DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0561-20**	**Applicant:**	**Mr & Mrs G Kitchen**
Proposal:	Details relating to archaeological investigation (Condition 12 of H14-1171-19)		
Location:	Enderby Barns Leaves Lake Drove West Pinchbeck		
Terminal Date:	8th September 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 12, 14, 15 and 16 of the National Planning Policy Framework (2019)

2 - Achieving sustainable development
4 - Decision making
5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change
15 - Conserving and enhancing the natural environment
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 is a condition compliance application for details relating to archaeological investigation (Condition 12 of H14-1171-19) at Enderby Barns, Leaves Lake Drove, West Pinchbeck.

Site Description

The site context is predominantly characterised by agricultural land. Residential development is further to the east around Six House Bank. Enderby Farm is the adjacent property which is located next to the road. A 176 metre long narrow driveway penetrates into the agricultural land where the barn and its outbuildings stand and provides access to road users.

The site location is not contained within any defined settlement limit as set out in the South Holland Local Plan 2006. The site is therefore open countryside.

History

H14-0738-07

Electricity - Proposed 11,000 overhead line - No objections - 26 July 2007.

H14-1212-17

Full - Change of use of agricultural building to dwelling (Use Class C3) - Approved - 14 February 2018.

H14-0348-19

Full - Change of use , including extension of agricultural buildings to create new dwelling, including siting of temporary caravan for accommodation purposes during build - Refused - 20 May 2019.

H14-1171-19

Full - Proposed change of use, including extension and re-instatement of agricultural buildings to create single dwelling - re-submission of H14-0348-19 - Approved - 09 March 2020.

Consultation Responses

LCC - Historic Environment Officer

I am pleased to confirm that this report meets all of our requirements in respect of Condition 12. We can now therefore recommend that it can be discharged.

Planning Considerations

Condition 12 of H14-1171-19 stated:

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological

mitigation in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2019. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019"

All the above criteria are considered to have been addressed and the Historic Environment Officer recommends full discharge of Condition 12 of H14-1171-19.

Conclusion

No further action is required and Condition 12 of H14-1171-19 can now be discharged in full.

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.