

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0718-19 **Applicant:** Kier Living Ltd

Proposal: Details of landscape management and maintenance schedule, storage and disposal of refuse and recycling, pedestrian access point on northern boundary and provision for cycle storage/parking (Conditions 6, 11, 15 & 16 of H16-1117-18)

Location: Land To The North Of Witham Road Wygate Park Spalding

Terminal Date: 18th October 2019

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 2019

Section 8 - Promoting healthy and safe communities
Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

Details of landscape management and maintenance schedule, storage and disposal of refuse and recycling, pedestrian access point on northern boundary and provision for cycle storage/parking (Conditions 6, 11, 15 & 16 of H16-1117-18)

Site Description

The application site was formerly a large, uneven, area of grassed open space located immediately to the east of Wygate Park Academy. Preparation works have now commenced on site. There are residential properties to the south, east and north (off Witham Road, Sharman Way and Tyne Close). An electricity substation and a foul pump station are in the south-western corner of the site.

There are a range of 2, 2.5 and 3 storey properties in the vicinity.

History

H16-1117-18 - Hybrid Application: Full Planning Application for 34 Dwellings and Associated Infrastructure together with an Outline Application for a Community Hall and Car Park (approved March 2019)

H16-0716-13 - Residential development comprising 286 dwellings (outline permission H16-0578-01) (approved March 2016)

H16-0578-01 - Outline planning application for the erection of residential estate development, including community centre, public open space/footpaths/cycleways (approved 6 November 2003)

Consultation Responses

N/A.

Planning Considerations

Condition 6 (Details of landscaping management and maintenance schedule for areas of public open space, incidental open space, refuse/recycling collection points and private drives) - All areas of planting, public open space and areas of incidental open space are to be maintained in perpetuity by a management company in accordance with the details set out in the Landscape Management and Maintenance Plan. Refuse collection points are also to be maintained by a management company and inspected fortnightly. Private driveways and shared private drives are to be the responsibility of private residents.

Condition 11 (Storage and disposal of refuse and recycling) - Storage areas are to be provided within rear gardens. Waste bags will be presented kerbside on collection days for those properties fronting adoptable highway. Bin collection points will be provided where there are private drives.

Condition 15 (Pedestrian access point on northern boundary) - A pedestrian access point to/from Tyne Close is proposed to the north of plots 13 and 14. A new footpath (dealt with under NMA application ref. H16-0902-19) would be installed opposite 84 Tyne Close to facilitate the use of this.

Condition 16 (Provision for cycle storage/parking) - 1 cycle parking stand is to be provided for each dwelling in the rear garden, in accordance with the standards set out in Appendix 6 of the South East Lincolnshire Local Plan (2019).

The above are all 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 into account the above, it is considered that Conditions 6, 11, 15 & 16 of H16-1117-18 can be discharged.