DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0657-20**	**Applicant:**	**Mrs S Rickerby**
Proposal:	Details of archaeology (Condition 19 of H09-0426-19)		
Location:	Owl Barn 1 Thomas De Moulton Way Holbeach		
Terminal Date:	7th October 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

29 The Historic Environment

National Guidance

National Planning Policy Framework 2019

Section 16

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

The application is to discharge condition 19 of H09-0426-19 (details of archaeology).

Site Description

The site (some 0.032ha) is currently garden accessed via Thomas de Moulton Way, a private roadway. It currently has 1.8 metre high fencing along its frontage. A tree is situated along its southern boundary.

An existing garage associated with No 20 Park Road is situated to the north and bungalows located off a separate private roadway to the north-east and east. Gardens are situated to the south beyond a garden wall. A modern bungalow (No 2) is situated on the opposite side of Thomas de Moulton Way. The Mansion House (grade II listed) is situated further to the south west off High Street.

History

H09-0359-10 - Outline - Erection of dwelling - Refused 6 August 2010.

H09-0426-19 - Proposed bungalow, off Thomas de Moulton Way, Holbeach - Granted 26 July 2019.

Consultation Responses

LCC Archaeology - No objections and recommends the condition be discharged.

Planning Considerations

LCC Archaeology has been consulted and has indicated that the written scheme of archaeological investigation meets all of their requirements.

Conclusion

That condition 19 of H09-0426-19 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.