DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0667-23**	**Applicant:**	**J & N Properties**
Proposal:	Details of proposed external lighting (Condition 3 of H23-1043-22)		
Location:	Newgate Hockney Hole Lane Whaplode		
Terminal Date:	20th September 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application relating to Condition 3 of H23-1043-22. Submitted are the details for the proposed external lighting to be used on the storage buildings.

Site Description

The site is located on Hockney Hole Lane in Whaplode. The site is outside any defined settlement boundary and within the open countryside. The site currently comprises a storage building, an office building and several glasshouses. One residential dwelling is located to the north-west of the site and another to the south-east (Hockley House) which is under the applicant's ownership. The site is within flood risk zone 3a.

History

H23-1049-08 - Change of use from agricultural to storage of machinery and equipment with ancillary maintenance of vehicles and equipment, including alterations - Approved

H23-1026-13 - Proposed office building (re-submission of H23-0804-13) - Approved

H23-0804-13 - Proposed portable office building - Approved

H23-1043-22 - Erection of storage building and change of use and recladding of existing glasshouse to storage (Use Class B8) in connection with existing industrial flooring business - Approved

Consultation Responses

Lincolnshire County Council Highways

No objection

South Holland District Council Environmental Protection

Ensure that the proposed lighting units are suitably positioned and angled downwards, to avoid glare and direct light onto neighbouring residential properties. To protect the amenity and avoid potential for statutory light nuisance emitting the site.

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, two resident comment have been received objecting to the application and are summarised as follows -

- The already erected flood light at the apex of the existing shed causes problems shining in our bedroom
- Object to having more lights all night from dusk to dawn 24/7 shining into our property causing more light pollution/nuisance
- The lights will further illuminate properties and any light/sound pollution from the lights of vehicles using that entrance 24/7

Planning Considerations

Lighting

The submitted details show LAP Weyburn Outdoor LED Floodlights, which are to be fixed to the north west elevation above a personnel door, one on the south east elevation above the roller shutter door and finally one on the south east elevation for the store. On the plans submitted it shows the same lights being used for the other buildings. Two will be situated on the north west elevation above the shutter doors and on the south east elevation above the personnel door.

The lights will be angled down as per the comments from Environmental Protection, it can also be considered that due the distance between the site and neighbouring properties, and the nature of the LEDs it is not considered that the lighting scheme would increase the levels of light pollution in the area.

Other Matters

The lights will be angled downwards and therefore is not considered to effect resident amenity and cause unnecessary levels of light pollution following the condition being discharged.

Conclusion

The submitted details adequately conform to and achieve the aims of Condition 3. Therefore, the condition 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.