

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0954-22 **Applicant:** Lincolnshire Co-Operative Ltd

Proposal: New external fridge plant to rear of building

Location: 15 West Street Long Sutton Spalding

Terminal Date: 2nd December 2022

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

02 Development Management
03 Design of New Development
29 The Historic Environment
30 Pollution

National Guidance**National Planning Policy Framework 2021**

Section 12 - Achieving well-designed places
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	2
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT**PROPOSAL**

This is a full application seeking permission for a new external fridge plant to rear of the building.

SITE DESCRIPTION

The site is located on West Street, within the Long Sutton settlement boundary. Part of the site is within the Long Sutton Conservation Area. The principal elevation of the application building is brick with horizontal stone detailing and brick detailing at first floor window head, with large openings at ground floor and 5 sliding sash windows at first floor. The side and rear elevations are blank. The immediate area comprises a mixture of residential and commercial buildings of varying designs.

RELEVANT PLANNING HISTORY

H11-1427-06 - Convert existing building into two retail units and 3 residential units and construct a detached unit encompassing one retail unit and 2 residential units - Approved

H11-0233-11 - Change of use of library to form A1 shop to include external alterations to change windows and doors and car park to rear - Approved

H11-0722-07 - Erect one pair of semi-detached dwellings - Refusal

REPRESENTATIONS

Conservation Officer

No objections as the proposal relates to the rear of the site therefore any impact upon the setting of the Conservation Area is negligible.

SHDC

No objections subject to a condition restricting noise.

Resident

One letter of objection has been received siting concerns of noise levels.

PLANNING CONSIDERATIONS

Layout, Design, Scale and impact on the character of the area

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 197 of the NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and its uses. Policy 29 of the SELLP states that development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets including conservation areas.

The proposal is considered minor and would not unacceptably change the overall appearance of the site. The Council's Conservation Officer has not raised any objections to the proposal as it relates to the rear of the site therefore any impact upon the setting of the Conservation Area is negligible.

As such the development is considered acceptable in terms of its impact on the conservation area and the character of the existing dwelling and therefore accords with Policies 2, 3 and 29 of the SELLP and the Sections 12 and 16 of the NPPF.

Impacts upon 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. Furthermore Policy 30 states development proposals will not be permitted where they would lead to unacceptable adverse impacts by way of noise.

The neighbour at no.13 West Street has raised concerns of noise levels from the proposed plant. The concerns are noted, however, the Environmental Health Officer has not raised any objections to the proposed scheme. In addition, a condition has been attached restricting the noise levels. As such the noise generated by the proposed plant would be within acceptable tolerances therefore no unacceptable impact would result on neighbouring amenity.

As such the proposal accords with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2, 3 and 30 of South East Lincolnshire Local Plan (2019).

Planning Balance

The proposal will not materially harm the character or appearance of the Conservation Area or result in neighbouring amenity issues. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 2, 3, 29 and 30 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 16 of the National Planning Policy Framework (2021).

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.

RECOMMENDATION

The application can be approved under delegated powers.