DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0729-21**	**Applicant:**	**A T Property Solutions**
Proposal:	Details of storage and disposal of refuse and recycling (Condition 2 of H16-0617-18)		
Location:	14 London Road Spalding		
Terminal Date:	31st August 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

NPPF 2021
Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

Details of storage and disposal of refuse and recycling (Condition 2 of H16-0617-18).

Site Description

The building is currently a House of Multiple Occupation (9 bedrooms) and is located on the western side of the River Welland in a row of terraced properties. It is a historic 3 storey period property and is Grade II listed. The building fronts the main road and is surrounded by properties of a similar design and construction. There is a small area of external amenity space to the rear, within which an industrial waste bin is located for refuse/recycling.

Relevant History

H16-0617-18 - Change of use from bed and breakfast (C1) to House of Multiple Occupation (sui generis) (retrospective) (approved August 2018)

Consultation Responses

Not applicable.

Planning Considerations

Use of the building as a House of Multiple Occupation (HMO) commenced in February 2021. Since that time, refuse/recycling sacks have been stored within an industrial waste bin in the rear garden of the property, with bags being taken through the building and then deposited kerbside just prior to collection. Due to other properties being located immediately to each side and the rear, no other route is possible to access the rear of the property, therefore it would not be possible for private collection via a lorry to take place. No complaints have been made regarding bags from this HMO being deposited at the front of the property for collection day since February 2021. Therefore, whilst it is not ideal for a HMO of up to 12 people (no. permitted by licence) to have such an arrangement, the absence of any complaints suggests that it is not causing a detrimental impact and is, on balance, 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 Condition 2 of H16-0617-18 can be discharged.