

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-1029-22 **Applicant:** Mr J Bell
Proposal: Details of ecological survey (Condition 16 of H23-1116-21)
Location: Crown Farm Stockwell Gate West Whaplode
Terminal Date: 20th December 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

28 The Natural Environment

National Guidance

National Planning Policy Framework 2021

Section 15. Conserving and enhancing the natural environment.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This application is to discharge condition 16 (Ecology Management) of application H23-1116-

Site Description

As original application.

History

H23-1116-21 - Proposed Barn Conversion - Approved

H23-0050-18 - Full - Barn conversion to residential - Approved

H23-1041-17 - Outline - Residential Development - Withdrawn 18 December 2017

Consultation Responses

Lincolnshire Bat Group

The recommended timings for the emergence survey have not been adhered to.

Planning Considerations

Condition 16 Ecology Management

The Protected Species Survey carried out recommends that the emergence survey must be carried out between May and August, however, the subsequent Bat Survey carried out by KJ Ecology states that the original Preliminary Bat Roost Assessment found that the 'U' shaped barn had few features in the building for bats including gap under bargeboard and a gap underneath the flashing. These features could only support single male bats. For this reason, Helen Archer of Archer Ecology gave the 'U' shaped barn a low potential for bats which required a single Presence/Absence bat survey between May and August. The Presence/ Absence bat surveys carried out on the 13th and 15th September 2022 revealed that no bats were utilising the 'U' shaped barn as a roost. There was plenty of bat activity around the area of mainly Common Pipistrelle with other bat species being recorded on the 13th September 2022 including Noctule and Soprano Pipistrelle, but not on the 15th. The weather conditions were still good on the 15th for bats, so it was not down to the weather conditions.

In light of the above condition 16 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 Condition 16 relating to application H23-1116-21 can be discharged.