

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0847-24 **Applicant:** Seagate Homes

Proposal: Details of bin collection point, vehicular access and vehicular access road (Conditions 6 and 11 of H16-0134-23)

Location: Millfield House Spalding Common Spalding

Terminal Date: 3rd December 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
05 Meeting Physical Infrastructure and Service Needs

National Guidance

National Planning Policy Framework 2023

Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed and beautiful places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of condition application relating to conditions 6 and 11 of planning permission H16-0134-23.

-Condition 6 - Details of Bin Collection Point
-Condition 11 - Vehicular access and vehicular Access Road

Site Description

The site, which has an area of approximately 0.2ha, comprises part of the side and rear garden

areas to a large detached frontage property, it now benefits from planning permission to erect 9 number dwellings.

The site is adjoined to the south and east by new residential development taking place on the nursery site. The site is located within Flood Zone 2.

History

H16-0134-23 - Residential Development (9 Dwellings). Approved 19-10-23

Consultation Responses

Highways

Details of bin collection point, vehicular access and vehicular access road (Conditions 6 and 11 of H16-0134-23) This is a Private Drive. Conditions 6 and 11 were not conditions applied by Lincolnshire County Council. Please note that Refuse vehicles will not enter private drives - it is for the Local Planning Authority to determine as it is less than 10 dwellings.

Planning Considerations

Condition 6 - Refuse Collection Points

The condition requires:

No dwelling hereby permitted shall be occupied until details of the bin collection point (proposed for means of storage and disposal of refuse and recycling and to be located as shown within drawing no. MHS-SH-PD-SP-02-C), have been submitted to and approved in writing by the Local Planning Authority. The details shall include the height, materials and specific scale of the bin collection point, as well as details of appropriate management and maintenance.

The applicant has submitted a 'landscape, boundary and external works' plan (ref: MHS-SH-PD-EW-03). The plan shows the agreed location of the bin collection area as well as stating that the collection point will be treated with a 1.2m brick-built wall on 3 sides.

It is considered that the treatment would adequately screen the development and would limit the character impact of the storage of bins. Furthermore, the use of brick offers longevity to this storage area. On this basis the information submitted to discharge condition 6 is acceptable.

Condition 6 is recommended for discharge.

Condition 11 - Materials for vehicular access and vehicular access road

The condition requires:

Before any dwelling is occupied, all of that part of the vehicular access and vehicular access road, in addition to any associated footways within or adjoining the site, shall be laid out and constructed using materials as to be agreed and to finished surface levels in accordance with, details to be submitted and approved by the Local Planning Authority.

The applicant has provided two plans in support of discharging this condition. One relating to kerbs and surfacing layout (ref: 12689 - WMS - ZZ - XX - DR - C - 39501 - S3 - P5) and one relating to levels layout (ref: 12689 - WMS - ZZ - XX - DR - C - 39502 - S3 - P3)

The palette of materials used for the surfacing is considered acceptable. The levels of the road and footway are also considered acceptable. On this basis condition 11 is hereby discharged.

Conclusion

Conditions 6 and 11 of planning permission H16-0134-23 are hereby 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.