

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0316-21 **Applicant:** N Brookfield
Proposal: Change of use of former library to beauty clinic, including alterations
Location: Former Library Church Street Holbeach
Terminal Date: 24th May 2021

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
29	The Historic Environment
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 6, 7, 8, 12, 14 and 16

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

Full planning permission is sought for a change of use of the former Lincolnshire County Council library to a beauty clinic, including the addition of black gloss architectural panels on the front elevation.

SITE DESCRIPTION

The building, which was erected in the early 1970's and is of contemporary design, is located on the eastern side of Church Street and was formerly a library (now vacant). It is constructed in buff brickwork with a flat roof. The new vicarage is located to the north within landscaped grounds and thereafter All Saints Church (grade I listed), which is beyond a pair of bungalows. Residential properties are situated to the east off Vicarage Gardens. An attractive community building (The Reading Rooms) is situated to the south, which is classified as a non-designated heritage asset.

The site is within Holbeach Conservation Area but outside the defined town centre.

RELEVANT HISTORY

No recent history.

CONSULTATION RESPONSES

Holbeach Parish Council

One objection received but an occupied building is better for the town than an empty one. Supported.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

Environmental Protection (Noise)

No comments or objections.

Public (summarised)

Objections/comments - Stained glass window should be retained within the building - it has been offered to the Parish Council so they should not be making comments; Window should be offered to an existing civic premises such as the new library within the Co-op complex; Request that owners keep sides and rear of premises clean.

One letter of support has been received.

PLANNING CONSIDERATIONS

The main issues in this case are:

- Whether the proposed change of use is acceptable in principle and is a sustainable form of development;
- Character/appearance and heritage;
- The likely affect upon the amenity of nearby residents;
- Highway safety;
- Other material considerations, including flood risk and drainage.

Principle/Sustainability

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material

considerations indicate otherwise.

Policy 32 of the South East Lincolnshire Local Plan, 2019 (SELLP) specifically relates to community facilities. It states that the redevelopment or change of use of an existing community facility will be permitted only if an assessment has been undertaken which has clearly shown that the facility is:

- a. surplus to requirements; or
- b. not economically viable; or
- c. unfit for purpose.

The above policy is consistent with advice within the National Planning Policy Framework (2019) (NPPF). Para 83 states that planning policies and decisions should enable the retention and development of accessible local services and community facilities. Paragraph 91 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Lastly, paragraph 92 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; and ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.

Assessing the proposal against Policy 32 of the SELLP, whilst the building is still fit for purpose the library was closed by Lincolnshire County Council because of a decline in usage and because it was surplus to requirements. Subsequently, Holbeach's library service moved into a community hub approximately four years ago set up by Lincolnshire Co-op and volunteers. The proposal therefore satisfies criterion a).

In terms of the proposed use, the site is within Holbeach Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 indicates that within the settlement boundaries of the Main Service Centres, including Holbeach, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. The proposed use would be an additional local service/facility and complies with the aims and objectives of Policy 1.

Character/Appearance and Heritage

The site is located in Holbeach Conservation Area and All Saints Church (grade I listed) is located further to the north beyond the new vicarage and two bungalows. An attractive community building (The Reading Rooms) is situated to the south, which is classified as a non-designated heritage asset.

In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, section 66(1) of the same Act requires that special regard must be had to the desirability of preserving the setting of listed buildings.

Policies 2 and 3 of the SELLP essentially indicate that new development should be in character and appearance and have a satisfactory relationship with existing development. Policy 29 indicates that proposals should enhance or reinforce the character and appearance of a conservation area and not harm the setting of a heritage asset. Paragraph 193 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The building's front elevation would be clad in high gloss exterior architectural panels coloured black with a non-illuminated frontage sign to replace the timber panel above. The latter would not require advertisement consent. The applicant's agent has stated that this alteration is proposed to "provide a modern look to a young, thriving business".

The existing building is constructed in buff brickwork with a flat roof. It is rather bland in design terms and is on the fringe of the commercial area of the town. Taking into consideration the existing design and appearance of the building it is considered that the addition of black gloss architectural panels on the front elevation would not harm the character or appearance of the building or conservation area and would not affect the setting of All Saints Church further to the north. The

proposal therefore satisfactorily accords with Policies 2, 3 and 29 of the SELLP in this respect.

Concerns have been raised concerning the possible removal of a stained glass window, which is situated on the front elevation. It is based on a local theme (Holbeach) and faces inwards. It doesn't form part of the current application and can probably be removed without planning permission since it is not a material external alteration. Issues raised relating to the actions of Holbeach Parish Council fall outside the remit of this application and should be taken up directly with that Authority.

Amenity

The building is close to the town centre where general noise and activity is expected. Moreover, the proposed use would most likely generate less visitors and have less of an impact upon the occupiers of nearby residential property in terms of noise, general disturbance, privacy, etc.

Space is available at the site and rear for the storage of refuse. Concerns have been raised relating to tidying up land at the side and rear. This would be the responsibility of the future occupiers of the premises.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the SELLP in this respect.

Highway Safety

No on-site parking is available. However, the site is close to the town centre and the proposal would generate less visitors than the former use. On street car parking is available within the immediate vicinity. LCC Highways have been consulted and in light of the aforementioned consider that the proposal would not be expected to have an unacceptable impact upon highway safety.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the SELLP in terms of highway safety. Although there is some conflict with Policy 36 in terms of parking requirements, this is outweighed by other factors in favour of the scheme, including bringing a vacant building back into use.

Other Material Considerations

Flood Risk - The application is for a change of use. Paragraph 164 of the National Planning Policy Framework, 2019 indicates that such applications should not be subject to the sequential or exception tests.

In any case, the site is located within Flood Zone 1 of the Environment Agency's Flood Maps and within an area of no hazard within the South Holland Strategic Flood Risk Assessment (2017). The proposal is not considered to be a more vulnerable use. No objections are therefore raised on flood risk grounds.

The proposal therefore satisfactorily accords with Policy 4 of the SELLP and advice within the Framework in terms of flood risk.

Balance of Considerations

Policy 32 of the SELLP states that the redevelopment or change of use of an existing community facility will be permitted only if the facility is surplus to requirements, not economically viable, or unfit for purpose. It is consistent with advice within the National Planning Policy Framework (2019). In this case, Lincolnshire County Council has previously decided that use of the building as a library is surplus to requirements. In which case, use as a beauty salon is considered a suitable alternative and a means of bringing the building back into active use.

No objections are raised to the proposal on character, heritage, amenity and highway safety grounds. Whilst there is some conflict with Policy 36 because there is no on-site parking this is outweighed by other factors in favour of the scheme. In terms of flood risk, the site is within an area of no hazard within the South Holland Strategic Flood Risk Assessment (2017).

The proposal therefore satisfactorily accords with Policies 1, 2, 3, 4, 29 and 32 of the SELLP, 2019.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under 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.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.