DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0446-23**	**Applicant:**	**Mr A Stevenson**
Proposal:	Details of archaeological investigation and summer bat survey. (Conditions 3 and 6 of H04-0028-23)		
Location:	Wykes Manor Wykes Lane Donington		
Terminal Date:	7th July 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2021

Sections 12 and 16 of the National Planning Policy Framework (2021) (NPPF)

Representations:

	Object	Support	No Obj.	Comments
MATTHEW ADAMS - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This condition compliance application seeks to discharge Conditions 3 and 6 of H04-0028-23

Condition 3 stated the following:

"Excluding the following portions of the proposed development hereby approved;

- Interior layout alterations.
- Restorative/repair works (including; repair of windows, doors and the covered vent on the eastern elevation of the main house, repointing, cleaning of exterior surfaces, rainwater goods replacement and roof repairs).
- Addition of roof lights.
- Replacement / installation of doors and windows.
- Removal of modern timber lean-to to the main house.
- Removal of existing timber framed shelter and corrugated plastic roof over the traphouse external staircase, and installation of new metal balustrade.
- Removal and replacement of existing timber porch structure from North elevation of the traphouse.
- Conversion of three hatched openings on the North elevation of the traphouse to windows.
- Installation of new glazed screen and door behind shutter on the North elevation of the traphouse.
- Restoration of chitting shed.

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 national guidance contained in Section 16 of the National Planning Policy Framework, 2021. 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 6 stated the following:

"Prior to the commencement of any demolition works, the applicant shall be required to complete a summer bat survey conducted between the months of May and August. That report shall then be submitted to and approved in writing by the Local Planning Authority. The development shall then be conducted in accordance with the findings and recommendations of that report.

Reason: To ensure that the proposal hereby approved does not negatively impact upon local biodiversity and local populations of protected bat species.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019."

The applicant has provided both a scheme of archaeological investigation and a summer bat survey to evidence their proposal to discharge these conditions.

Site Description

As in host application.

History

As in host application

Consultation Responses

Lincolnshire County Council Historic Environment Officer

I can confirm that the written scheme of archaeological investigation submitted here meets the requirements of this office in respect of Condition 3 of permission H04-0028-23.

We can therefore recommend that the local planning authority could now discharge Condition 3.

We look forward to the archaeological work being carried out on site and receiving a copy of the final report in due course.

Lincolnshire Bat Group

I noted that there are a number of features the ecologists had identified with potential for bats roosting, such as gaps under ridge tiles, lead flashing, etc, (4.1) which was why I felt the need for further survey effort, as these are common roosting sites for pipistrelle species. The survey here was perfectly adequate, following guidelines and so forth, but it's worth noting the 3rd May date: female pipistrelles generally are known to start moving into their nursery/maternity roosts (where they gather to have their single babies) from about the middle of the month, and the large amount of pipistrelle activity noted on 3rd May, around a relatively isolated cluster of buildings, strongly suggests a potential roost likely to be present somewhere over the next three months. I would therefore strongly endorse the need for a 'toolbox' talk (4.2.1) before work starts - but to consider avoiding roof work before September/October to be on the safe side. As far as bitumen felt is concerned (4.2.2¬) this is always preferable, as breathable membranes can cause all sorts of problems with entanglement of bats' feet and other issues - see Non-Bitumen Coated Roofing Membranes (formerly BRMs) - Buildings, planning and development - Bat Conservation Trust (bats.org.uk)

Planning Considerations

Condition 3

The Lincolnshire County Council Historic Environment Office was consulted as a part of this application. Following a reading of the Scheme of Archaeological Investigation, it was confirmed that they are satisfied that this condition can be discharged.

Condition 6

The Lincolnshire Bat Group was consulted on this application and upon reading of the Summer Bat Survey, they described the document as *"perfectly adequate, following guidelines and so forth."*

However, they identified the following "it's worth noting the 3rd May date: female pipistrelles generally are known to start moving into their nursery/maternity roosts (where they gather to have their single babies) from about the middle of the month, and the large amount of pipistrelle activity noted on 3rd May, around a relatively isolated cluster of buildings, strongly suggests a potential roost likely to be present somewhere over the next three months. I would therefore strongly endorse the need for a 'toolbox' talk (4.2.1) before work starts - but to consider avoiding roof work before September/October to be on the safe side. As far as bitumen felt is concerned (4.2.2¬) this is always preferable, as breathable membranes can cause all sorts of problems with entanglement of bats' feet and other issues."

The Lincolnshire Bat Group, under the original application, requested that a Summer Bat Survey take place at a point between May and August. It is not reasonable to take issue, after the fact, with the specific date/s that the Survey was conducted, as it was within the range which was requested by them at the condition stage. Furthermore, it is not possible to apply further conditions at the condition discharge stage and therefore, it is neither possible nor reasonable to require that the applicant conduct a 'toolbox talk' prior to the commencement of roofing work or that they use specific materials where their details were not originally requested. The opportunity to request such conditions was at the consultation stage of the original host application.

Additionally, both bat and bird informative conditions are applied to the original consent, requesting that any discovered bats/bat nests be reported to Natural England and reminding the applicant that all birds, their nests and eggs are protected by law and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built.

Therefore, the Local Planning Authority is satisfied that, on the basis that the Lincolnshire Bat Group

described the supplied document as; *"perfectly adequate, following guidelines and so forth"* that this condition can be discharged.

Conclusion

For the reasons listed above, the Local Planning Authority considers this application to be in accordance with Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 16 of the NPPF. Therefore, 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.