

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H16-0512-22      **Applicant:** Mr J Le Sage  
**Proposal:** Installation of air conditioning unit  
**Location:** The Salon At Victoria Street 3 Victoria Street Spalding  
**Terminal Date:** 9th August 2022

### 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

#### National Guidance

#### National Planning Policy Framework 2021

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

### Representations:

|               | Object | Support | No Obj. | Comments |
|---------------|--------|---------|---------|----------|
| WARD MEMBER   | 0      | 0       | 0       | 0        |
| SHDC INTERNAL | 0      | 0       | 0       | 2        |

### CASE OFFICER ASSESSMENT

#### PROPOSAL

This is a full planning application for the installation of an air conditioning unit to the rear of The Salon at Victoria Street, 3 Victoria Street. The proposal seeks to site the unit on the rear elevation flat roof beneath a window. The dimensions of the unit will be 0.29 metres in depth, 7.99 metres in width and 5.42 metres in height. The unit will operate at a maximum noise level of 20 decibels.

#### SITE DESCRIPTION

The location is within the defined settlement limits of Spalding and is also located with Spalding Conservation Area. The site is in Environment Agency Flood Zone 3 and is not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

## **RELEVANT HISTORY**

None

## **CONSULTATION RESPONSES**

South Holland District Council - Conservation Officer

"I wish to raise no objections to the principle of this proposal. Air conditioning units within Conservation Area settings are best shielded from public realm views. By positioning the unit to the rear of the property, the applicant has ensured that the publically visible elevations of their conservation area property are entirely unaffected and therefore the proposal bears no impact upon that Heritage Asset. Whilst the rear of the property does face the Grade II listed Sessions House, the proposal is minor enough and separated by enough distance from the heritage asset that it cannot be said that such a proposal would impact upon its character and setting."

South Holland District Council - Environmental Protection

"No objection. Request the following condition:  
Noise from fixed plant and machinery shall not exceed the background level by more than 5dB(A) when measured as a 15 minute L(A)eq at any residential boundary not within the applicant's ownership."

## **PLANNING CONSIDERATIONS**

Principle of development

The air conditioning unit will be sited on a commercial / residential building with defined settlement limits. The principle of development in this location is acceptable.

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The size and scale of the unit is minimal. No trees will be removed to facilitate this proposal. Due to the unit being sited on the rear elevation and being location beneath an existing window there is not considered to be a material impact on the character and amenity of the building or surrounding area.
2. The design of the unit is appropriate for its purpose, and the orientation minimises impact on the character of the surrounding area.
3. The proposed materials are standard for a air conditioning unit.
4. Access and vehicle generation levels will not be impacted by this proposal.
5. The capacity of existing community services and infrastructure will not be impacted by this proposal.
6. There is not considered to be an odour or disturbance impact from this proposal. There is not a material visual impact as the the unit is site immediately below a first floor window to the rear of the building. The unit will operate at 20 decibels so will not have a noise impact. The Environmental Protection Officer has requested a noise level condition.
7. The site is in Environment Agency Flood Zone 3 and is not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.
8. There is not considered to be a material impact on Spalding Conservation Area as a result of the proposal. The Conservation Officer has no objections the proposal.

This application accords with SELLP Policy 2.

#### Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. The size and scale of the unit is minimal. No trees will be removed to facilitate this proposal. Due to the unit being sited on the rear elevation and being location beneath an existing window there is not considered to be a material impact on the character and amenity of the building or surrounding area. A sense of place is not impacted by the proposal.

5. Storage of bins, cycles and vehicles are not impacted by this proposal.

11. There is not considered to be an odour or disturbance impact from this proposal. There is not a material visual impact as the the unit is site immediately below a first floor window to the rear of the building. The unit will operate at 20 decibels so will not have a noise impact. The Environmental Protection Officer has requested a noise level condition.

12. The site is in Environment Agency Flood Zone 3 and is not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

This application accords with SELLP Policy 3.

#### Assessment against SELLP Policy 29 - The Historic Environment - Conservation Areas

When assessed against the relevant criteria the following can be observed:

##### **B. Conservation Areas**

Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:

1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;
2. Retain architectural details that contribute to the character and appearance of the area;
3. Where relevant and practical, remove features which are incompatible with the Conservation Area;
4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;
5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;
6. Aim to protect trees, or where losses are proposed, demonstrate how such losses are appropriately mitigated against.

1. The proposed will not materially impact buildings, street patterns, building lines or ground surface by virtue of the size and siting of the unit.

2. Architectural details will not be impacted as the unit will be sited in front of a brick wall on a flat roof below a window.

3. No features on the existing building are to be removed.

4. By virtue of the size and siting of the unit, the height, massing, scale, form, materials of construction and plot widths are not impacted by the proposal.

5. The proposal will not have a material impact on the townscape, roofscape, skyline or landscape. This is because the unit is sited to the rear of the building away from the highway and there is another unit of a similar size close to the proposal site.

6. No trees are impacted by this proposal.

This application accords with SELLP Policy 29.

#### **PLANNING BALANCE**

By virtue of the size, siting and design there is not considered to be a material impact on the character and amenity of the surrounding area. This application accords with Policies 1, 2, 3, 29 of the South East Lincolnshire Local Plan, 2019, as well as Sections 14 and 16 of the National Planning Policy Framework, 2021.

## **CONCLUSION**

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.