residential dwelling belonging to a small terrace of properties representing the new residential estate to the south.

The proposal is a re-submission of an earlier refusal and incorporates a hedge to provide biodiversity value.

Site Description

The site is situated on the south side of Chapelgate,within the settlement boundary of Sutton St.James. The planning unit as part of this application encases 147 Chapelgate, a bungalow, two agricultural storage sheds and two cabins stacked on top of one another plus a yard area with various vehicles, open storage and agricultural machinery on parts of the site. The Bungalow Avalon is excluded from the red line area which it is understood is within the ownership of a relative. A blue line area is shown adjacent to Taylor's Drove which houses a further agricultural building marked as a commercial building.

Planning permission has been granted for 30 dwellings to the immediate south of the site on the former piggery area, which was part of the overall piggery complex. Part of that site is under construction. There is currently no permanent boundary between the site under construction and the application red line area, apart from temporary Heras fencing.

History

Application Site:

H20-0761-23 - Proposed storage building for motorbikes (Personal Use) and extension to domestic storage. Refused 10 November 2023 for the following reasons:

1. The proposal, by reason of its size, scale, massing, appearance and siting in proximity to plot 30 of the development approved under reference H20-0947-21 adjacent, would adversely affect the view, outlook and residential amenity of the neighbouring property once constructed. The proposal is not well designed as per Paragraph 134 of the National Planning Policy Framework 2023, fails to create a sense of place or respect and relate sensitively with the character and appearance of the immediate locality within which it is located. As such it is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 which requires high quality and inclusive design, a sense of place, respecting the size, scale, layout, character, relationship and massing of neighbouring buildings and does not impact upon neighbouring uses by visual intrusion or affecting residential amenity.

2. The proposal fails to include a Flood Risk Assessment that follows Standing Advice, or surface water information to demonstrate that the development can be made safe for its lifetime without increasing flood risk elsewhere. In particular, Footnote 55 of Paragraph 167 of the National Planning Policy Framework 2023 states that "A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3." As such the proposal is contrary to Policy 4 of the South East Lincolnshire Local Plan, 2019, which requires applications to demonstrate adequate water resources and drainage are maintained and managed, and to ensure opportunities through layout, form, mitigation and green infrastructure provide appropriate flood resistance and resilience measures and flood betterment to reduce the risk of flooding overall.

3. The proposals fail to include information or mitigation in relation to biodiversity net gain which is contrary to Policy 28 of the South East Lincolnshire Local Plan, 2019 which seeks to assess proposals directly or indirectly affecting biodiversity assets by assessing if the benefits of the proposal would outweigh the adverse impacts on the site and wider network of natural habitats and promoting biodiversity net gain 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.

Adjacent site - immediately to the south

H20-0296-23 - Residential development comprising 30 dwellings with associated estate roads, landscaping & open space - approved under H20-0947-21. Modification of Condition 6 to allow for occupation of dwellings on part of site that is not classified as contaminated i.e. Plots 1 to 12 inclusive before verification report is submitted. - Approved 9 August 2023

H20-0689-22 - Details of external materials, contamination, external boxes for gas and electricity, construction management Plan/method statement, estate road phasing and completion plan and foul water drainage works (conditions 3, 5, 9, 11, 13 and 14 of H20-0947-21). Approved 9 December 2022.

H20-0947-21 - Residential development comprising 30 dwellings with associated estate roads, landscaping and open space. Approved 24 May 2022.

H20-0043-18. FULL. Residential development for 27 dwellings including roads.
Included S106 to provide four affordable dwellings and an education contribution calculated at that time to be £84,957. Approved 25-02-19.

H20-0284-16. OUTLINE. Residential development - up to 42 dwellings. Included S106 contribution to provide for education calculated at that time to be £137,367. Approved 06-06-17.

Consultation Responses

SHDC Environmental Protection

A land contamination condition should be applied at this location. The standard condition can be

modified so that this is applied only if contamination is found.

North Level IDB

No observations.

LCC Historic Places Team

No archaeological input required.

LCC Highways and Lead Local Flood Authority

No objection.

The proposed new building, to be used for the storage of the applicants own motor cycle collection, does not involve any alterations to the access arrangements for the subject property. Provided the extension of the residential curtilage does not involve any other or new construction or any change of use, then it is not expected that the proposed development would have an unacceptable impact upon highway safety. The highway authority does not therefore wish to object to the grant of consent for this application.

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.

SHDC Conservation Officer

The site is set within visual range of the Grade II listed remains of the St Ives cross. However, the proposal would be situated at such a distance from the heritage asset that it would not risk altering the character of the listed asset. It should also be noted that the nature of the asset is such that developments at such a range do not risk its overall setting and therefore value.

Furthermore, similar storage/commercial structures are already visible within close proximity to the setting.

Therefore, for the above reasons the proposal would not risk impacting upon the setting or significance of the heritage asset, and therefore, by virtue of a lack of impact, this proposal would preserve its significance, as is required by Policy 29, Section A (3) of the SELLP. Resultantly, the case officer may continue to consider this application in accordance with Policy 29 of the SELLP and S16 of the NPPF in addition to all other relevant policy and guidance considerations.

Planning Considerations

Evaluation

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

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 this report.

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.

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.

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 site is within the defined settlement boundary of Sutton St. James which is designated as a Minor Service Centre. Within the settlement boundaries of the Minor Service Centres, development is 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. Development will normally be limited to Allocated and Committed sites and infill.

The proposed structure is for domestic use connected with a residential dwelling and as such there is no objection in principle to the development within the settlement boundary and as a result there is no conflict with Policy 1 of the SELLP. Its acceptability will therefore depend on other material considerations.

