DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H12-0685-24**	**Applicant:**	**Bowmer + Kirkland & Department for Education**
Proposal:	Details of bat mitigation (Condition 14 of H12-0310-24)		
Location:	84 Little London Long Sutton Spalding		
Terminal Date:	9th October 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

28 The Natural Environment

National Guidance

National Planning Policy Framework 2023

Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application for the discharge of condition 14 attached to planning permission H12-0310-24.

The condition relates to bat mitigation. The condition requires:

Should the presence of bats be identified following emergence surveys the applicant shall, prior to any work of demolition to building 'EFAA shown on existing block plan SRP1155- LBY-ZZ-00-D-A-0200-P02' evidence that a successful application for a bat mitigation license has been achieved. The applicant shall also outline all of the compensation measures in order to discharge this condition.

Site Description

The application site is located to the north of Long Sutton, but within the settlement boundary fronting Little London. The existing site which is the base of university academy Long Sutton contains a 3 storey building that heavily fenestrated, a number of associated brick built outbuildings, car parks, nursery building, leisure centre and playing fields. Little London itself is made up of a broad mix of dwelling types, which form frontage development along the road away from the core of Long Sutton.

To the south is the existing butterfly park where an extant permission for a residential development is located, there is also a pending application on this site.

The application site is shown by the SFRA Hazard maps to be in a location 'danger for some', the application site is within the settlement boundary ad playing fields are allocated by the policies map.

Planning permission (see below) has been granted to demolish some existing buildings and in place regenerate the educational facility.

History

H12-0310-24 - Demolition of existing school buildings and redevelopment to provide a new three storey building for educational purposes (Use Class F1), revised internal vehicular and pedestrian circulation routes (including creation of revised vehicular drop off / pick up areas for buses and cars), sports and informal recreational spaces, landscaping, drainage, parking areas (including temporary parking provision during the construction phase) and all associated works. Approved 27-06-24

Consultation Responses

Lincs Bat Group - I'll file the results as sighting records. I note the main issue currently is the huge amount of lighting, which meant very low or late bat activity, so can I draw your attention to section 4.2 which makes future lighting recommendations.

Planning Considerations

Condition 14 - Bat presence following emergence surveys

The condition was attached as the preliminary Bat Roost report submitted with the application recommended further emergency surveys. The condition was based upon the fact that the building need to be demolished despite whatever the findings and given that the proposed development is in the public interest the LPA were will to support its demolition (subject to the correct consents).

The applicant has provided the emergence survey which show that the presence of bats were not found and therefore no further mitigation is required (such as applying for a mitigation licence).

Lincs Wildlife Trust have responded and will keep this information on file. They note that as the existing buildings contain external lightning this in fact may have worked to deter any roosting activity.

Therefore, on the basis of the Nocturnal Bat Survey Report and Aerial Tree Inspection and that it has been demonstrated that there is not a presence of bats, condition 14 is recommended for discharge.

Conclusion

Condition 14 attached to planning permission H12-0310-24.

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.