

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0293-21 **Applicant:** Cley Developments Ltd.

Proposal: Details of maintenance of bin store and refuse and recycling collection (Condition 10 of H16-0017-17)

Location: 19 Green Lane Spalding

Terminal Date: 17th May 2021

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 2019

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

Details of maintenance of bin store and refuse and recycling collection (Condition 10 of H16-0017-17).

Site Description

Development now complete. Refuse and recycling collection point is located at the front of the site.

History

H16-0003-19 - Details of landscaping and bat boxes (Conditions 5 and 14 of H16-0017-17) (approved January 2019)

H16-1094-17 - Details of Conditions 3, 4i), 4ii), 6, 8, 9, 10 and 12 of H16-0017-17 (approved January 2018)

Consultation Responses

None.

Planning Considerations

Condition 10 states:

"No development shall be commenced until full details for the proposed arrangements the maintenance of the bin store, and for either the private collection of refuse and recycling within the development, or satisfactory arrangements for the collection and then safe deposit of waste on the junction with Green Lane ready for council collection of waste, has been submitted to and approved by the local planning authority. Waste maintenance and collection shall thereafter be maintained in accordance with the approved details."

Condition 10 was previously discharged under H16-1094-17 on the basis that a maintenance person would be employed to take all refuse/recycling from the individual properties and deposit at the collection point on collection day, and whom would also be responsible for the maintenance of said collection point. However, it is advised that this position was not held for any great length before it became vacant. A new maintenance person has been engaged, but their responsibilities do not include the taking of the refuse/recycling sacks from individual properties to the collection point. The proposal is therefore for the residents to continue depositing their waste at the collection points themselves and for the maintenance person to be responsible for the upkeep of the collection point only.

Building Regulation document H6 sets out a recommended carrying distance for refuse of 30m for householders, however this is a guidance document and the specific wording is that householders shouldn't 'usually' carry refuse for more than 30m. Clearly in this case it would appear that residents are happy to do so and arrangements are still in place for ensuring the collection point is clean and tidy. In light of this, the arrangements for the maintenance of the bin store and safe deposit of waste on the junction with Green Lane are considered acceptable.

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 the details submitted in order to re-discharge Condition 10 of H16-0017-17 are acceptable.