DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H04-1101-20**	**Applicant:**	**Mr J Sandford**
Proposal:	Details relating to archaeology (Conditions 3 & 4 of H04-1190-17)		
Location:	Red Cow Hotel High Street Donington		
Terminal Date:	2nd February 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

29 The Historic Environment

National Guidance

National Planning Policy Framework 2019

Section 16 of the National Planning Policy Framework (2019) (NPPF)

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This condition compliance application is for the discharge of conditions 3 and 4 of H04-1190-17. Those conditions read as follows:

-3. 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."

-"4. 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."

In aid of discharging these conditions, the applicant has submitted details outlining the scheme of archaeological works.

Consultation Responses

Lincolnshire County Council Historic Environment Officer

The Lincolnshire County Council Historic Environment Officer confirms that the scheme of archaeological works is satisfactory and that this application is acceptable as due notification of intention to begin works, in line with condition 4.

Recommends discharging conditions 3 and 4.

Planning Considerations

Condition 3

The applicant has submitted a scheme of archaeological works which outlines the works which shall take place and the methodology involved. The Lincolnshire County Council Historic Environment Officer has been consulted and confirms that these details are sufficient to discharge condition 3.

Condition 4

The applicant intends for this application to act as sufficient notification in advance of archaeological works taking place. The Lincolnshire County Council Historic Environment Officer has been consulted on this application and confirms that they are satisfied that this application acts as an acceptable notification of such.

Conclusion

For the reasons listed above, this application is found to be in accordance with Policy 29 of the South East Lincolnshire Local Plan (2019) as well as Section 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.