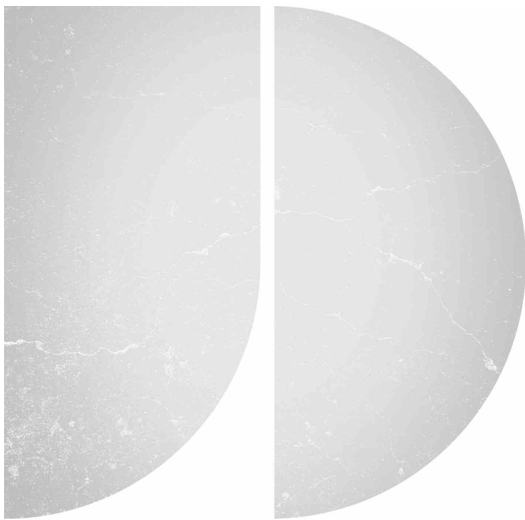




VARIATION OF CONDITION APPLICATION

SUPPORTING STATEMENT

JANUARY 2024. V3

RE : ERECTION OF NINE DETACHED BUNGALOWS ON LAND OFF CROSSGATE LANE, PINCHBECK, SPALDING, LINCS PE11 3XW. EASTING 524282. NORTHING 326509. PLANNING APPLICATION REFERENCE H14-0348-23

Condition number 14 of H14-0348-23

14 Notwithstanding any details submitted within the approved plans, prior to the occupation of any dwelling hereby permitted, full details of the arrangement for private refuse/recycling collection shall be submitted to and approved in writing by the Local Planning Authority, along with full details of the proposed bin collection store. The management arrangements must be via private collection and the bin collection point must comprise a store.

These management arrangements and bin collection details shall be implemented upon first occupation of any dwelling and thereafter retained for the lifetime of the development. NB: It is not possible for South Holland's waste collection services to collect via private drives and as such, this could not occur for this development. Therefore, the development would otherwise result in the siting of a significant volume of waste bags placed within a prominent location on the public highway. A private waste collection must therefore be provided.

Reason: This application has been approved on the basis that waste collection will be carried out by a private company and to ensure appropriate arrangements are in place for the collection of refuse/recycling.

This Condition is imposed in accordance with *Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

***SELLP Policies 2, 3 & 30**

Policy 2: Development Management

Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets; and
9. impact on the potential loss of sand and gravel mineral resources.

Policy 3: Design of New Development

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);

13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

Policy 30: Pollution

Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:

1. health and safety of the public;
2. the amenities of the area; or
3. the natural, historic and built environment;

by way of:

4. air quality, including fumes and odour;
5. noise including vibration;
6. light levels;
7. land quality and condition; or
8. surface and groundwater quality.

Planning applications, except for development within the curtilage of a dwelling house as specified within Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development)(England) Order 2015, or successor statutory instrument, must include an assessment of:

9. impact on the proposed development from poor air quality from identified sources;
10. impact on air quality from the proposed development; and
11. impact on amenity from existing uses.

Suitable mitigation measures will be provided, if required. Proposals will be refused if impacts cannot be suitably mitigated or avoided.

Development proposals on contaminated land, or where there is reason to suspect contamination, must include an assessment of the extent of contamination and any possible risks. Proposals will not be considered favourably unless the land is, or can be made, suitable for the proposed use.

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We respectfully suggest that, in determining this Section 73 Application, due reference is made to H16-0061-22 Appeal Decision dated 8th February 2023 APP/A2525/W/22/3298498

Land at Former Halmer Grange, Grange Drive, Spalding, PE11 2DX. Erection of two dwellings.

The Inspector, in allowing this Appeal, made the following comments regarding the collection of domestic refuse ;

Collection of refuse

3. The appeal site is located within the grounds of an existing apartment building. The existing building is large, detached and occupies a back-land site beyond dwellings fronting Grange Drive. The sole access point to the existing building is by means of a

private access from Grange Rise, which runs between two existing properties. An external bin store associated with the existing flats is located within the site, close to the private access. The proposed dwellings would be located such that access would only be possible by means of a private shared access.

