

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0677-20 **Applicant:** Mr Z S Rasuli

Proposal: Change of use of former butchers shop to barbers shop and one other shop and creation of apartment to rear, plus alterations

Location: 26 & 28 High Street Holbeach Spalding

Terminal Date: 20th October 2020

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
24	The Retail Hierarchy
26	Primary Shopping Frontages
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 7, 12, 14 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	1	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	9	0	0	5

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a change of use of a former butchers shop to a barbers shop and one other shop and creation of an apartment at the rear, plus alterations.

Policies/Constraints

Inside Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. The building is within Holbeach Primary Shopping Area.

The site is inside Holbeach Conservation Area. Nos 1, 3 & 5 Albert Street (Grade II Listed) are situated to the south-west.

Planning History

No recent history.

Consultation Responses

Holbeach Parish Council - No response

Cllr G T D Rudkin - There are already 4 men's hairdressers in Holbeach and numerous ladies hairdressers that do men's hair. Another hairdressing business would have an impact on already stabilised businesses in the town.

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board - No comments

Environmental Protection - No comments or objections.

LCC Archaeology - No archaeological input required.

Public - Objections received (summarised):

Already 8/9 hairdressers in the town; Additional barbers not necessary or wanted by the community - should be something else/more of a variety (eg, butchers, clothes shop, food store, etc); Effect other hairdressers in the town; shouldn't be allowed to take out windows in conservation area.

Information from Applicant's Agent (summarised):

My client has purchased the former Butchers Shop known as Swebstones Butchers to create a barbers shop.

The former butchers closed its doors to business in April 2018 and has been on the market ever since. This proposal seeks to breathe new life into the premises creating a vibrant barbers shop with

an additional small shop to the side (to be rented out so use unknown at present but likely to be A1). The creation of proper facilities will be provided to both shops offering 'access for all WC' and including office and or storage.

The rear former storage and preparation area of the butchers shop is to be proposed as an apartment. This conversion will be low key allowing for 2 additional windows for bedrooms and a rooflight over the kitchen area, but apart from that the form factor remains the same. This apartment will be for the owner of the barbers shop.

Planning Considerations

The main issues are:

- Principle;
- Character and amenity, including the effect of the development upon the setting of nearby listed buildings;
- Highway safety.
- Other material considerations, including flood risk and refuse disposal.

Principle

The building presently has a retail use (Class A1) and is situated within Holbeach Primary Shopping Area. It is proposed to change the use of the front of the building to 2 shops (Class A1 - Retail), with a residential apartment at the rear.

The proposal is creating two smaller retail units, as opposed to one larger retail unit previously. This is considered to be beneficial to the town centre and planning permission would not normally be required for this alone because butchers and barbers shops are both within Class A1, so a change of use would not be required. It is considered that the proposal satisfactorily complies with Policy 24 of the SELLP. The latter indicates that in the District Centre of Holbeach, 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.

Concern has been raised by local shop owners/residents on grounds that there are already too many barbers/hairdressers in the town. However, Ministerial advice indicates that considerations of commercial competition are not a material planning consideration and therefore carry no weight. It is not the role of the planning system to inhibit commercial competition.

In terms of the residential apartment, the site is inside Holbeach Settlement Limit as defined in the 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 rear of the premises is considered to be a suitable location for a residential apartment, which in all likelihood would be occupied in association with the barbers shop. It is readily accessible to services and facilities within the town and is also on a bus route.

The proposal satisfactorily complies with Policy 1 of the SELLP in this respect.

Character and Amenity

The site is inside Holbeach Conservation Area. Nos 1, 3 & 5 Albert Street (Grade II Listed) are situated to the south-west and All Saints Church (Grade I Listed) further to the west.

External alterations include replacement of the present utilitarian shop front with contemporary high quality dark grey aluminium window/door frames. Whilst a more traditional shopfront would have been the preferred option this is nevertheless considered to be an enhancement in comparison to what presently exists. It is considered that the proposal would not have a harmful affect upon the character/appearance of the conservation area or the setting of nearby listed buildings. This is subject to more detailed plans in respect of the new windows and doors, which can be addressed by means of a condition.

From an amenity point of view, the building is within a town centre location where there is a mixture

of commercial and residential uses and where background noise levels are generally higher due to increased activity, traffic, etc. The flat would be accessed via a separate entrance and refuse could be stored within this area and put out on the day of collection.

The proposal satisfactorily complies with Policies 2, 3 and 29 of the SELLP in terms of the aforementioned.

Highway Safety

No on-site parking facilities are available. However, the site is in a town centre location within an area where public parking facilities are available. LCC Highways has raised no objections. Although the proposal is not wholly in accordance with Policy 36 of the SELLP, it is outweighed by other factors in favour of the scheme.

Flood Risk/Drainage

The site is within Flood Zone 1 on the Environment Agency Maps and an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment. There are therefore no flood risk issues in this case.

Foul and surface water would be disposed of to the mains sewer as existing.

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 proposal would provide an additional retail unit within Holbeach's Primary Shopping Area and also additional residential accommodation. It would not materially harm the viability/vitality of the town centre, or the character or appearance of Holbeach Conservation Area/setting of nearby listed buildings.

Although on-site parking has not been provided the site is in a town centre location within an area where public parking facilities are available. LCC Highways has raised no objections. Although the proposal is not wholly in accordance with Policy 36 of the SELLP, it is outweighed by other factors in favour of the scheme.

The concerns of nearby shop/owners/residents have been taken into consideration, but are not considered to be sufficient as to outweigh factors in favour of the scheme. Ministerial advice indicates that considerations of commercial competition are not a material planning consideration and therefore carry no weight. It is not the role of the planning system to inhibit commercial competition.