

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-1087-24 **Applicant:** Mr M Hayes

Proposal: Proposed new dwelling including the demolition of existing domestic workshop

Location: Oak Lodge Saltney Gate Saracens Head

Terminal Date: 5th 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
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework (December 2024)

Section 2 - Achieving sustainable development
 Section 4 - Decision-making
 Section 5 - Delivering and sufficient supply of homes
 Section 11 - Making effective use of land
 Section 12 - Achieving well-designed places
 Section 14 - Meeting the challenge of climate change, flooding and coastal change
 Section 15 - Conserving and enhancing the natural environment
 Section 16 - Conserving and enhancing the historic environment

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1

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

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the demolition of an existing domestic workshop within the site, and the erection of a dwelling. The proposed dwelling would comprise a 1.5 storey dormer bungalow which is proposed to face towards the east of the site. Vehicular access is proposed from the northern boundary, on Washway Road.

Site Description

The application site comprises land at north of Oak Lodge, Saltney Gate, Saracens Head. The site is within the settlement boundary of Saracens Head, as identified by the South East Lincolnshire Local Plan 2011-2036 and the accompanying policies map. The site features a domestic workshop building which is used in association with Oak Lodge.

Saracens Head Garage is located to the west of the site. The site is otherwise bounded by residential development, except to the north where Washway Road is located.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Planning History

H23-1136-01: Erection of a two storey and single storey extension - approved 05 December 2001

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

Lincolnshire County Council - Highways and SUDS: No objections. The proposal is for a new dwelling including the demolition of existing domestic workshop that will require a new vehicle access which is positioned to provide suitable visibility to allow drives to judge if it is safe to complete the manoeuvre on to the highway. Sufficient parking provision has been provided and although there is no turning facility to allow vehicles to enter and leave in a forward gear, this will not be detrimental to highway safety as vehicle speeds on Saltney Gate are low as they approach the bend and there are similar accesses within the vicinity of this site. Therefore, it does not have an

impact on the Public Highway or Surface Water Flood Risk. Informatives are recommended.

Environmental Protection: I request a standard land contamination condition be applied at this location.

Whaplode Parish Council: Being adjacent to the engineering works concern about noise disturbance and contamination, the latter should be subject to close scrutiny. The entry and exit for the property is very tight on a bend and Lincs Highways should be consulted.

South Holland Internal Drainage Board: The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees. Byelaw 3 (Treated Foul Water) I note that the applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. Section 23, Land Drainage Act 1991 I note the presence of a Board Maintained watercourse (DRN206G4901 - P49 Scarlet Gate) adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). Byelaw 10 I note that the proposed new permanent dwelling as shown in drawing number PP1000 Rev B (Swann Edwards Architecture, January 2025) is within 9 metres of the aforementioned Board Maintained watercourse. Permanent structures within 9 metres of a Board Maintained watercourse are not likely to be acceptable under the Board's Planning and Byelaw Strategy, therefore the Board objects to this proposal.

Historic Environment Officer: It is noted that the applicant has not provided an assessment of the historic environment potential of the site, as outlined in the NPPF (paragraph 207). The proposed development is located in an area of Saxon and Medieval archaeological potential. 'Roman Bank' is located to the north of the site and salt production sites are also known from this area. The Historic Environment Record (HER) confirms that the site is within Monument record MLI20379 - medieval salterns. Other monuments are near the proposed site: MLI82493 - Undated Hearth Lining, Roman Bank 'An undated ditch and pit was recorded during a watching brief. Previous archaeological interventions have taken place in the area. The proposed development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction (NPPF Paragraph 218). I recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a phased programme of archaeological mitigation work including, but not limited to a continuous archaeological monitoring (watching brief) to enable any remaining archaeology which currently survives on this site to be properly recorded prior to its alteration or destruction. This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is in accordance with National Planning Policy Framework paragraphs 207 and 218 and the South East Lincolnshire Local Plan (Policy 29).

Conservation Officer: No response received.

Clr A C Beal: No response received.

Clr P A Redgate: No response received.

