DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0423-24**	**Applicant:**	**Mr V Odedra**
Proposal:	Change of Use from Beauty Salon (Sui Generis) to Retail (E(a)) including alterations to front elevation of building		
Location:	Novo Cosmetics Church Street Holbeach		
Terminal Date:	26th July 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
24	The Retail Hierarchy
27	Additional Retail Provision
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 7 - Ensuring the vitality of town centres
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed and beautiful places
Section 16 - Conserving and enhancing the historic environment

Representations:

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

RESIDENTS	5	2	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a change of use from a former beauty salon (sui generis) to retail (E(a)) including alterations to the front elevation of building.

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, and then a beauty clinic (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.

History

H09-0316-21 - Full - Change of use of former library to beauty clinic, including alterations - Approved 24.05.2021

H09-0450-24 - Advertisement Consent - Proposed Signage on Building - To be determined

Consultation Responses

Parish Council

No Objections.

Lincolnshire County Council Highway/SuDS

No Objections:

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Environmental Protection

No Comments.

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, 8 letters of representation have been received.

These can be summarised as:

-This is in keeping with a Conservation Area
-No garish stickers should be conditioned
-This would bring variation and another business to Holbeach
-Would be a good addition to the town
-There are already plenty of convenience stores in Holbeach
-The One-Stop and Co-Op is in close proximity
-Can the stained glass window be saved
-There will be difficult parking
-Do not need a convenience shop near the church
-Concerns regarding the effect of subway will have on the sandwich shops and cafes
-Concerns regarding the delivery lorries
-Dread to think what the shop will like with a drinks licence
-Will increase antisocial behaviour
-Already enough food and alcohol outlets in the area

Key Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the settlement of Holbeach which is classed as a 'Main Service centre' within Policy 1. As such, "within the settlement boundaries of the Main Service Centres (as shown on the Inset Maps) 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.

As the site is within the boundary of Holbeach, when viewed in broad principle, development within this location is broadly considered appropriate, subject to other policy and material considerations being met. The proposal in this instance is located near to the town centre; however, lies outside of the town centre boundary as defined within the inset map for Holbeach.

The proposal in this instance seeks to change the use of an existing building, to be used as a retail convenience store. Where a proposal would involve the 'creation' of additional retail space, Policy 1

is supported by Policy 24 and Policy 27 of the South East Lincolnshire Local Plan.

Policy 24 primarily directs retail development towards the town centres of the sub-regional centres and 'District and Local Centres', detailing that "Retail and other main town centre uses should be located in accordance with the following hierarchy, as defined on the Policies Map:

A. Sub-Regional Centres
The town centres of Boston and Spalding (as defined by the Town Centre Boundaries) will be the locational focus for the development of town centre uses; planning permission will be granted for retail, food and drink outlets,
financial and professional services, leisure and tourist-related uses (Classes A1-A5, B1, D1 and D2) and residential development. The provision of markets and other appropriate initiatives that would enhance the vitality and viability of Boston and Spalding town centres will be supported.

B. District and Local Centres
In the District Centre of Holbeach and the Local Centres of Crowland, Donington, Kirton, Long Sutton and Sutton Bridge, town centre uses will be permitted where they, on their own or cumulatively with other permitted development, will generate no significant harm upon the vitality and viability of that centre or any other centre within the hierarchy, particularly with regard to their role for food shopping. The provision of markets and other
appropriate initiatives that would enhance the vitality and viability of such centres will be supported".

In this instance, as detailed above, although located within the settlement boundary of Holbeach, the site lies outside of the defined 'Town Centre' boundary. In this regard, the Policy goes on to detail that:

"Outside the retail hierarchy, individual local shops and small neighbourhood clusters of them within a settlement boundary, which meet the day-to-day needs of nearby residents, will be promoted. Wherever possible such new
uses should be located in close proximity to each other, unless serving very local catchments e.g. corner shops.
Outside the defined town centre boundaries, development proposals for the change of use or loss of any premises or land currently or last used as a local shop (Class A1) will be permitted where it can be demonstrated that:
1. there is sufficient provision in the catchment area; and
2. the applicant has provided clear evidence that the property has been openly marketed without a successful conclusion for a period of not less than 12 months on terms that reflect the lawful use and condition of the
premise".

