

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0780-19 **Applicant:** Holbeach House Management Company Ltd

Proposal: Details of site management company responsible for upkeep of grounds, access roadway, etc (Condition 23 of H05-0077-16)

Location: Fleet Mews Orchard Park Holbeach

Terminal Date: 14th October 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
30 Pollution

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 12. Achieving well designed places.
Section 15. Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

Permission was granted under S73A for conversion of a redundant health facility into 14 dwellings and erection of 18 terraced dwellings with parking facilities in March 2016 (ref. H05-0077-16). This application is to discharge condition 23.

Site Description

The site is occupied by a former health facility (Orchard House - grade II listed) that has been converted to 14 dwellings, plus the erection of 18 terraced dwellings in 3 blocks to the east. It is located to the rear of Holbeach House (grade II listed), with shared vehicular access off Fleet Road.

History

H05-0563-11 and H05-0564-11 - Conversion of redundant health facility into 14 dwellings and erection of 18 terraced dwellings complete with parking facilities. Approved November 2011.

H05-0945-15 - Details of Conditions 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 of H05-0077-16. Part approved, part refused July 2016.

H05-0946-15 - Details of Conditions 2, 3, 5 & 6 of H05-0078-16. Approved July 2016.

H05-0077-16 and H05-0078-16 - Conversion of redundant health facility into 14 dwellings and erection of 18 terraced dwellings with parking facilities - approved under H05-0563-11. Modification of Condition 2 of H05-0563-11 to allow amendments to previously approved plans. Approved March 2016.

H05-0737-16 - Cond Comp - Details of existing and proposed site levels and proposed floor levels, contamination report, large scale details, foul surface water disposal, materials of construction and design and means of enclosure and external illumination (Conditions 2,4,15 (part), 17,18 and 19 of H05-0077-16). Approved 24 March 2020.

H05-1079-17 - Conversion of redundant health facility into 14 dwellings and erection of 18 terraced dwellings complete with parking facilities - approved under H05-0563-11 - Modification of Condition 2 to allow amendments to previously approved plans. Withdrawn February 2018.

Consultation Responses

Environmental Protection

We remain unable to collect from this site, unless substantial improvements have been made to the roadway, which I am not aware that there have been.

Planning Considerations

The application is to discharge condition 23 of H05-0077-16, which is as follows:

"Prior to the first occupation of the development hereby permitted the applicant shall submit to and have approved in writing by the Local Planning Authority details of a site management company responsible for the upkeep of grounds, access roadway and footpaths, maintenance of buildings and waste disposal. The management company shall be formed in accordance with the details so approved before the development is first occupied, and shall thereafter remain in place.

Reason: To ensure that the site is maintained and household waste disposed of in a satisfactory way, in the interests of the amenities of residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006."

The applicant has indicated that the management company in this case is Holbeach Property Management Company Ltd. The Articles of Association for the management company have been submitted as part of the application. They state that the Company's objects include the following: "to provide services of every description in relation to the Managed Property and to maintain, repair, renew, redecorate, repaint, clean, construct, alter and add to the Managed Property and to arrange for the supply to it of services and amenities and the maintenance of the same and the cultivation, maintenance, landscaping and planting of any land, gardens and grounds comprised in the Managed Property and to enter into contracts with builder, tenants, contractors and others and to employ appropriate staff and managing or other agents accordingly". This appears to cover the management company's responsibilities in condition 23, with the exception of waste. Waste disposal could be included within "services" but it is understood that this is not the developer's intention.

The applicant has argued that the condition does not require the applicant to provide how the services will be provided, only details of the Site Management Company which is responsible for providing these services. It is accepted that the condition is not itself clear what it means by "details of a site management company responsible for the upkeep of grounds, access roadway and footpaths, maintenance of buildings and waste disposal". However, the reason for the condition states that it is "to ensure that the site is maintained and household waste disposed of in a satisfactory way, in the interests of the amenities of residents". It is therefore considered that the

reference to "details" also requires details of how the management company will deal with each of the issues, including waste.

The current arrangement is that the Council is collecting refuse from the roadside. This is because the Council's stance is that it will not collect from this private drive unless substantial improvements are made to it. The roads and widths on this development are unsuitable for collection by the Council. The developer maintains that he has the Council's approval for waste collection; however, he has not provided evidence to this effect. Any verbal statement made by a former employee on site to provide a waste collection service, without any corroborating evidence, is not sufficient. On this basis it is considered that condition 23 has not been complied with and that the current arrangements are unsatisfactory because residents are depositing refuse at the site's entrance for considerable periods of time awaiting collection by South Holland District Council, to the detriment of the character/appearance of the area, setting of and amenities of the locality.

The solicitor acting for the developer states that the Council is statutorily bound to collect waste from the site. However, the Council is not under any statutory duty to collect waste from private drives. The Council's statutory duty extends only to collecting waste, and the Council, as waste collection authority, can determine the collection point of that waste. The collection point is usually at the curtilage of each residential property where it can be collected from the adopted public highway.

Conclusion

The applicant has not provided satisfactory details of how the management company will deal with the disposal of refuse from the site, as required by condition 23. The current arrangements for the collection of refuse are considered unsatisfactory because residents are depositing refuse at the site's entrance for considerable periods of time awaiting collection by South Holland District Council, to the detriment of the character/appearance of the area, setting of Holbeach House (grade II listed) and amenities of the locality. Such an arrangement is contrary to the Council's Guidance Note on Private Drives - Waste Vehicle Collection Service and Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (SELLP), 2019. The aims and objectives of the Guidance Note are to avoid the potential impacts of unmanaged depositing of waste, which can lead to unacceptable impacts upon the visual and residential amenity of communities. Policy 2 of the SELLP states that sustainable development considerations should be met in relation to impact upon the amenity and character and appearance of an area. Policy 3 states that new development should be high quality and secure residential amenity, with the provision of facilities for the storage of refuse. Policies 3 and 29 stipulate that new development should complement and enhance designated heritage assets and preserve the setting of listed buildings.

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