Ecology Officer: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received. The response is summarised below:

- The "small mechanical workshop business" the application refers to is a working garage that has been part of the village community and has been in business since 1928.
- Given the number of environmental and parking complaints we have received over the years from the neighbouring properties, we are surprised to see an application for an area even closer to the garage and overlooking it.
- The garage will continue to operate, and we do not want to be troubled by more complaints regarding noise and parking.
- If approved - Clarification is needed: During the build stage, will the land be accessed via Washway Road or Saltney Gate?
- We presume soil contamination samples/tests will be carried out as the proposed land was initially used as a haulage yard.
- Can the applicants confirm that their insurance will cover any damage caused to Saracens Head Garage during the build?
- The proposed drive looks extremely narrow; we presume all checks have/will be taken to ensure the turning point from Holbeach is achievable.
- Post-build, we will require access to the walls/roof/guttering for maintenance and repairs.

Key Planning Considerations

Development Plan

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

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

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Flood Risk;
- Biodiversity; and
- Contamination.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of

development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the defined settlement of Saracens Head which is an 'Other Service Centres and Settlement'. Policy 1 sets out that within this type of settlement, development will normally be limited to Committed sites and infill. As the proposal is for a minor residential development, the scale of the development is acceptable in principle. It is however necessary to assess the proposed development against other relevant material considerations, as assessed below.

Design and Visual Impact

Paragraph 135 of the NPPF 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.

Policy 2 of the 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.

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

The proposed dwelling would comprise a 1.5 storey dormer bungalow, featuring a gable end roof line. The proposed dwelling measures approximately 7.6m up to the ridgeline.

The street scene along Washway Road is varied and features a mix of dwelling types and sizes. Most of the dwellings are set back from the road frontage and feature front driveways and gardens, whereas the proposed dwelling would be located close to the road frontage. For example, the proposed side elevation is approximately 1.5m from the pavement next to the site. The proposed dwelling would also be located closer to the road frontage than the existing building within the site. The frontage of the proposed dwelling would face to the east, whereas most of the nearby dwellings on Washway Road face towards to the north, towards the road frontage. The siting and orientation of the dwelling would therefore differ from other existing dwellings within the street scene. The site is however next to Saracens Head Garage, which is located on the corner of Washway Road and Saltney Gate. The garage building is located next to the road frontage and faces to the west. There is therefore not a strict uniformity in terms of the existing development within the street scene and the proposed dwelling would represent a transition towards the corner building. The proposed siting of the dwelling is therefore acceptable on balance.

The proposed materials such as the brickwork and tiles are not yet confirmed. As such, further details relating to the materials would need to be secured via a condition.

The visual impact of the proposed development is acceptable. The proposed development would therefore not cause an adverse impact to the character or appearance of the area, and would therefore accord with Policies 2 and 3 of the Local Plan, and Sections 12 and 16 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF 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 Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed dwelling would face towards the east, where The Maltings (a dwelling) is located. The Maltings faces to the north, towards Saltney Gate. The proposed dwelling would therefore not face directly onto any elevations of The Maltings. As such, the proposed dwelling would not result in an unacceptable degree of overlooking with The Maltings.

The other nearest dwelling is Oak Lodge which is the host dwelling in this case and is located to the

south of the site. The southern elevation of the proposed dwelling would comprise a side elevation and would face towards Oak Lodge to the south. The side elevation of the proposed dwelling would feature first floor windows connected to a bedroom, and ground floor bifold doors connected to a living room area. There would be approximately 15m between side elevation of the proposed dwelling, and the nearest elevation of Oak Lodge. The boundary treatments are not yet confirmed, however, provided a suitable boundary treatment is proposed between the properties, the proposed dwelling would not result in an unacceptable degree of overlooking between the properties. The boundary treatments could be secured by condition.

Due to the proposed siting and scale of the dwelling, the proposed dwelling would not overshadow neighbouring dwellings to an unacceptable degree.

There are no dwellings to the west of the site, only a garage. Whilst there might be some disturbance from the garage business it is not considered that this would cause an adverse impact on the living conditions of future occupants. Furthermore, the council's environmental protection team have not raised any objections in terms of noise or disturbance.

A representation has been received on behalf of the garage business setting out concerns with the proposals. For example, the representation sets out concerns that future occupants might raise complaints in terms of noise and parking issues. The proposed dwelling would be located close to the garage building. For example, the rear elevation would be approximately 3.5m from the closest elevation of the garage building. Oak Lodge is also located relatively close to the garage (approximately 9m). However, as set out above, the council's environmental protection team have not raised any objections in terms of noise disturbance, neither have they recommended any noise mitigation conditions.

