

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0327-23 **Applicant:** Seagate Homes

Proposal: Details of written scheme of archaeological investigation (Condition 12 of H09-0950-22)

Location: Land South & West Of Tudor Lodge Fen Road Holbeach

Terminal Date: 7th June 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

29 The Historic Environment

National Guidance

National Planning Policy Framework 2021

Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Application to discharge Condition 12 of H09-0950-22, relating to the details of the archaeological investigation on site.

Site Description

Tudor Lodge comprises a substantial, extended inter-war dwelling set in extensive grounds, on the western side of Fen Road, within the settlement of Holbeach.

The application site consists of part of a paddock area of an agricultural holding, within the settlement boundary of Holbeach.

History

H09-0950-22 - Full. Residential Development - 9 dwellings. Approved 31-01-23.

H09-0980-21 - Full. Land North of Tudor Lodge. Residential development comprising 5 detached dwellings off a private drive. Approved 03-05-22.

H09-1260-21 - Prior Approval. Land at Tudor Lodge Fen Road. Change of use of agricultural building to dwelling. Approved 12-01-22.

Consultation Responses

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 12 of permission H09-0950-22. We can therefore recommend that the local planning authority could now discharge Condition 12. We look forward to the archaeological work being carried out on site and receiving a copy of the final report in due course.

Planning Considerations

The relevant consultee has stated that the submitted scheme achieves the aims of Condition 12 of H09-0950-22. They have recommended, therefore, that the condition be discharged.

Conclusion

Condition 12 of H09-0950-22 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.