DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0271-21**	**Applicant:**	**Cley Developments Ltd**
Proposal:	Details of scheme of archaeological investigation (Condition 3 of H16-0601-17)		
Location:	Victoria Street Spalding		
Terminal Date:	11th May 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

Sections 12 and 16 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a condition discharge application for condition 3 of H16-0601-17 which stated the following:

"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 12 of the National Planning Policy Framework, 2012. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works."

The applicant seeks to discharge this condition via the Scheme of Archaeological Investigation submitted in supplementation to this application.

Site Description

As in host planning determination.

History

H16-0327-12

Demolition of former bakery and erection of 6 one-bed apartments. Approved on 04-02-13.

H16-0146-16

Demolition of dilapidated building and erection of 6 No. 1 bed apartments. Approved on 11-04-16.

H16-0530-16

Demolition of dilapidated building and erection of 6 one-bed apartments - approved under H16-0146-16. Modification of Condition 3 relating to affordable housing and wording of Condition 7. Approved on 11-07-16.

H16-0297-17

Erection of 7 apartments, including part demolition of existing brick building. Refused on 14-06-17.

H16-0601-17

Erection of 7 apartments, including part demolition of existing brick building (re-submission of H16-0297-17). Approved on 01-12-17.

Consultation Responses

Lincolnshire County Council Historic Environment Record

Accepts the Scheme of Archaeological investigation and reccomends that Condition 3 be discharged.

Planning Considerations

Condition 3

The Lincolnshire County Council Historic Environment Officer has been consulted and recommends, based upon the supplied documentation that condition 3 be discharged.

Conclusion

For the above reasons, it is determined that this application is in line with Policies 1, 2, 3, and 29 of the South East Lincolnshire Local Plan (2019) as well as section 16 of the National Planning Policy

Framework (2019). Therefore, this application is recommended for approval.

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.