DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0149-22**	**Applicant:**	**Mr K Shepperson**
Proposal:	Residential Development for 3 dwellings - approved under H23-0231-18. Modification to Conditions 7, 8 & 9 relating to archaeology		
Location:	Washway Road Saracens Head Spalding		
Terminal Date:	12th April 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

29 The Historic Environment

National Guidance

National Planning Policy Framework 2021

Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site has outline planning permission for 3 plots (ref. H23-0231-18). This application is to remove/modify conditions 7, 8 and 9 relating to archaeology.

Site Description

The application site (approx. 0.15 ha) is currently agricultural land located on the southern side of Washway Road on the eastern fringe of Saracens Head. Three building plots are situated to the

west and Saracen House beyond. The latter has a closeboarded fence and trees on the common boundary. Residential development is situated opposite. The A17 is located approximately 350 metres to the south/south-west.

Planning History

H23-0231-18 - Outline - Residential development for 3 no. dwellings - Granted 1 May 2018

H23-0224-21 - RM - Erection of 3 dwellings - outline approval H23-0231-18 - Approved 28 April 2021.

H23-0177-22 - S73A - Erection of 3 dwellings - approved under H23-0224-21. Modification to Condition 1 to allow amendments to previously approved plans - Under consideration.

Representations

Whaplode Parish Council

Supported.

LCC Archaeology

No objections subject to each plot having archaeological requirement.

Planning Considerations

The application relates solely to a variation of the archaeological conditions on the outline planning permission (ref. H23-0231-18).

A Written Scheme of Investigation for Archaeological Recording was prepared by APS in June 2021 and approved by the LCC Historic Environment Officer. An Archaeological Monitoring and Recording Report (January 2022) has also been submitted. The latter states that archaeological monitoring and recording was undertaken during groundworks in advance of the construction of the three dwellings and indicates that no archaeological features were present and there were no finds.

Archaeological recording was carried out in relation on plots 2 and 3, but not plot 1. The dwelling on the latter is now practically complete. Given that no archaeological features were present in respect of plots 2 and 3 it would be unreasonable to insist on further archaeological work under the circumstances.

Conclusion

That conditions 7, 8 and 9 of H23-0231-18 be modified accordingly.

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.