

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1045-21 **Applicant:** Octagon Developments (Cambs) Ltd

Proposal: Installation of wall mounted air conditioner units - retrospective

Location: 17 Winsover Road Spalding

Terminal Date: 30th November 2021

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

Sections 12 of the National Planning Policy Framework

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application (retrospective) for the installation of air conditioning units to the side elevation of 17 Winsover Road, Spalding.

Site Description

The site is located within the town centre of Spalding and is currently occupied by a retail unit and flat above. Winsover Road is to the north of the site with a variety and retail/commercial premises

extending in either direction. To the south there are mostly residential dwellings. The air conditioner units are sited on the eastern elevation of the building, facing Short Street.

History

H16-1148-18 - Details of bin storage and cycle storage, shaping and resurfacing of Short Street, parking control, landscaping, design and position of external boxes etc, programme for phasing and reposition of Short Street nameplate (Conditions 6, 7, 8, 10, 12, 13 and 16 of H16-0933-16) (undecided)

H16-0933-16 - Demolition of 15-21 Winsover Road and buildings to rear and erect 27 dwellings and replacement shops - approved under H16-0420-16. Removal of Condition 15 relating to bat report and variation of Condition 2 to allow amendments to previously approved plans (approved December 2016)

H16-0934-16 - Details of contaminated land, archaeological report, brick and roof details (Conditions 4 and 16, and Part Condition 12 of H16-0420-16) (approved October 2016)

H16-0420-16 - Demolition of 15-21 Winsover Road and buildings to rear and erect 27 dwellings and replacement shops - approved under H16-1004-09. Removal of Condition 4 relating to affordable housing. (approved July 2016)

H16-1004-09 - Demolition of 15 - 21 Winsover Road and buildings to rear and erect 27 dwellings and replacement shops (approved May 2014)

Consultation Responses

South Holland District Council Environmental Services-
Supports application so long as the air conditioner units are placed above 4 meters high to ensure access for waste collection vehicles.

South Holland District Council Environment Protection Officer-
No objection subject to noise condition

Planning Considerations

Residential Amenity

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, but proposes for a condition to ensure the fixed plant and machinery shall not exceed the background noise level by more than 5dB(A) when measured as a 15 minute L(A)eq at any residential boundary. 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 units in their current position.

Waste Refusal

The Council's Environmental Services Department did raise concerns in regards to the access for waste refusal lorries, which currently collect waste from the top of Short Street. Their concern lies around the lorry reversing down Short Street with the potential to collide with the air conditioning units due to the height they have been positioned at. Therefore, plans have been revised to show that the air conditioning units will be re-positioned 4m above ground level and will therefore enable refuse lorries to manoeuvre down Short Street without the potential to collide with the units.

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 Short 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).

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.

Conclusion

The recommendation is for a delegated approval.