DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0543-21**	**Applicant:**	**Seagate Homes & Longhurst Group**
Proposal:	Details of written scheme of archaeological investigation (Condition 20 of H16-0668-16)		
Location:	Millfield Nursery Spalding Common Spalding		
Terminal Date:	8th July 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Details of written scheme of archaeological investigation (Condition 20 of H16-0668-16)

Site Description

As host consent.

History

H16-0668-16. OUTLINE. Residential development. APPROVED. 13-03-18.

Consultation Responses

LCC Historic Environment Officer

"I can confirm that these two written schemes of archaeological investigation for building recording of the historic windmill, and for the post-determination trial trench evaluation of the wider site meet the requirements of this office. We can therefore recommend that Condition 20 should be discharged.

I also note that a draft copy of the building recording report on the windmill has been submitted. This is satisfactory as a record of the historic mill, which may now be demolished.

However, the developer is reminded of the outstanding requirement to complete the trial trench evaluation once Demolition has taken place, and prior to any other groundworks. The final report of the building recording and the evaluation should be submitted and approved in writing by the local planning authority in due course as required by Condition 22, which remains outstanding and should not yet be discharged. Following the results of the archaeological evaluation, it may be necessary for a mitigation strategy to be agreed in order to protect or record buried archaeology. "

Planning Considerations

As can be seen above, the LCC Historic Environment Officer considers that the details submitted are sufficient to discharge this condition.

Conclusion

Approve.

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.