DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H01-1122-20**	**Applicant:**	**AC Building (Peterborough) Ltd.**
Proposal:	Details relating to archaeological investigation, scheme to deal with contamination, bat emergence/re-entry survey and boundary treatment (Conditions 4, 7 (i, ii), 9 & 10) of H01-0292-19		
Location:	22 Backgate Cowbit Spalding		
Terminal Date:	5th February 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment
29	The Historic Environment
30	Pollution

National Guidance

National Planning Policy Framework 2019

Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Details relating to archaeological investigation, scheme to deal with contamination, bat emergence/re-entry survey and boundary treatment (Conditions 4, 7 (i, ii, iii, iv), 9 & 10) of H01-0292-19.

Site Description

As original application.

Relevant History

H01-0292-19 - Outline application for the demolition of existing dwelling and workshop, erection of up to five detached dwellings including hard standing and access from Backgate (approved April 2019).

H01-0024-21 - s73 application - Demolition of existing dwelling and workshop, erection of up to 5 detached dwellings including hard standing and access from Backgate - approved under H01-0292-19. Removal of Condition 9 relating to bat emergence/re-entry (undecided).

H01-1047-20 - Reserved matters application for the erection of 5 dwellings and associated works - outline approval H01-0292-19 (undecided).

Consultation Responses

LCC Historic Environment Officer - I can confirm that the written scheme of archaeological investigation submitted meets the requirements of this office in respect of Condition 4 of permission H01-0292-19. We can therefore recommend that Condition 4 should be discharged. We look forward to the archaeological work taking place on site and receiving a copy of the final report in due course.

Lincolnshire Bat Group - We endorse the recommendation for integral bat boxes in the gable ends of suitable properties, as per the report and plans. Note the time limit on the validity of the survey - see Summary of Recommendations in the Executive Summary.

SHDC Environmental Protection - I have reviewed the Ground Engineering Limited report SITE INVESTIGATION REPORT 22 BACKGATE COWBIT SPALDING LINCOLNSHIRE Report Reference C15144 dated October 2020. I am in general agreement with the findings, and recommend discharge of condition 7 parts i & ii of H01-0292-19 with parts iii & iv outstanding. I look forward to receipt of the remediation method statement in due course with the details of the proposed ground gas protection measures. I strongly recommend a further 3 ground gas monitoring visits to characterise the ground gas regime at this location.

Planning Considerations

Condition 4 (archaeological scheme) - LCC's Historic Environment Officer has no objection to the submitted details.

Condition 7 (contaminated land scheme) - SHDC's Environmental Protection Officer recommends the discharge of parts i & ii of this condition, but parts iii & iv remain outstanding.

Condition 9 (bat emergence/re-entry survey) - A s73 application (H01-0024-21) has been submitted to remove this condition based on an updated Preliminary Ecological Assessment. Lincolnshire Bat Group have no objections to the removal of this condition.

Condition 10 (boundary treatment) - 2m high closeboard fencing is to be erected in between rear gardens, dropping down to 1.2m in height at the front of the properties. This is an acceptable arrangement. 2m high fencing should be sufficient to prevent overlooking at ground level based on a street view drawing submitted with the reserved matters application (H01-1047-20). The plans have been revised to also show 2m high closeboard fencing along the southern boundary of Plot 5 adjacent to the drain for safety reasons. 1.2m high post and rail fence would be erected to the rear to enable views of the adjacent field, and the agent for the applicant has confirmed that a clause will be inserted into the legal pack to ensure that the owners of the new dwellings are liable for the

maintenance of planting along the boundary if it were to grow through the fence.

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 into account, it is considered that Conditions 4, 7 (i and ii), 9 & 10 of H01-0292-19 can be discharged, with parts iii and iv of Condition 7 remaining outstanding.