DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H22-0479-19**	**Applicant:**	**Verralls & Porter Ltd**
Proposal:	Details relating to archaeology and landscaping (Conditions 3, 4 and 6 of H22-0861-18)		
Location:	Land Adjacent : Church View 87 High Road Weston Spalding		
Terminal Date:	9th July 2019		

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

Section 12 - Achieving well-designed places
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

This is an application to discharge Conditions 3, 4 and 6 of H22-0861-18 (construction of a single dwelling and garage on land adjacent Church View 87 High Road, Weston). Conditions 3 and 4 relate to a Written Scheme of Archaeological Investigation and notification of archaeology works commencing. Condition 6 relates to a landscaping scheme.

In terms of landscaping, trees in the northern corner would be retained, as well as the established shrubbery in the west corner. The remainder will be laid to lawn with detailed arrangements of flower beds being left to the eventual occupier. A single silver birch sapling would be planted in the southern corner close to the frontage.

Non-porous landscaping would be limited to the access to the new drive and dropped kerb, path to front door and immediately outside other doors. The remainder of the driveway would be gravelled.

Site Description

The site is a triangular shaped plot currently laid to grass. There are a number of mature trees within the site. The site is surrounded by close boarded fencing. There is an existing dwelling to the south-west (No. 87) and the large garden of another property to the rear (Elm Tree House). This land to the rear has extant planning permission for 4 bungalows (H22-0584-17). The Grade I Listed St Mary's Church is located the far side of No. 87, in a south-westerly direction.

History

H22-0861-18 - Construction of a single dwelling and garage (approved 15th November 2018)

H22-1288-16 - Erection of dwelling, detached double garage and vehicular access (approved 7th March 2017)

Consultation Responses

LCC Historic Environment Officer - This office has approved this written scheme of archaeological investigation as fulfilling our requirements in respect of Condition 3 of H22-0861-18. We also acknowledge this as due notice of the intention to start the archaeological works as required by Condition 4. We can therefore recommend that Condition 3 and 4 be discharged.

Planning Considerations

Given the consultation response received from the Historic Environment Officer at LCC it is considered that the submitted information in respect of Conditions 3 and 4 is acceptable.

The proposed landscaping scheme is considered appropriate for the location taking into account the fact that anything proposed at low level would be screened by the fencing in any case. It is appropriate that the trees at the northern end of the site are retained as they contribute to the character of the site. It is accepted that others will need to be removed in order to accommodate the dwelling.

Conclusion

Overall, it is considered that the information submitted to satisfy Conditions 3, 4 and 6 is adequate for discharge of these conditions.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.