

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H11-0301-20 **Applicant:** KBeverage Ltd
Proposal: Siting of 2 condensing units with RAL 7021 protective cages
Location: Starbucks Main Road Filling Station Wisbech Road
Terminal Date: 17th June 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
03 Design of New Development
07 Improving South East Lincolnshire's Employment Land Portfolio
30 Pollution

National Guidance

National Planning Policy Framework 2019

Sections 12 and 15

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for 2 condensing units with RAL 7021 protective cages. The building to which they would relate is substantially complete.

Site Description

The site is located on petrol filling premises within the north-western quadrant off the A17/Wisbech roundabout.

A Travelodge motel is situated to the north and a cafe (Benny's Diner) to the west. The A17 is located to the south.

History

H11-0354-19 - Full - Erection of a coffee shop with drive-thru and associated works - Granted 29 May 2019

H11-0860-19 - C/C - Details of external cladding, landscaping & scheme to deal with contamination (Conditions 3, 4 & 5 of H11-0354-19) - Approved 24 October 2019

H11-0897-19 - Re-location of existing BP PID sign and erection of new Starbucks totem sign - Granted 29 October 2019

Consultation Responses

Long Sutton Parish Council - No response.

SHDC Environmental Protection (Noise) - No objections.

Planning Considerations

Principle

The site is located outside of any settlement boundary as set out in the South East Lincolnshire Local Plan (2019) and is, therefore, classed as being in the countryside in planning policy terms.

Policy 1 (Spatial Strategy) of the Local Plan states that development in the countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Given that the proposed condensing units are intended to be used in conjunction with approved commercial premises it would be unreasonable to locate such development elsewhere. The proposal satisfies this policy therefore.

Character and appearance

The condensing units would be located at the side/rear of the building facing Benny's Diner. They would be viewed against a backdrop of the existing building and would be a neutral form of development. The proposal is therefore in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Residential amenity

The condensing units would face west towards Benny's Diner, which is a commercial building. Ambient noise levels are relatively high in this location due to traffic noise from the A17. SHDC Environmental Protection has also been consulted and raises no objections to the proposal on environmental grounds.

The proposal is therefore in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in this respect.

Conclusion

The proposal is considered to be in accordance with Policies 1, 2, 3 and 30 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 15 of the National Planning Policy Framework (2019). The recommendation is therefore 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.