DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-1067-21**	**Applicant:**	**Mr A Barsley**
Proposal:	Details of final report relating to archaeology (Condition 4 of H23-1111-19)		
Location:	Adj. 106 Broadgate Whaplode Drove Spalding		
Terminal Date:	10th December 2021		

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
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of final report in relation to archaeology - Condition 4 of H23-1111-19

Site Description

As original planning application.

History

H23-1111-19 - Residential development (re-submission of H23-1108-16) - Approved

H23-0241-17 - Details of external materials, external boxes, gas flues and soil vent pipes, landscaping, boundary treatment and details of archaeological investigation (Conditions 3, 4, 5, 6 & 8 of H23-1108-16) - Approved

H23-1108-16 - Residential development - resubmission of H23-0819-16 - Approved

H23-0819-16 - Residential development - erection of dwelling - Refused

Consultation Responses

LCC Historic Environment Officer

Confirms that the submitted report meets the archaeological requirements in respect of Condition 4 of permission H23-1111-19 therefore it is recommended that condition 4 can be discharged.

Planning Considerations

Condition 4 of H23-1111-19

The Historic Environment Officer has not raised any objections and has advised that the submitted report meets the archaeological requirements therefore it is considered that the submitted information in respect of Condition 4 is acceptable and the condition 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 4 of H23-1111-19 can be discharged.