DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-1054-23**	**Applicant:**	**Mr & Mrs M Goddard**
Proposal:	Details of Historic Building Recording & Archaeological Investigation (Conditions 4 & 5 of H22-0684-23)		
Location:	28 Broadgate Weston Hills Spalding		
Terminal Date:	23rd January 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well-designed and beautiful places
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge planning conditions 4 & 5 of H22-0684-23. The condition involves details of Historic Building Recording and Archaeological Investigation.

Site Description

The site is situated within the countryside, according to the South East Lincolnshire Local Plan, 2019 (SELLP). The existing dwelling on site was most likely a pair of dwellings which have subsequently been converted into a single dwelling and then extended and altered including the introduction of some plastic windows and concrete roof tiles. Very little maintenance has been

carried out over the years and the dwelling is now in a very poor state; it offers little in terms of overall physical appearance, modern construction or efficiency.

History

H22-0058-23 - Demolition and replacement of existing dwelling including change of use of agricultural land to residential curtilage - Withdrawn

H22-0684-23 - Demolition and replacement of existing dwelling including change of use of agricultural land to residential curtilage - re-submission of H22-0058-23 - Approved

Consultation Responses

Lincolnshire County Council Historic Places Team

I can confirm that the submitted documents satisfactorily address the requirements of conditions 4 and 5 of planning permission H22-0684-23.

Planning Considerations

Condition 4 & 5

Condition 4 states that -

No demolition shall take place until a copy of the final Historic Building Recording report by Witham Archaeology (Report No.: 543) has been submitted to and approved in writing by the Local Planning Authority. The photographic and paper archive shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook and a further copy of the report shall be deposited with the Lincolnshire Historic Environment Record.

Reason: to ensure an appropriate record of the building has been made prior to demolition.

Furthermore, Condition 5 states the following -

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2023. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

LCC Historic Places Team have been consulted and have indicated that the submitted report meets their requirements. They therefore recommend that both condition 4 & 5 of H22-0684-23 can be discharged.

Conclusion

Condition 4 & 5 of planning permission H22-0684-23 are hereby 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.

Recommendation

Based on the assessment detailed above, it is recommended that the conditions should be discharged under Delegated Authority.