DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0422-19**	**Applicant:**	**Seagate Homes Ltd**
Proposal:	Details of landscape management, maintenance schedule, refuse and recycling collection (Condition 9 of H16-1163-15)		
Location:	Land Off Banbury Close Spalding Lincs		
Terminal Date:	13th June 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 2019

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is an application to discharge Condition 9 of H16-1163-15 (residential development of 10 dwellings on land off Banbury Close, Spalding) relating to details of landscape management, maintenance schedule, refuse and recycling collection.

Site Description

The site is located off Banbury Close and is accessed between an existing residential property (no. 5) and a commercial warehouse. The site was formerly in commercial use as a builders yard but dwellings are now under construction.

History

H16-1163-15 - Full application for residential development of 10 dwellings with associated parking and garages on former builders yard (approved January 2017)

H16-0509-18 - Details of prevention of mud on public highways, cycle racks, boundary treatment, schedule of external materials/hard surfaced areas, external gas and electricity boxes & biodiversity enhancements (Conditions 3, 4, 8, 11, 12, 13 & 15 of H16-1163-15) (approved July 2018)

H16-0854-18 - Residential development of 10 dwellings with associated parking and garages on former builders yard - approved under H16-1163-15. Amendments to remove chimney breast to Plots 1-3 and change window style to comply with building regulations (approved September 2018)

H16-1033-18 - Details of scheme to deal with contamination, site and floor levels and surface water drainage scheme (Conditions 5, 7, & 10 of H16-1163-15) (approved December 2018)

H16-0113-19 - Residential development of 10 dwellings with associated parking and garages - approved under H16-1163-15. Amendments to include revised chimney position to plots 1-3. Changing first floor plan/layout of plots 4 and 5 including additional roof light to make better use of space. Updating landscaping and boundary drawings to changes for Internal Drainage Board regarding access (approved February 2019)

Consultation Responses

None.

SHDC Environmental Services have been consulted, however as the proposal is for private waste collection, it is not necessary for them to provide a response.

Planning Considerations

A s106 agreement signed by the applicant (which forms part of application ref. H16-1163-15) requires waste to be collected by a private waste collection company. The submitted management plan states that the newly formed Management Company will be required to employ a private refuse collection company to collect both refuse and recycling on a fortnightly basis. Each home would be provided with two 240 litre wheelie bins, one for recycling and one for general waste. The occupiers of the homes will be required to bring the wheelie bins out to the kerbside by no later than 6am on the day of collection and return the bins in the evening to their private gardens for storage. This addresses the requirement set out in the s106 and is considered an acceptable solution.

Communal areas of landscaping, private drives and the IDB easement at the north of the site are to be managed and maintained by a newly established Management Company for the scheme. This is acceptable.

Conclusion

Overall, it is considered that the information submitted to satisfy Condition 9 of H16-1163-15 is acceptable and that the condition can be discharged in this instance.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.