

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0789-26 **Applicant:** SME Corporation (2)
Limited & Roadside
Real Estates

Proposal: Details of proposed litter bins (Condition 13 of H16-0079-25)

Location: Units 1 & 2 Fulney Lane North Spalding

Terminal Date: 13th October 2026

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 August 2026

Section 3 - Decision-making policies (DM1 - 10)
Section 4 - Achieving sustainable development (S1 - S6)
Section 12 - Making effective use of land (L1 - 3)
Section 14 - Achieving well-designed places (DP1 - 4)
Section 17 - Pollution, public protection and security (P1 - 6)

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge condition 13 of planning permission H16-0079-25. Approval was granted under planning permission H16-0079-25 for the erection of two drive-through units within the site with associated parking and landscaping. Condition 13 requires details of litter bins to be submitted and approved by the Local Planning Authority.

Site Description

The site comprises an irregularly shaped parcel of land, located to the west of the A16 and the south of the A151. The site is located to the south of a tyre shop, and to the north of a factory building (David Wood Baking). The nearest residential dwellings to the site are located to the west of the site, on the opposite site of Fulney Lane North.

The site is outside the settlement boundary of Spalding, as identified by the South East Lincolnshire Local Plan 2011-2036 and accompanying policies map. The nearest part of the settlement boundary to the site is located on the opposite side of the Coronation Channel, approximately 150m to the west of the site. There are large areas of development outside the settlement boundary on the eastern side of Spalding. Most of the areas are designated within the Local Plan for development, including the application site, which is identified as an 'Established Employment Area' (Site SP003) by Policy 7 of the Local Plan.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

There is a Public Right of Way that runs through the site, along the northern and eastern edges of the site.

Relevant Planning History

H16-1220-01: (Full Application) Extension to existing factory to create engineers workshop - approved 23 November 2001

H16-0730-09: (Full Application) New entrance reception/security lobby including improvements - approved 03 November 2009

H16-1185-18: (Full Application) Erection of a single storey drive thru restaurant for KFC with associated car parking, cycle parking, landscaping and access - approved 23 January 2019

H16-0630-19: (Full Application) Erection of a single-storey drive thru restaurant for coffee shop with associated car parking, cycle parking, landscaping and access - approved 21 August 2019

H16-0079-25: (Full Application) Erection of two single storey drive thru units with associated car parking, cycle parking, landscaping and access - approved 08 August 2025

H16-0173-26: (Discharge of Conditions) Details of biodiversity gain plan, flood warning and evacuation plan (Conditions 7 and 10 of H16-0079-25) - approved 08 April 2026

H16-0183-26: (Advertisement) Proposed Signage - approved 15 April 2026

H16-0207-26: (Discharge of Conditions) Details of construction management (Condition 3 of H16-0079-25) - pending determination

H16-0235-26: (Discharge of Conditions) Details of surface water disposal (Condition 12 of H16-0079-25) - approved 23 April 2026

H16-0757-26: (Non Material Amendment) Erection of two single storey drive thru units with associated car parking, cycle parking, landscaping and access - Approved under H16-0079-25. Amendments to style of EV charging equipment & installation of CCTV column - pending determination

Consultation

Lincolnshire County Council: The Highway and Lead Local Flood Authority does not wish to make comment on Condition 13 as this was not requested by ourselves and the authority has no objection to its discharge.

Key Planning Considerations

Condition 13 set out the following:

" Prior to the first use of the development, details of the proposed litter bins within the site shall be submitted to and approved in writing by the Local Planning Authority. The litter bins shall thereafter

be installed in accordance with the approved details prior to the first use of the development.

Reason: In the interests of ensuring satisfactory waste storage arrangements.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019."

Initially, the application was accompanied by a plan which showed 3 litter bins next to Unit 1 and 3 litter bins next to Unit 2. Extra bins were requested during the determination of the application as it was considered that not enough bins were proposed near the parking spaces near the southern boundary of the site. As a result, the plan was updated to relocate one of the bins from Unit 1 closer to the southern parking spaces and an additional bin has been added nearer to the south-eastern part of the site. Based on the revised information, it is considered that the proposed number and locations of bins is acceptable. Therefore, condition 13 can be 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.

Conclusion

The details address the requirements of condition 13 of permission H16-0079-25.

Recommendation

Discharge condition 13.