DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-1142-22**	**Applicant:**	**Ashley King Developments Ltd**
Proposal:	Details of archaeological final report (Condition 10 of H09-0276-19)		
Location:	Land Off Fen Road Holbeach Spalding		
Terminal Date:	23rd January 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

This application is to discharge condition 10 of H09-0276-19 (details of final report relating to archaeology).

Site Description

The site is located on former pastureland on the south-east boundary of Holbeach. Access to the site is via the B1168 (Fen Road). To the immediate north and east of the site is a series of dwellings of various ages and size. The south and west are characterised by farmland.

Relevant History

H09-0276-19 - Full. Erection of 83 dwellings with associated garaging, roads, and sewers. Approved 8/10/20.

H09-0914-20 - Condition Compliance. Details of boundary treatment, external materials, foul water disposal, site levels, notification relating to archaeological work, details of 2.0 metre wide footway, finished surface levels, surface water drainage scheme, construction management, precautions for mud deposits on road, plan showing areas of publicly accessible open space and management plan for areas of publicly accessible and outdoor play areas (Conditions 4, 5, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17 of H09-0276-19). Approved 5/2/21.

H09-1261-21- Full. Erection of 6 dwellings and associated parking, previously approved under H09-0276-19. Approved 26/1/22.

Consultation Responses

Historic Environment Officer

"I can confirm that this detailed final report on this excavation off Fen Road, which we have already received directly from the archaeologists, does meet the requirements of this office. We can therefore recommend that the local planning authority could now discharge Condition 10 of permission H09-0276-19."

Planning Considerations

The Historic Environment Officer has stated that archaeological works are sufficient for Condition 10 to be discharged.

Conclusion

Condition 10 of H09-0276-19 can be discharged.

Conclusion

Approve.

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.