As detailed above, the proposed development would not result in an unacceptable impact on the residential amenity of neighbouring dwellings or future occupants. As such, the proposal accords with the provisions of the Section 12 of the NPPF (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

Two tandem parking spaces are proposed to the rear of the dwelling. The spaces would be accessed from Washway Road. Lincolnshire County Council's highways team have set out that they have no objections to the proposed access and parking arrangements. The highways team have acknowledged that although there is no turning facility to allow vehicles to enter and leave in a forward gear, this will not be detrimental to highway safety as vehicle speeds are low in the area, and there are similar accesses within the vicinity of this site. The proposal would therefore have an acceptable impact in terms of highway safety and would therefore accord with Local Plan Policies 2, 3 and 36, and Section 9 of the NPPF.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

Policy 2 of the Local Plan requires proposals to meet sustainable development considerations

including in relation to sustainable drainage and flood risk (part 7).

Policy 4 of the Local Plan requires proposals in Flood Zones 2 and 3 to be supported by sufficient information relating to flood risks associated with the development.

Paragraph 181 of the NPPF sets out how local planning authorities should ensure that flood risk is not increased elsewhere, including that development should only be allowed in areas at risk of flooding where it can be demonstrated that criteria a) to e) can be addressed.

Paragraph 182 of the NPPF sets out that applications which could affect drainage on or around the site should incorporate sustainable drainage system to control flow rates and reduce volumes of runoff.

The site lies within Flood Zone 3, as identified within the Environment Agency's Flood Maps. Policy 4 of the Local Plan sets out that development in Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. The proposed development is therefore required to pass the sequential and exception tests. The application is accompanied by a Flood Risk Assessment (FRA), which contains sections relating to how the applicant considers that the proposed development passes the sequential and exception tests.

The NPPF requires the application of a sequential test to ensure that new development is in areas with the lowest probability of flooding. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. It is not considered that there are any site-specific reasons as to why the proposed dwelling needs to be located within Saracens Head as opposed to another settlement. The submitted FRA does not contain a site search exercise to demonstrate if other sites have been considered and discounted. Notwithstanding this, it is recognised that the vast majority of the council area is within Flood Zone 3 and there are limited opportunities for new housing within lower risk flood areas. It is therefore considered that the sequential test is passed.

In terms of the exceptions test, Paragraph 178 of the NPPF requires the following to be demonstrated:

"a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

The proposed dwelling would make a minor contribution to the housing supply of the district, providing one dwelling in a relatively small settlement within the district. There would therefore be some benefits as future occupants could support local services and facilities.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. The site is located within a 'low hazard' area as identified within the SFRA. Within low hazard areas, minor residential development is generally acceptable provided suitable mitigation is proposed. The proposed mitigation within the submitted FRA sets out that the finished floor levels of the new dwelling shall be set at 0.3m above the surrounding ground level, and that the dwelling shall incorporate 0.3m of flood resilient construction above the finished floor level. This accords with the recommendations of Appendix C of the SFRA.

Notwithstanding this, South Holland Internal Drainage Board (IDB) have objected to the proposed development as the proposed dwelling would be within 9m of the IDB maintained watercourse which is to the east of the site. The IDB have set out that permanent structures within 9m of a IDB maintained watercourse are not likely to be acceptable under the Board's Planning and Byelaw Strategy. Whilst the Board's byelaws are separate from the planning system and process, it is necessary to consider whether the proposed development is acceptable in terms of the proposed flood risks and drainage strategy. If the IDB is unable to maintain access to their asset, this could increase flood risk elsewhere such as through blockages and issues with the watercourse next to the site. It is therefore considered that the proposed development would not pass the exceptions

test as the development could potentially increase the risk of flooding elsewhere.

Policy 4 of the Local Plan requires proposals to ensure that suitable access is safeguarded for the maintenance of water resources, drainage and flood risk management infrastructure (part h). This is supported by Paragraph 171 of the NPPF which requires planning policies to take advice from flood risk management authorities such as internal drainage boards. As the proposal would conflict with the IDB's byelaws and potentially compromise access to the IDB's watercourse, the proposal would conflict with part h of Policy 4.

