

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0778-20 **Applicant:** Mr S Sillwood
Proposal: Details of ecological survey (Condition 6 of H09-0480-20)
Location: Rosemead Stotons Gate Holbeach
Terminal Date: 10th December 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
28 The Natural Environment

National Guidance

National Planning Policy Framework 2019

Section 15. Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application that seeks permission for proposed details of ecological survey in accordance with Condition 6 of H09-0480-20.

Householder planning permission was granted under application ref. H09-0480-20 for two storey extension to the dwellinghouse and detached garage/carport/store at Rosemead, Stotons Road, Holbeach St Johns, Spalding.

The wording of the condition to comply with is as follows:

"Before any work is carried out on the building an ecological survey shall be carried out to determine the presence, or otherwise, of protected species (eg, bats and owls) upon the site and the results of such a survey shall be submitted to the Local Planning Authority. If protected species are present a working design, method and timetable to mitigate any harm to the species involved shall be submitted to and approved in writing before any works of demolition are commenced and thereafter be carried out in accordance with the approved details prior to occupation."

Reason: In the interest of nature conservation and because owls and bats are a protected species. This Condition is imposed in accordance with national guidance contained in Section 15 of the National Planning Policy Framework, 2019"

Site Description

The site was a former small agricultural holding comprising the farmhouse and barns to the south-west. It constitutes the only form of development in the vicinity. Stoton Gate is a nearly 2km long unmetalled adopted road across the Fenland flat open fields. The countryside lane is linked with Joys Bank (south) and Ravens Bank (north). The built-up area of Holbeach St Johns is approximately 560 metres to the south-west.

Rosemead is an old two-storey farmhouse. The site is heavily screened by a mature hedgerow of trees and planting onto Stoton Gate. An area of overgrown vegetation is to the south of the house abutting the site boundary. Further hedge is on the western (rear) boundary. Mature trees surround the house, especially to the rear of the building. A cluster of barns forming an L shape are roughly 60 metres to the south-west of the dwelling in adjacent land. All buildings are vacant and in state of disrepair. The barns benefit from extant permission for conversion to dwellinghouse via Appeal Decision (ref. APP/A2525/W/19/322346).

History

H09-0480-20 - Two storey extension & detached garage/carport/store - Approved

H09-0797-18 - Proposed vehicular access - Approved

Consultation Responses

SHDC Tree & Conservation Officer

No objection.

Requests for minor amendments to the content of the survey.

Lincolnshire Wildlife Trust

No objection.

Requests for minor amendments to the content of the survey.

Lincolnshire Bat Group

No objection.

Requests for minor amendments to the content of the survey.

Planning Considerations

The initial survey report has been altered in view of the minor amendments suggested by the consultees. In summary, the ecology survey successfully carries out research about the relevant species at such location and recommends measures for the conservation and enhancement of the biodiversity.

Conclusion

The relevant consultees have raised no objection to the ecology survey submitted with this application. The initial survey report has been altered in view of their suggestions for minor amendments.

It is accordingly recommended to approve this application via delegated powers and consequently discharge Condition 6 of H09-0480-20.

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.