

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-0362-25 **Applicant:** Ms Clarkson

Proposal: Details of written scheme of archaeological investigation & intention to commence at least 14 days before the start of archaeological work (Conditions 3 & 4 of H01-0779-24)

Location: 83 Backgate Cowbit Spalding

Terminal Date: 9th June 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

29 The Historic Environment

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework (December 2024)

Section 16 - Conserving and enhancing the historic environment

National Guidance

Representations:

	Object	Support	No Obj.	Comments
HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge conditions 3 and 4 of permission H01-0779-24.

Permission H01-0779-24 granted consent for a proposed single storey rear extension and internal alterations at 83 Backgate, Cowbit.

Site Description

The site comprises land at 83 Backgate, Cowbit, which features a detached single storey bungalow and its associated garden space and driveway.

Relevant Planning History

Application Site:

H01-1042-78: (Outline Application) Erection of bungalow and garage and alteration to existing vehicular access at Backgate, Cowbit - approved 09 November 1978

H01-0047-79: (Full Application) Erection of bungalow and garage with provision of access at Backgate, Cowbit - approved 23 February 1979

H01-0779-24: (Full Application) Proposed single storey rear extension & internal alterations - approved 06 November 2024

83A Backgate - to the rear of the site):

H01-1274-16: (Reserved Matters) Erection of detached bungalow - Outline permission H01-0748-15 - approved 18 January 2017

H01-0748-15: (Outline Application) Residential development - outline application for detached bungalow - approved 28 September 2015

Consultation Responses

Lincolnshire County Council - Historic Environment Officer: The submitted archaeological WSI meets the required standards, and we can recommend discharge in full of Condition 3 and 4 of H01-0779-24 (Details of written scheme of archaeological investigation and works commencement notice).

Key Planning Considerations

Condition 3 reads as follows:

"No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with Section 16 of the National Planning Policy Framework, December 2023. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019."

Condition 4 reads as follows:

"The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 3 above in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in

accordance with Section 16 of the National Planning Policy Framework, December 2023. This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019."

The application is accompanied by a Written Scheme of Investigation For Archaeological Monitoring and Recording (WSI), prepared by Witham Archaeology. A statement has also been submitted setting out that the applicant intends to commence works in May, once approval of the WSI has been obtained. As set out above, Lincolnshire County Council's Historic Environment Team have confirmed that the submitted archaeological WSI meets the required standards. The team has therefore set out that conditions 3 and 4 can be discharged.

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

The details address the requirements of conditions 3 and 4 of permission H01-0779-24.

Recommendation

Discharge conditions 3 and 4.