Furthermore, the proposed drainage strategy is to dispose of surface water via infiltration. No evidence has been submitted to demonstrate the feasibility of this such as soil permeability testing. Whilst further details could be secured by condition, it is also noted that the site is unlikely to be able to accommodate a soakaway for the infiltration as soakaways are meant to be at least 5m from a building and 2.5m from a boundary. This is required by Building Regulations, which are also separate from the planning process but nonetheless relevant in terms of whether the proposal will eventually be acceptable. Due to the small size of the site and the location of the dwelling, it is not considered that soakaways would be suitable. The IDB have also set out that any discharge should be in line with the non-statutory technical standards for sustainable drainage systems, therefore the IDB is unlikely to grant consent for discharges in excess of greenfield rate. Part e of Policy 4 of the Local Plan requires proposals to incorporate sustainable drainage systems, unless it is demonstrated that this is not technically feasible. The NPPF similarly supports the use of sustainable drainage systems (Paragraph 164a).

It is therefore considered that the proposed development does not accord with Policy 4 of the Local Plan and section 14 of the NPPF as it is unclear if the proposal would increase the risk of flooding, and it is unclear if the site can accommodate a sustainable drainage system.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 set out that sites of biodiversity value should be protected. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units. Exemptions to this are outlined within The Biodiversity Gain Requirements (Exemptions) Regulations 2024. Section 8 of the Regulations outlines the following:

"The biodiversity gain planning condition does not apply in relation to planning permission for development which:

- (a) consists of no more than 9 dwellings;
- (b) is carried out on a site which has an area no larger than 0.5 hectares; and
- (c) consists exclusively of dwellings which are self-build or custom housebuilding"

The applicant has submitted a Biodiversity Exemption Statement setting out that the development is exempt as the proposed dwelling is for a self-build / custom dwelling. The local planning authority agrees with this assessment and would require a legal agreement such as a unilateral undertaking to ensure this is complied with.

Contamination

The public representation that was received during the consultation period for the application queried whether soil contamination samples and tests will be undertaken. The council's environmental protection team have recommended a condition requiring the submission of a contamination assessment, and the submission of any additional information if required (such as verification information if remediation is needed).

Other Matters

The public representation received for the application queried whether the applicant can confirm

that their insurance will cover any damage caused to the garage building next to the site. This is a civil matter rather than a material planning consideration and as such, the local planning authority is not able to take this into account or to clarify.

The representation also queries whether access to their walls / roof / guttering will be retained for maintenance and repairs. This is also a civil matter. As the dwelling is not proposed to adjoin the garage building, it is likely that access can be retained for maintenance purposes.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed development in this instance would provide one dwelling, providing a very minor contribution to the supply of homes within the district and more specifically, Saracens Head. This is a minor contribution and is afforded little weight. The proposed development would provide a minor economic benefit in terms of providing employment during the construction phase of the development. Similarly, this is afforded little weight. The local planning authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment (6.4 years as of 31 March 2024). Therefore, full weight can be attributed to the policies in the South East Lincolnshire Local Plan 2019.

Whilst the proposed development is broadly acceptable, the proposed development is unacceptable in terms of flood risk and the lack of a suitable drainage strategy. South Holland IDB have objected to the proposed development as the proposed dwelling would be within 9m of their watercourse which is to the east of the site. The IDB have a byelaw which does not allow for permanent structures within 9m of their watercourses. Allowing the dwelling in its proposed location could undermine the IDB's ability to maintain their watercourse, which could increase the risk of flooding on or off site. Furthermore, the feasibility of the proposed sustainable drainage system (in this case soakaways) has not been demonstrated and it is considered unlikely to be acceptable due to the small size of the site. The proposal would therefore conflict with Policy 4 of the Local Plan and Paragraphs 178, 181 and 182 of the NPPF.

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 would conflict with Policies 2 and 4 of the Local Plan, and section 14 of the NPPF (particularly Paragraphs 178, 181 and 182). The harm that would result from the potential increase in flood risk and the lack of a suitable drainage strategy is greater than the minor benefits of providing one dwelling.

Recommendation

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