4. In relation to this the Council have advised that such an access arrangement would mean that refuse, if collected by the Council, would be required to be deposited at a kerb side location on Grange Drive, which the Council estimate would require occupiers of these dwellings to transport waste beyond the 30m maximum carrying distance which is set out in its "Private Drives – Waste Vehicle Collection Service Guidance Note". The appellant has not disputed that the carrying distance would exceed the recommended maximum distance.

5. The evidence indicates that whilst the Council's Waste Collection Service Guidance Note has been adopted by the Council, it does not form part of the Development Plan. Additionally, it is unclear whether it has been subject to any degree of consultation. Whilst it remains a material consideration, it is a document to which I can afford only very limited weight.

6. There is dispute between the Council and the appellant with regards to whether the existing flats currently have waste collected by the Council's Refuse Team. However, regardless of whether waste from the existing flats is collected by the Council or by other means, this is of limited relevance to the proposed development.

7. The submitted plans indicate that refuse storage would be available at each individual property, requiring transportation of waste only in advance of the day of collection. Whilst the distance to deposit refuse at the kerbside would be more than 30m, it would not be excessive. Future occupiers of the dwellings would be aware of the distance to the kerbside, and could use various means to transport the waste. I consider that the proposal would not be unacceptable in this regard.

8. I therefore conclude that the proposal would provide acceptable arrangements for the collection of domestic refuse. The Council has made reference to Policy 3 of the South-East Lincolnshire Local Plan (SELLP), however this is a design policy and in reference to refuse, only requires that provision be made for storage within the site, which would be achieved in this instance.

9. The Council also refers to Paragraph 134 of the National Planning Policy Framework ('the Framework') which advises that where development is not well designed, and especially where it fails to reflect local and national design guidance, that it should be refused. However, in this instance, there is no conflict with local design policies or the national design code with respect to waste management, and as a result the proposal would accord with this paragraph of the Framework.

10. Although the National Design Code states that well designed places will consider local waste storage, management and pick-up, it does not provide any advice as to what may constitute an acceptable arrangement in any given situation. Reference is also made to conflict with the National Model Design Code. This document provides guidance with regards to developing design codes, and whilst the advice within it includes sound design principles, it is of only limited relevance to the assessment of development proposals. Accordingly, the proposal does not conflict with these codes.

This Appeal Decision carries significant weight when considering refuse collection issues in relation to H14-0348-23. The distance that the occupier of the furthest of the two new houses (Plot Two) at Grange Drive, Spalding would have to take their waste collection bags to the adopted highway is 97m. The distances from the proposed nine bungalow plots to Crossgate Lane are set out in the table below ;

PLOT NUMBER	DISTANCES FROM PLOT FRONTAGE TO THE ADOPTED HIGHWAY
PLOT 1.	14m
PLOT 2.	37m
PLOT 3.	73m
PLOT 4.	78m
PLOT 5.	92m
PLOT 6.	96m
PLOT 7.	92m
PLOT 8.	81m
PLOT 9.	45m

Given the Inspectors recent direction in APP/A2525/W/22/3298498, we believe that the arrangements shown on Drawing No JDA/2024/775/SITE/WASTE.001 can be supported by the LPA whereby the waste collection bags will be brought forward to the indicated footpath/crossing point.

We further believe that the provision of said collection arrangement complies with Policies 2, 3 & 3 of the Local Plan.

In light of the above, we propose that Condition 14 is changed as follows or in an alternative wording to be agreed ;

14 Notwithstanding any details submitted within the approved plans, prior to the occupation of any dwelling hereby permitted, waste collection arrangements shall be carried out in perpetuity in accordance with the provisions included in Drawing No JDA/2024/775/SITE/WASTE.001.
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Alternatively, the aforementioned plan reference can simply be included in the list of approved documents and drawings in Condition 2.

Yours Faithfully

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