The Policy goes on to detail that "The vitality and viability of centres in the retail hierarchy will be maintained
and enhanced. Proposals for retail use outside the Primary Shopping Areas as identified on the Policies Map, or for other main town centre uses, outside the town centre boundaries and where not provided for under Policy 27, will be required to demonstrate their suitability through a sequential test in line with the National Planning Policy Framework".

Furthermore, Section 6 of the National Planning Policy Framework (December 2023) expresses that "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development". However, Section 7 goes on to detail that "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation".

This continues by stating that "Local planning authorities should apply a sequential test to planning applications for
main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered".

The proposal in this instance comprises the change of use of an existing built form to a convivence store, within a location situated outside of the defined town centre. Following further discussion with

the applicants agent, a sequential test was submitted. This detailed that there are no sequentially preferable premises within the town centre. "A walkover of the town centre has been carried out and did not identify any suitable commercial vacant premises. The only vacant ground floor premises in the town centre Identified was No 1 West End on the corner between West End Road and B1168 this location would not be suitable because parking and access would not be feasible for a food retail shop of this size. A First-floor office space is advertised above Nationwide building society at 3a West End. This location would not be suitable for a retail shop."

"The application site occupies the next sequentially preferable site being edge of centre. The site is adjacent to the town centre boundary, there are other commercial properties within the vicinity of the site, The location on Church Street offers good accessibility for both pedestrians and motorists, with existing parking facilities on church street."

A such, the submission is considered to illustrate that there would be no suitably available units within the nearby town centre. However, this would not neglect the need to comply with the criteria outlined within Policy 27.

Policy 27 of the South East Lincolnshire Local Plan relates to 'Additional Retail Provision'. With regards to the creation of additional convenience goods space, Policy 27 is split into sections B and C. As per Appeal Decision APP/A2525/W/23/3316411, both sections B and C are considered relevant when discussing the principle of development for the creation of convenience goods space, with each section having a need to be assessed, in respect of the particular proposal.

Section B of Policy 27 states that there is "expected to be quantitative need for an additional 3,365 sqm (net) floor space by 2031. Such provision should be provided as small-scale units of up to 500 sqm (net) either within a new Local Centre to serve a Sustainable Urban Extension or to provide for an underserved area. Extensions which would take existing shops in these locations up to these sizes to improve their viability will be permitted".

While the proposal is within the defined settlement of Holbeach, the site is not considered to be underserved. Within close proximity of the site, within distances that are considered to be a reasonable walking distance, are numerous comparable shops; including a Tesco store and alternative store provision, including that within Holbeach Town Centre. The sequential test also highlights the current lack of vacancies within the nearby area. The site is also not within a new Sustainable Urban Extension, and therefore fails to conform to this point of policy 27. It is considered that there is no substantive need for such a shop in this location, and for these reasons the proposal does not strictly conform to Section B of Policy 27.

Turning to Section C of Policy 27, it is stated that "individual local shops, leisure uses and services and small neighbourhood clusters of them which meet the day-to-day needs of nearby residents, without the need to use a car, will be protected". This section goes on to detail that "new shops in such circumstances, will be limited to a maximum 100 sqm (net) floor space, unless a qualitative need to remedy a geographical deficiency in the distribution of food shopping can be demonstrated, in which case units up to 500 sqm (net) floor space will be permitted. Extensions which would take existing local shops up to these sizes to improve their viability will be permitted, subject to the same demonstration of geographical deficiency for proposals over 100 sqm". The proposed unit would exceed 100sqm (being 179sqm), and as such, is not considered to be strictly in accordance to Section C. The submission has not been supported by detailed evidence that the site is within a geographic deficiency, and therefore, a requirement for the unit to exceed 100sqm has not been demonstrated.

