DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H03-0675-22**	**Applicant:**	**Mr J Wyers**
Proposal:	Details of ecological biodiversity measures (Condition 8 of H03-0353-22)		
Location:	East Reach Farm Main Road Hop Pole		
Terminal Date:	1st September 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
28	The Natural Environment

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (NPPF, 2021)

Section 12: Achieving well-designed places
Section 15: Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application at East Reach Farm, Main Road, Hop Hole for details of ecological biodiversity measures (Condition 8 of permission H03-0353-22).

Site Description

The site currently comprises of two agricultural buildings that are located along the north-west end of the site. The site benefits from two access points off Littleworth Drove (Classified A road) that serve East Reach House and Fen Fields which are located south and south-east respectively.

History

H03-0452-22 - Details of landscaping, boundary treatments, proposed means of foul & surface water disposal and ecological biodiversity measures (Conditions 3, 4, 7 & 9 of H03-1182-21) -

Approved 13th September 2022.

H03-0353-22 - Proposed 4 bed detached dwelling - Approved 10th June 2022.

H03-1182-21 - Conversion of barns to form 2 dwellings - Approved 12th January 2021.

Consultation Responses

No comments have been received on the application.

Planning Considerations

Assessment

Condition 8 required ecological biodiversity measures to be installed in conjunction with the development in order to ensure biodiversity net gain. The proposal seeks to include the provision of one bird box and one swift nest box that would be positioned below the eaves on the north-east facing elevation. The proposed bird box and swift nest box alongside the proposed soft landscaping and tree planting scheme are considered to result in biodiversity net gain on the site and therefore condition 8 of permission H03-0353-22 can now be discharged.

Planning Balance

It is considered the submitted details in relation to condition 8 of permission H03-0353-22 is acceptable and therefore the application is considered to accord with Policies 1, 2, and 28 of the South East Lincolnshire Local Plan (SELLP, 2019) as well as the National Planning Policy Framework (NPPF, 2021). Condition 8 of H03-0353-22 can now be discharged.

Conclusion

Discharge condition 8 of permission H03-0353-22.

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.