

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0060-20 **Applicant:** Taylors Vauxhall
Proposal: External air conditioning units (retrospective)
Location: Taylors Vauxhall 83 Pinchbeck Road Spalding
Terminal Date: 29th October 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2019

Sections 12 and 16 of the National Planning Policy Framework

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This full planning application is for the retrospective addition of air conditioning units to the side elevation of Taylor's Vauxhall, 83 Pinchbeck Road, Spalding.

Site Description

83 Pinchbeck Road is a commercial car sales and maintenance garage within residential surroundings. It sits along Pinchbeck Road, within the Spalding Conservation Area. This location is prominent within the Conservation Area as it features many architecturally interesting and attractive late Victorian and early-mid C20th properties and forms one of the main thoroughfares out of Spalding.

History

None relevant

Consultation Responses

Local Residents

Objections were received from 1 local resident who was concerned that the air conditioning units generated an unacceptable levels of noise.

South Holland District Council Environmental Protection Officers

Several SHDC Environmental Protection Officers commented on the application concurring with the comments of the Local Resident that the new A/C units represented an unacceptable level of noise generation.

Following this; the applicant added noise reduction equipment to the A/C units. The Environmental Protection Officer has now confirmed that noise levels are now at acceptable levels and no further objections stand.

Planning Considerations

Resident Objections/Residential Amenity

The Local Planning Authority recognises the comments made with regards to noise generation on site by the A/C units. The applicant was asked to address this via the installation of noise reduction/baffling equipment. Following this, the SHDC Environmental Protection Team conducted a site visit and have raised no further concerns with regards to noise generation affecting the private enjoyment of any neighbouring residential settings.

Heritage Impact

The Local Planning Authority does not consider there to be any risk presented to the value, significance or public appreciation of the Spalding Conservation Area (SCA) or any associated designated assets by this application. Whilst the host property does sit in a fairly prominent location within the SCA and industrial equipment such as the proposed is not conducive in appearance to a SCA setting, the location of the A/C units is entirely non-visible from the public realm and therefore this proposal has no effect upon the appreciation of this setting. Furthermore, it must be considered that this is an active business within the community with a need for A/C supply - on the balance of probabilities it is considered in the wider public benefit to approve this application. For the reasons listed above, the lack of an impact upon the SCA or any associated designated asset leads the Planning Authority to declare that this application helps to conserve the Historic Environment as mandated by Section 16 of the National Planning Policy Framework (2019)

Conclusion

For the reasons listed above, this application is considered to be in accordance with Policies 1, 2, 3, 29 and 30 of the South East Lincolnshire Local Plan (2019) in addition to Sections 12 and 16 of the National Planning Policy Framework (2019). Therefore, this application is recommended for 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.