DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-0502-24**	**Applicant:**	**Mr & Mrs R Lanaghan**
Proposal:	Details of Bat Survey (Condition 7 of H18-0729-23)		
Location:	Rear Of 68 Bridge Road Sutton Bridge Spalding		
Terminal Date:	31st July 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

28 The Natural Environment

National Guidance

National Planning Policy Framework 2023

Section 15 of the National Planning Policy Framework (December 2023)

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This condition compliance application is for the discharge of Condition 7 of H18-0144-24

That condition reads as follows:

"Prior to the replacement of the roof, the applicant shall be required to complete a summer bat survey conducted between the months of May and August. That report shall then be submitted to and approved in writing by the Local Planning Authority. The development shall then be conducted in accordance with the findings and recommendations of that report.

Reason: To ensure that the proposal hereby approved does not negatively impact upon local biodiversity and local populations of protected bat species.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019."

Site Description

As in host application

History

As in host application

Consultation Responses

Lincolnshire Bat Group

No comment was specifically submitted for this application, however, the Lincolnshire Bat Group did comment on the sister condition compliance application (H18-0500-24). Those comments were as follows;

Raises no objections to the details provided but requests that the applicant be required to define the exact details and location of the roosts required as per section 4.2 of the included bat survey

Planning Considerations

Condition 7

The applicant has submitted a bat survey as requested by this condition, that found that there was a low probability of the site being used by bats, and that the survey conducted found no evidence at the time of bats having been using the building as a roost.

The Lincolnshire Bat Group were consulted on this application and returned comments suggesting no objections to the details, but requesting that the applicant be required to provide further details of the proposed roosts. The Local Planning Authority does not consider this to be a reasonable or proportionate requirement. The included report was conducted by a suitably qualified individual, and found a low risk of impact upon roosting bats, and the recommendation made is clearly intended as a reasonable mitigation against any such potential. By means of the wording of the original condition, the applicant is required to comply with the findings and recommendations of the report.

As such, the LPA concurs with the findings of the associated Bat Survey and finds that, when combined with the recommendations of the report, which shall be implemented, that the risk of harm to the local bat population to be both minimal and suitably mitigated against. As such, the LPA finds the details thus far submitted to be satisfactory and therefore, this condition may be discharged.

Conclusion

For the reasons set out above, this application is deemed to be in compliance with Policy 28 of the South East Lincolnshire Local Plan (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.