

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0287-23 **Applicant:** Burmor Construction Ltd

Proposal: Details of archaeological investigation. (Condition 7 of H14-0117-22)

Location: Land East Of Surfleet Road Pinchbeck Spalding

Terminal Date: 22nd May 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 7 of H14-0117-22, relating to the details of the archaeological investigation on site.

Site Description

The site is part of a wider land holding, to be accessed via Surfleet Road, within the settlement boundary of Pinchbeck. The land is greenfield and is viewed as being within an area of predominantly residential development. There is mature hedging to the boundaries of the site; this hedge will be lost to facilitate this development.

A private watercourse abuts the south and east boundary of the wider site, which conveys runoff south-east and ultimately to "Captains Drain" around 150m south of the development site.

The Topographical survey within the submitted flood risk assessment indicates levels at the location of the existing land to be ~3.05 Above Ordnance Datum (AOD) Levels show a fall from north to south of around 1:250, from around 3.61 AOD and 2.84 AOD respectively.

History

H14-0117-22 - Full. Development of 37 affordable dwellings. Approved 21/12/22.

H14-0557-22 - Outline. Development of 4 self-build plots. Approved 21/12/22.

Consultation Responses

Historic Environment Officer

"I can confirm that the written scheme of archaeological investigation submitted meets the requirements of this office in respect of Condition 7 of permission H14-0117-22. We can therefore recommend that the local planning authority could now discharge Condition 7. We look forward to the archaeological work taking place on site and being kept informed as the evaluation progresses"

Planning Considerations

The relevant consultee has stated that the submitted report achieves the aims of Condition 7 of H14-0117-22. The relevant consultee has therefore recommended that the condition be discharged.

Conclusion

Condition 7 of H14-0117-22 can 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.