

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-1139-19 **Applicant:** J D S P Dental Ltd

Proposal: Change of use to Dental Surgery - approved under H16-0801-18 - Amendments to internal layout and installation of air conditioning unit on rear wall

Location: Units 1 And 2 Winsover Centre 14-16 Winsover Road Spalding

Terminal Date: 25th December 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
30 Pollution

National Guidance

National Planning Policy Framework 2019

Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This is a non-material amendment application for amendments to internal layout and installation of air conditioning unit on rear wall to a building which obtained permission for a change of use to dental surgery (application ref. H16-0801-18).

Site Description

The site is part of a row of commercial/retail units (including LIDL food and B&M) fronting onto Winsover Road. The site is within the Town Centre boundary for Spalding as set out in the South East Lincolnshire Local Plan (SELLP), 2019.

The premises are within a traditional brick-and-tile two-storey building with two access doors and shop frontages. There is a convenience store in the adjacent unit No. 20.

History

Consultation Responses

None.

Planning Considerations

Layout and design

Proposed internal non loadbearing partitioning would be carried out in order to relocate second surgery room on the ground floor level and office on the first floor level. A layer of 12.5mm plasterboard would be applied on the proposed walls. A single air conditioning unit would be externally installed between the two rear windows on the first floor level. The roof of the adjacent unit No. 20 joins the application property and rises away to the north. The surroundings of the air condition unit are characterised by flues down pipes and AC units of other buildings. The proposed works would be acceptable in terms of design and layout.

Residential amenity

The proposed walls would be internal so that there would not be any external impact on the building and its street scene. There is a partition wall above the roof with the adjacent No. 20 which would obscure views from the north. There is no other windows with potential overlooking onto the intended AC unit. The area is predominantly retail and commercial. There would not be any harm upon the amenity standards of residents by virtue of visual impact and noise pollution.

Conclusion

Overall, it is considered that the proposed amendments satisfactorily comply with the criteria of South Holland District Council's Development Control Procedure Note Non-Material Amendments to Planning Permission and, as such, are acceptable as a Non-Material Amendment.

No objections have been received. It is accordingly recommended to approve this planning application via delegated powers.

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.