

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0350-20 **Applicant:** The Glenholme Group
Proposal: Details of archaeology (Condition 5 of H16-0008-19)
Location: The Hungry Horse 108 Halmer Gate Spalding
Terminal Date: 25th June 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

29 The Historic Environment

National Guidance

National Planning Policy Framework 2019

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

Details of archaeology (Condition 5 of H16-0008-19).

Site Description

The application site formerly accommodated a public house with parking to the front and west of the building, accessed off Halmer Gate, and a grassed garden area to the rear.

It is within a residential area and existing houses in the vicinity vary in terms of size and age, ranging from bungalows to 3 storey properties.

There is tall conifer hedging along most of the eastern boundary between the application site and properties on Low Road.

Relevant History

H16-0524-19 - Details of Archaeology, foul water disposal, site levels, construction management plan and precautions to prevent mud deposits on road (Conditions 3, 7, 8, 9 and 10 of H16-0008-19)(approved August 2019)

H16-0649-19 - Details of scheme to deal with contamination and ecology report (Conditions 6 and 11 of H16-0008-19) (Approved July 2019)

H16-0008-19 - Full planning application for proposed 61 bedroom care home (approved April 2019)

Consultation Responses

LCC Historic Environment Officer - I can confirm that this report meets all of our requirements and we would therefore recommend that Condition 5 can now be discharged.

Planning Considerations

LCC's Historic Environment Officer has no objections to the submitted Archaeological Monitoring and Recording Report and, overall, it is considered that the submitted information in respect of Condition 5 of H16-0008-19 is acceptable.

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.

Conclusion

Taking the above into account it is considered that Condition 5 of H16-0008-19 can be discharged.