

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1100-25 **Applicant:** Mr M Calitri

Proposal: Details of design, appearance & location of extract ventilation equipment and details of sound insulation to be provided around the extract ventilation equipment (Conditions 3 & 4 of H16-0923-10)

Location: 6 Pinchbeck Road Spalding

Terminal Date: 6th January 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	2

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge conditions 3 and 4 of H16-0923-10, which relate to the details of extract ventilation equipment and sound insulation.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. This site is within the defined town centre and Conservation Area. It is a Grade II listed property, with the Historic England description reading as follows:

"Early C18 house of 2 storeys and attics in brick with slate roof with 2 gabled dormers. 5 windows, centre blocked, new glazing bars. Ground floor has 1 modern window of 3 lights and 3 other windows (1 in place of former door). Extension to east of 2 storeys with 2 windows, segmental arches and 1 3-light segmental-headed window (later) and modern doorway. Rendered plinth."

Relevant History

H16-1101-25 - Condition discharge - Details of cross sectional drawings, brickwork panel, samples of brick to be used for external walls and details of any acoustic/thermal insulation and fire

precautions works (Conditions 3, 7, 10 & 12 of H16-0589-10) - Ongoing

H16-0923-10 - Full - Change of use to form restaurant (A3) and retail unit (A1) and alterations to building - Approved 21/02/11.

H16-0589-10 - LB - Proposed rear extension, external staircase, new boundary railings, internal and external repairs and alterations - Approved 21/09/10.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Environmental Protection

I confirm that the ventilation system has not given cause for complaints of noise and odour and i am happy for the condition to be discharged

Conservation Officer

"To confirm, I have no objections to the details proposed for discharge of these conditions. Typically, mineral fibre insulation would not be permissible for use in a Listed Building. However, after over a decade of being in situ, we have no evidence that it is causing harm to the material of the listed building, and removal could arguably risk greater harm to the material of the listed building. The external venting equipment is situated in the clearly later and lesser value portion of the site, and similarly, it is likely the case that having to chase the installed system out of the building would lead to a risk of causing more harm than good. For these exceptional reasons, I do not wish to raise objections."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Condition 3

Wording

"Prior to the commencement of the use hereby permitted full manufacturers details of the design, appearance and location (including details of noise levels and odour filtration) of any extract ventilation equipment including any external flues shall be submitted to and approved in writing by the Local Planning Authority. No other equipment other than that so approved shall be installed without the prior written consent of the Local Planning Authority."

Assessment

The following has been installed:

Canopy: Stainless-steel wall-mounted extraction hood above the cooking range, measuring 1.2m by 1m.

Ducting: Metal duct routed internally through the ceiling void, depositing the steam out of a discreet vent within the rear flat roof.

Fan Unit: Roof-mounted extract fan contained within a metal housing and enclosed within the duct run.

The route of the ducts was shown within H16-0589-10, and therefore has been considered to be acceptable previously.

The proposed details are considered to be acceptable.

Condition 4

Wording

"Prior to the commencement of the use hereby permitted, the applicant shall submit to and have approved in writing by the Local Planning Authority details of sound insulation to be provided around the extract ventilation equipment so as to prevent disturbance of occupants of the first floor residential accommodation. The development shall be carried out in accordance with the details so approved."

Assessment

The following has been installed:

"Within the ceiling void, mineral-fibre quilt insulation (likely glass mineral wool) is fitted between floor joists around the ducting and structure.

This material provides airborne sound attenuation, thermal resistance, and contributes to fire separation between the commercial kitchen below and the first-floor flat above.

The fan is mounted on vibration-isolating fixings to reduce structure-borne noise."

The submitted details are considered to be acceptable. The kitchen has operated for a significant period of time, without any reports of disturbance being made.

On this basis, the details are considered acceptable and Condition 4 can be discharged.

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 submitted details are considered to be acceptable and Conditions 3 and 4 of H16-0923-10 can be discharged.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.