

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0123-24 **Applicant:** Penstar Developments Ltd

Proposal: Details of means of storage & disposal of refuse & recycling and means of storage for cycles (Conditions 2 & 3 of H16-1075-23)

Location: Willow Villa 10 Green Lane Spalding

Terminal Date: 22nd April 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
30 Pollution
36 Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed & Beautiful places

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions planning application for the discharge of conditions 2 and 3 of planning permission H16-1075-23.

Condition 2 - Refuse and Recycling
Condition 3 - Cycle Storage

Site Description

The application site fronts Knipe Avenue, close to the junction with Green Lane. The site is located within the settlement limits of Spalding as identified by the proposals map (insert 2). The application site is located within flood zone 2 in accordance with Environment Agency Mapping Systems.

The building is made up of a brown facing brick with up and over garage door at ground. The principal elevation has a circular opening. To the rear of the garage are stairs and to the fore two number parking spaces are provided and these are to be retained by number 10 Green Lane. This building was approved to allow for the conversion to form two flats.

History

H16-1075-23 - Change of use of two-storey garage/annex to two studio flats - part retrospective (re-submission of H16-0748-23). Approved 15-01-24

Consultation Responses

Pedals - No comments received.

Planning Considerations

The applicant seeks to discharge conditions 2 & 3.

Condition 2 - Refuse Storage

The condition requires the developer provide the following:

The development hereby permitted shall not be occupied before details of the means of storage and disposal of refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority

The applicant has provided a photograph showing the approximate location of bin storage. This is in an area to the rear of the building that is treated by 1.8m close boarded fencing. The bins are out of site from the main street and so this location is acceptable. There is no requirement for a bespoke store within the space as it is likely it will offer a flexible amenity space for both flats. The condition also does not require that a private waste management company remove the waste and so the details are considered acceptable.

This condition was imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 as is hereby discharged.

Condition 3 - Cycle Storage

The condition requires the developer provide the following:

The development hereby permitted shall not be occupied before details of the means of storage for cycles have been submitted to and approved in writing by the Local Planning Authority

The applicant has shown that the cycle storage will be provided in the same enclosed space as the bin storage. Fixed wall mounted cycle racks are also proposed. Whilst this is normally unacceptable as the cycle storage is not covered the space that is located to the rear is treated by high boundaries, well secured and out of sight. Furthermore, this space due to its size needs to function as a flexible space, not only allowing for the storage of bins and bicycles but also offer some amenity respite. If a solid cycle storage structure is enforced within this space, then it is likely that any use of it for amenity purposes would also be lost. The solution in this instance is considered acceptable.

This condition was imposed in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 as is hereby discharged.

Conclusion

Conditions 2 and 3 of planning permission H16-1075-23 are hereby 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.