DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0817-21**	**Applicant:**	**Miss M Begum**
Proposal:	Details of storage & disposal of refuse & recycling (Condition 4 of H16-0476-19)		
Location:	Wilson House 64 St Thomas Road Spalding		
Terminal Date:	24th September 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 2021

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

Condition compliance application to discharge condition 4 (details of refuse storage) of application H16-0476-19.

Site Description

The site is part of the residential frontage along St Thomas Road which offers a wide range of design and appearances. A row of Victorian houses lie to the north of St Thomas Road whilst larger Victorian dwellinghouses lie to the south of the road. The application's property is a large detached red brick residential building with off street parking and a large garden area to the rear. The site location is within defined settlement limits and Conservation Area of Spalding and is close to the town centre for transport links and amenities.

History

H16-0476-19 - Change of use from domestic dwelling to House of Multiple Occupation (retrospective) - Approved

Consultation Responses

None received.

Planning Considerations

Condition 4 (details of refuse storage)

No details have been submitted with regards to the size, design and capacity of the refuse and recycling storage container. As such this condition cannot 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

Taking the above into account, it is considered that Condition 4 relating to application H16-0476-19 cannot be discharged.