DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H03-0890-22**	**Applicant:**	**Mr & Mrs Avery**
Proposal:	Details of Protected Species Survey Report. (Condition 13 of H03-0445-21)		
Location:	Lucks Bridge Farm South Drove Pode Hole		
Terminal Date:	8th February 2023		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
22	Replacement Dwellings in the Countryside
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application to address the details of a Protected Species Survey

Report (Condition 13 of 103-0445-21. This proposal seeks to provide details of a Protected Species Survey Report, and the location of bat and bird boxes. The applicant is also applying for a bat mitigation licence.

SITE DESCRIPTION

The application site is outside of defined settlement limits and the surrounding area is predominately rural, characterised by non-nucleated linear development of varying ages and designs. The site is in Environment Agency Flood Zone 3, and is in a "Danger for Some" hazard area, with a maximum predicted flood depth of 1 metre to the rear of the site. The dwelling will not be sited on this area, and is in an area with a maximum predicted flood depth of 500mm. The finished floor levels of the dwelling will be set at 600mm above ground level with a further 300mm of flood resilient and resistant construction.

RELEVANT HISTORY

H03-0445-21

Full - Demolition of existing dwelling and outbuilding and erection of 2 storey dwelling - Approved - 03 February 2022.

CONSULTATION RESPONSES

None

PLANNING CONSIDERATIONS

Condition 13 of H03-0445-21 states:

"All works should be in accordance with the recommendations of the submitted Protected Species Survey Report (Prepared by Elton Ecology Ltd - 5 August 2021). Specifically that two nocturnal emergence / re-entry surveys, comprising one dusk emergence survey and one dawn re-entry survey should be carried out during May to September inclusive, of each building to be demolished, to establish the presence / likely absence of roosting bats. The results of the surveys shall be submitted to the Local Planning Authority upon completion and prior to the demolition of the existing dwelling and outbuilding to agree appropriate mitigation measures if required. To enhance the site for bat species two Schwegler 2F bat boxes shall be installed on retained trees on the site and to enhance the site for bird species two Schwegler nest boxes (one of 32mm hole diameter and one of 26mm hole diameter) shall be installed on retained tree on the site.

Reason: In the interest of nature conservation. This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019, and the National Planning Policy Framework 2021."

Photographic evidence has been provided to show the bird and bat boxes in place on the site. Elevational drawings also show where swift bricks will be installed to aid biodiversity. Page 9 of the submitted Protected Species Survey Report provides detail of the nocturnal bat surveys as requested by Condition 13 of H03-0445-21.

PLANNING BALANCE

The swift and bat box photos show that the boxes are now successfully installed, and that the nocturnal bat surveys have been undertaken. Condition 13 of H03-0445-21 is now considered to have been successfully addressed.

CONCLUSION

This application is recommended for approval.

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.