DECISION DELEGATED TO HEAD OF PLANNING

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Application No:	**H17-1149-22**	**Applicant:**	**Ashley King Developments Ltd**
Proposal:	Details of Final Archaeological Report (Condition 5 of H17-1187-21)		
Location:	Land Off Sunnydale Close Surfleet Spalding		
Terminal Date:	12th July 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

29 The Historic Environment

National Guidance

National Planning Policy Framework 2023

Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application is to discharge condition 5 of H17-1187-21 (details of final report relating to archaeology).

Site Description

The site is situated within the settlement boundary of Surfleet, as outlined within the South-East Lincolnshire Local Plan, 2019. The site is within the south-east corner of the settlement. To the north, south and west are residential properties. To the east is agricultural land.

Relevant History

H17-0085-24 - Non material amendment. Residential Development of 48 dwellings with associated garages, roads and sewers - approved under H17-1187-21. Amendment to garage location for Plot 44. Approved 28/02/24.

H17-0811-22 - Condition Compliance. Details of archaeological investigation, flood risk assessment and drainage strategy measures, proposed boundary treatments, publicly accessible open space, protected species report, open space management plan, storage and disposal of refuse and recycling, protection of trees, protection of existing hedge, swift nest bricks/boxes, external materials, Sunnydale Close access, gas and electricity external boxes, construction management, estate road phasing and completion plan, surface water disposal and design & location of road/footpath lighting. (Conditions 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of H17-1187-21). Approved 17/01/23.

H17-1187-21 - Full. Residential development of 48 dwellings with associated garages, roads and sewers. Approved 6/7/22.

H17-0793-20 - Full. Residential development of 75 dwellings with associated garages, roads and sewers. Refused 27/7/21.

H17-1035-17 - Section 73 modification. Residential development for 26 dwellings including roads, footpaths and open spaces, approved under H17-0652-15. Modification of condition 2 to allow amendments to previously approved plans. Approved 7/8/18.

H17-0732-17 - Condition compliance. Details of conditions 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22 and 23 of H17-0652-15. Approved 24/5/18.

H17-0652-15 - Full. Residential development for 26 dwellings including roads, footpaths and open spaces. Approved 3/4/17.

Consultation Responses

Historic Environment Officer

01/12/22 "The report submitted is marked as a provisional draft, and is understood to currently be incomplete.
Therefore, we recommend that Condition 5 of H17-1187-21 should not be discharged at this time."

21/06/23 "The current report (as submitted) has addressed the majority of Ian's concerns, however there is one area where specialist recommendations for further analysis do not appear to have been included in the final report. I've contacted the contractor to address this and they have returned to the specialist to further comments."

08/07/24 "No objection to amendment 3. The submitted archaeological reports are the edited versions and meet the required standards. Therefore, I recommend the discharge of condition 5. Please note that the contents of the reports meet the requirements. However, the portal should have colour and high-resolution versions of the reports.
Please send digital copies of the final reports to the Lincolnshire County Council Historic Environmental Record at lincssmr@lincolnshire.gov.uk"

Planning Considerations

Condition 5

Condition 5 states the following: "A copy of the final report required in connection with Condition 3 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook."

The Historic Environment Officer has indicated that the archaeological works are now complete, and therefore, the requirements of condition 5 of H17-1187-21 have been achieved. The condition can be discharged.

Conclusion

Condition 5 can 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.