DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0035-23**	**Applicant:**	**Highgrove Homes (Spalding) Ltd.**
Proposal:	Details of ecological biodiversity measures (Condition 2 of H09-1091-22)		
Location:	23 Jekils Bank Holbeach St Johns Spalding		
Terminal Date:	10th March 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

28 The Natural Environment

National Guidance

National Planning Policy Framework 2021

Section 15. Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This application is to discharge the following condition of application H09-1091-22:

Condition 2 - Ecological biodiversity measures

Site Description

As original application.

History

H09-1091-22 - Erection of bungalow - outline approval H09-0806-20 - Approved

Consultation Responses

No representations received.

Planning Considerations

Condition 2 - Ecological biodiversity measures

The proposal seeks to include the provision of one bat box on the western elevation installed at least 4 metres above ground level and one swift nest box installed on the eastern gable 5 metres from ground level.

The proposed biodiversity measures are considered acceptable and would ensure a net gain for biodiversity therefore condition 2 can be discharged.

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 Condition 2 of H09-1091-22 can be discharged.