DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-1080-22**	**Applicant:**	**Warwick Healthcare Ltd.**
Proposal:	Removal of air conditioning units from the side of the building and re-position at the rear		
Location:	6 West Street Crowland Peterborough		
Terminal Date:	16th February 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework 2021

Section 12- Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application, seeking planning permission for the proposed removal of air conditioning units from the side of the building and the re-positioning to the rear of the building. The proposal is to the property at 6 West Street, Crowland.

Site Description

The site lies within the Crowland Conservation Area and sits to the south of West Street and is sited within the Town Centre Boundary, forming part of the Primary Shopping Area. The property is currently used as a pharmacy and has a shared entrance situated to the east of the site, which enables access to the properties at the rear of the site as well as the rear of the pharmacy. Public parking spaces are situated to the front of the site and the pharmacy is surrounded by other retail/commercial premises along West Street.

History

H02-0972-20- FULL- Approved on 23-02-21- Change of use of first & second floors to create 3 residential units and retaining existing retail use on the ground floor.

H02-0922-15- FULL- Approved on 30-11-15- Installation of ATM machine - retrospective re-submission of H02-0488-15.

H02-0923-15-Advertisement- Approved on 30-11-15- Signage in connection with ATM machine - retrospective re-submission of H02-0489-15.

H02-0488-15- FULL- Refused on 26-08-15- Proposed installation of ATM machine.

H02-0030-13- FULL- Refused on 13-03-13- Repositioning of front entrance door.

Consultation Responses

Crowland Parish Council

No objections.

North Level IDB

No comments.

SHDC Environmental Protection

Providing the relocation of the units has no adverse noise impact on the nearby residential properties have no objection.

Planning Considerations

Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The Local Planning Authority recognises that A/C units inevitably generate noise. However, the Council's Environmental Protection Officer has no objection in regards to the units, providing the relocation of the units have no adverse noise impact on the nearby residential properties. Following this, the Environmental Protection Officer has raised no further concerns over the noise generated which could affect the private enjoyment of any nearby residential settings. Furthermore, no noise complaints have been made in relation to the existing units in their current position.

Taking the above into account, the proposed removal of air conditioning units from the side to the rear of the building is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Character and Appearance

Given that the site lies within the Crowland Conservation Area, it is not considered that the repositioning of the air conditioning units will not impact on the overall character. The repositioning of the air conditioning units, will not be visible from the main road as they will be set to the back of the property and will not impact upon the surrounding character of the Conservation Area.

Taking the above into account, the proposed removal of air conditioning units from the side and the repositioning to the rear of the property is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of the character and appearance upon the Conservation Area.

Planning Balance

For the reasons listed above, it is considered that the air conditioner units at the greater height than presently installed would not materially impact upon residential amenity or upon access for lorries down West Street.

It is therefore considered to be in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2019) in addition to Section 12 of the National Planning Policy Framework (2021).

Conclusion

The recommendation is for a delegated approval.

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.