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

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful 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 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.

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.

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.

This application has been subject to pre-application discussions following the earlier refusal, and the scheme has been designed to ensure that the position and scale of the structure reflects the use of the former piggery whilst also protecting residential amenity of future dwellings, albeit now in a domestic setting converted from the piggery. The building has been re-orientated so that the scale of the structure is within the site, rather than the main bulk of the structure being along the boundary with adjoining future residential properties to the residential development to the immediate south. This fundamentally improves the layout and scale, particularly in relation to the adjoining residential development.

Whilst it is recognised that the structure is large, it it situated within what was formerly an agricultural yard, now a large residential plot with other large agricultural style structures remaining on site. It still resembles a farm. The large structure is not significantly out of character as a result, and resembles a farm structure. As long as the use is controlled so that it is to be used for domestic storage purposes only, it is considered that the revised siting of the building is acceptable, and would not adversely affect the character of the area or immediate locality or street scene.

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 (December 2023).

Impact on Residential Amenity/Land Users, including Neighbouring Future Residents

Paragraph 135 of the National Planning Policy Framework (December 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) set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Application H20-0947-21 approved 30 houses immediately south of the application site to be developed in two phases as part of the redevelopment of the fields associated with the piggery. Plots 27 to 30 represent a small row of terraced dwellings which are in very close proximity with the proposed structure and are set 'flank on' to the proposed structure. The previous refusal saw the storage shed spanning the entire length of Plot 30 at the end of this terrace, dominating the plot and garden. The current proposal is now 'flank-on' and aligned with the flank of Plot 30 of the proposed housing estate and therefore the dominating and overbearing impact of the structure is significantly lessened. It is now thought that the structure would adversely not affect the amenity of the terrace or Plot 30, or the rest of the terrace. Their views and outlook would not be significantly affected.

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 future 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 (December 2023), and Policies 2 and 3 of the Local Plan.

Flooding Considerations

Section 14 of the National Planning policy Framework (December 2023) 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 168 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 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 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.

Paragraph 159 of the National Planning Policy Framework states 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.'

Sutton St. James is not within an area of flooding according to the Updated Strategic Flood Risk Assessment Residual Flood Hazard District Map for the Present Day (1% Fluvial/0.5% Tidal) Event Probability or the equivalent 2115 version.

Environment Agency LiDAR shows that the site is flat with ground levels typically between +1.7m OD and +1.9m OD. Chapelgate carriageway to the north of the site is at a level of +2.2m OD. The site is in the North Level Internal Drainage Board (IDB) District. Surface water at the site would naturally drain through soakaway and hence to the IDB drain system. There is a riparian drain on the western boundary of the site and an IDB Drain 100m east of the site.

In the previous case, one of the previous reasons for refusal related to the lack of a Flood Risk Assessment. For the current scheme, a Flood Risk Assessment has been submitted. It has now been demonstrated that whilst in Flood Zone 3, the site is not within an area of flooding taking into account the flood maps.

In addition, Table 2 of the PPG Flood Risk and Coastal Change categorises different types of uses and development according to their vulnerability to flood risk. The proposed development is classified as 'Less Vulnerable'. Table 3 of the PPG Flood Risk and Coastal Change sets out Flood Risk Vulnerability and flood zone 'compatibility'. Whilst acknowledging the site is within Flood Zone 3, as the development is 'Less Vulnerable' therefore it is not necessary to complete the Exception Test.

The Flood Risk assessment does recommended that surface water run-off is managed so that stormwater from the site will not affect any adjoining properties or increase the flood risk elsewhere. It is considered this can be achieved using the guttering as part of the design. This can be controlled by condition.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

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.

One of the reasons in the previous refusal related to the lack of biodiversity measures incorporated into the scheme. Following pre-application discussions, the scheme has been revised to improve biodiversity in the form of a hawthorn hedge. A condition can also be imposed in relation to installing swift/bird boxes to the structure. This is considered to be adequate to demonstrate biodiversity net gain in relation to the proposal. It is not considered, therefore, that the proposal conflicts with policy 28 of the SELLP.

Heritage Matters

In assessing proposals of this nature, the Local Planning Authority must ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

The National Planning Policy Framework (NPPF) (December 2023) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

The site is set within visual range of the Grade II listed remains of the St Ives cross. However, the proposal would be situated at such a distance from the heritage asset that it would not risk altering the character of the listed asset. It should also be noted that the nature of the asset is such that developments at such a range do not risk its overall setting and therefore value.

Furthermore, similar storage/commercial structures are already visible within close proximity to the setting.

Therefore, for the above reasons the proposal would not risk impacting upon the setting or significance of the heritage asset, and therefore, by virtue of a lack of impact, this proposal would preserve its significance, as is required by Policy 29, Section A (3) of the SELLP. The proposal is not in conflict with Policy 29 of the SELLP.

Impacts of Climate Change

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

The proposals do not increase vulnerability to impacts relating to climate change to warrant refusal of the proposal, particularly as the design incorporates guttering to control surface water.

Taking the above into account it is considered that given the details submitted and those required

by suitably worded condition, the proposal is acceptable in this regard. The proposal would therefore be in accordance with Policy 31 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework (December 2023).

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 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. Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards.

The proposal relates to the domestic storage of the applicant's private motor cycle collection. The size of the storage building is large and exceeds minimum parking requirements in Appendix 6 of the SELLP. The Local Highway Authority does not object to the proposals as the use of the building does not alter the existing highway arrangements or vehicle generation levels. There is therefore no significant highway impact as a result of the proposals.

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 (December 2023).

Planning Balance

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

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, and adequately controls surface water, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

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

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4, 28, 31 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023). The are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

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.