The proposal has not been supported by evidence that demonstrates a qualitative need to remedy a geographical deficiency, a Sequential Test has been provided to illustrate conformity with Policy 24; however, this still fails to demonstrate how the proposal confirms to Policy 27. For the above reasons, it is considered that the proposal would not strictly confirm to Policy 27 of the South East Lincolnshire Local Plan.

Policy 26 relates to 'Primary Shopping Frontages' for Boston and Spalding, this does not include Holbeach and the site is located outside of Holbeach Town Centre.

In light of the above, the proposal fails to conform to the requirements of Policy 27 of the South East Lincolnshire Local Plan and sections 6 and 7 of the National Planning Policy Framework (December 2023). The development would be situated outside of the defined Town Centre boundary and would not be located within an area that comprises an existing 'cluster' of commercial uses. The proposed

shop would exceed the 100sqm floor space restrictions outlined in Policy 27.

In this case, the site is not within a Sustainable Urban Extension and it has not been satisfactorily demonstrated that the shop would provide for an underserved area. Within reasonable walking distance, there are sufficient convivence stores, or similar uses, for residents to gain day-to-day essentials.

For the above reasons, it is considered that the proposal fails to conform to Policy 27 of the SELLP. As such, it is considered that the principle of development is unacceptable.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

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.

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

Policy 29 within the South East Lincolnshire Local Plan states that "proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and

setting."

The National Planning Policy Framework (NPPF) (December 2023) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the National Planning Policy Framework (December 2023) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

In respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.

The alterations to the building are minor and include proposed new signage which is subject to Advertisement Consent. 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. It is considered that the change of use 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.

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.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

There are no proposed extension alterations to the building therefore it is not considered that that the proposal would overshadow, overlook or be overbearing to the neighbouring properties.

The proposed opening hours are 06:00 to 22:00 Monday to Sunday including Bank Holidays. The proposed opening hours will have a limited impact upon residential amenity. Due to the building being close to the town centre location, there is an assumed increased level of noise and foot traffic at all times of day. The opening times would not cause an unacceptable level of noise and foot traffic. It should also be noted that the opening hours are in line with competitors in the locality.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

No on-site parking is available. However, 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, stating "no objection The proposal is for Change of Use from Beauty Salon (Sui Generis) to Retail (E(a)) including alterations to front elevation of building and it does not have an impact on the Public Highway or Surface Water Flood Risk."

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal in this instance comprises the change of use of an existing built form to a convivence store, within a location situated outside of the defined town centre of Holbeach.

Notwithstanding the sequential test; this does not demonstrate a need for the unit within the area, but highlights that there are no suitable retail units within the town centre boundaries.

The proposed convenience store would be in excess of the 100sqm floor space restrictions outlined in Policy 27. The submission has not been supported by evidence of a qualitative need to remedy a geographical deficiency in the distribution of food shopping. Within reasonable walking distance lies alternative provision, including retail units located within the nearby town centre (as defined by the town centre boundary). Policy 27 also states that new convenience goods floor space should be provided within either a new Local Centre to serve a Sustainable Urban Extension or to provide for an underserved area. In this case, the site is not within a Sustainable Urban Extension and it has not been satisfactorily demonstrated that the shop would provide for an underserved area.

The submission has not demonstrated that the proposal provides an outweighing benefit and taking all matters into consideration, the proposal is not considered to be acceptable.

The proposal is therefore considered to be contrary to Policy 27 of the South East Lincolnshire Local Plan (2019) and Section 7 of the National Planning Policy Framework (December 2023).

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

Taking into consideration these factors, the proposal is considered to be at conflict of Policy 27 of the South East Lincolnshire Local Plan (SELLP), 2019 in addition to the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023). Therefore, there are significant factors identified in this case that would not be outweighed by the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is not in favour of the proposal and the policies referred to above.

The proposal is therefore unacceptable and is considered to be contrary to Policy Policy 27 of the South East Lincolnshire Local Plan (SELLP), 2019 in addition to section 7 of the National Planning Policy Framework (NPFF) (December 2023).

Recommendation

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