

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-1110-23 **Applicant:** Tawny Homes

Proposal: Details of proposed boundary treatment/screening and archaeological archive (Conditions 5 and 10 of H23-0980-17)

Location: Adjacent: Saracen House Washway Road Saracens Head

Terminal Date: 7th February 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
29 The Historic Environment

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework (December 2023)

2. Achieving sustainable development
4. Decision-making
12. Achieving well-designed and beautiful places
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 proposal seeks to discharge conditions 5 and 10, attached to planning approval H23-0980-17, comprising details in relation to proposed boundary treatments and details of archaeological archives.

Planning approval H23-0980-17 granted outline planning permission for the residential development, comprising of three detached dwellings.

Site Description

The application site, prior to any commencement of development taking place, comprised (approx. 0.17 ha) agricultural land located on the southern side of Washway Road on the eastern fringe of Saracens Head.

Saracen House is located to the west, with residential development situated adjacent. The A17 is located some 300 metres to the south/south-west.

History

H23-0980-17 - OUTLINE - Residential development (3 plots) - APPROVED - 07-12-2017.

H23-1087-20 - Reserved Matters - Erection of 3 Bungalows (outline approval H23-0980-17) - APPROVED - 28.01.2021.

H23-1164-21 - Discharge of Conditions - Details relating to archaeological investigation (Condition 8 of H23-0980-17) - DISCHARGED - 20.12.2021.

H23-0594-22 - Section 73 Application - Residential Development (3 plots) (approved under H23-0980-17). Removal of Condition 7 relating to 1.8m wide footpath - APPROVED - 03.08.2022

Consultation Responses

Historic Places Team - Initial Comments Dated 22-01-2024

The report has been submitted as per condition 10 of planning reference H23-0980-17. However, there is no evidence of the paper archive having been submitted, as per the following lines of condition 10: "The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook."

Condition 10 should not be discharged until it is evidenced that the paper archive has been submitted to the relevant institution. In this case, Lincoln Museum.

Historic Places Team - Revised Comments Dated 30-01-2024

I would like to rescind my previous comment.

It appears that the previous archaeological curator had agreed with Groundworks Archaeology that there was no need to submit a physical archive in the end. Therefore, condition 10 can be discharged, as the final report has been submitted digitally to all other relevant parties

Neighbouring Residents

This application has been advertised in accordance with the Development Management Procedure Order and the Council's Statement of Community Involvement. No letters of representation have been received from neighbouring residents.

Planning Considerations

This application relates to conditions 5 and 10 of planning approval H23-0980-17, relating to boundary treatments and archaeology.

Condition Details

Condition 5

Prior to its installation, details of the proposed boundary treatment/screening, including a schedule of materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development is first brought into use.

The boundary treatments hereby submitted comprise:

- 2.0m high close boarded fencing between Plots each of the proposed/developed bungalows.
- 2.0m high close boarded fencing to the eastern boundary of the application site.
- 2.0m high close boarded fencing to the western boundary, with an additional 300mm trellis above.
- 1.2m high close boarded fencing to the rear southern boundary.
- 1.2m high close boarded fencing to the front northern boundary.

These boundary treatments are considered to be acceptable.

Condition 10

A copy of the final report required in connection with Condition 8 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

The details in respect of Archaeology are considered to be acceptable to discharge condition 10. Comments received from the Historic Places Team initially indicated the need for the submission of detail as per "the following lines of condition 10: The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook".

Following this, further discussions occurred between the parties and it was concluded that "the previous archaeological curator had agreed with Groundworks Archaeology that there was no need to submit a physical archive". In light of this, it was concluded the details were suitable.

Therefore, condition 10 can be discharged.

B]Conclusion

The details in relation to these conditions 5 and 10 are acceptable and 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.