DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0152-23**	**Applicant:**	**Mr P R White**
Proposal:	Details of construction method statement, archaeological investigation, archiving of final archaeological report and ecological biodiversity measures - (Conditions 4, 5, 7 and 8 of H23-1187-22)		
Location:	Land Adj 6 Orchard Close Saracens Head Spalding		
Terminal Date:	12th April 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment
29	The Historic Environment
30	Pollution

National Guidance

National Planning Policy Framework 2021

Section 5 - Delivering a sufficient supply of homes
Section 6 - Building a strong, competitive economy
Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application is to discharge the following condition of application H23-1187-22:

Condition 4 - Construction Management Plan and Method Statement
Condition 5 - Archaeological Scheme
Condition 7 - Archiving of Final Archaeological Report
Condition 8 - Ecological Biodiversity measures

Site Description

As original application.

History

H23-1187-22 - Residential Development - Approved on 13 February 2023

H23-0290-21 - Erection of 3 dwellings - outline approval H23-0701-17 (allowed on appeal) - Approved on 18 May 2021

H23-0701-17 - O/A - Residential development - 3 dwellings - Refused 17 October 2017 - Allowed on appeal 5 April 2018

H23-1273-16 - Outline - Residential development (2 houses and garages), 6 Orchard Close, Saracens Head - Granted 8 February 2017

Consultation Responses

SHDC Environmental Health

No objections to Construction Management Plan.

Historic Environment Officer

The written scheme of archaeological investigation meets the requirements of condition 5 and the final report submitted meets the requirements of condition 7 therefore both can be discharged.

LCC Highways & SUDS Support

No objections to the details within the submitted Construction Management Plan therefore condition 4 can be discharged.

Planning Considerations

Condition 4 - Construction Management Plan and Method Statement

The submitted details are adequate and both Environmental Health and Highways have recommended discharge of this condition. As such condition 4 can satisfactory be discharged.

Condition 5 - Archaeological Scheme

The Historic Environment Officer has advised that the Written Scheme of Archaeological Investigation meets the requirements of condition 5 therefore this condition can be discharged.

Condition 7 - Archiving of Final Archaeological Report

The Historic Environment Officer has advised that the Final Report meets the requirements of condition 7 therefore this condition can be discharged.

Condition 8 - Ecological Biodiversity measures

The proposal seeks to include the provision a hedgerow with a 1-2 metre buffer strip, 1no open

fronted bird nesting box and 1no close hole bird nesting boxes to be installed at least 3m above ground level, 6no Swift bricks to be installed ideally under the roof no less than 5m above ground level and 2no ibstock bat bricks (or similar) to be installed into the brickwork at eaves level on each building, facing the north.

The proposed biodiversity measures are considered acceptable and would ensure a net gain for biodiversity therefore condition 8 can be 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.

Conclusion

Taking the above into account, it is considered that conditions 4, 5, 7 and 8 of H23-1187-22 can be discharged.