

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H12-0001-24 **Applicant:** Dog Grooming Salon

Proposal: Change of use of double garage to dog grooming salon

Location: Cock And Magpie Cottage 18 Gedney Road Long Sutton

Terminal Date: 28th February 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Sections 12 and 16 of the National Planning Policy Framework (2023)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the change of use of the existing double garage to a dog grooming salon at Cock and Magpie Cottage, 18 Gedney Road, Long Sutton

The application seeks to make no external aesthetic or design alterations to the existing property.

Site Description

The host building is a grade II listed property which was formerly a public house. The Historic England listing description for the property reads as follows;

"Public house, now cottage and adjoining outbuilding. Late C18, mid C19 and C20 alterations. Red brick. Pantile roof. 2 C20 gable stacks. Brick coped gables. Single storey plus attic, 3 bays. Central doorway with panelled door. Either side are single plain sashes. All openings with wooden lintels. In the attic are 2 dormers each with single glazing bar sash. To the left is the single storey, 3 bay outbuilding. Doorway with plank door, to the right is a single C20 casement with no openings to the left."

The building's rear has been extensively altered over time, so much so that it does not retain the same pleasing qualities of the principal elevation. Whilst not of unique or exceptional architectural value, the building does hold local value as a historic community asset and also as a pleasing and well-preserved example of vernacular style with architectural similarity to Public Houses across the county.

The property sits outside of the Long Sutton Conservation Area (LSCA), however, it is a property which is prominent along one of the main access routes into the town and so can be said to have an impact upon the impression of the character of the town upon approach. The immediate surroundings of the property are purely residential in nature, with a wide mix of both architectural period and style. The property is attached to its neighbour's garage block by means of the single-storey garage. This conjoining wall is not a party wall and is owned solely by No. 16 Gedney Road.

The application seeks to change the use of the existing double garage, which was constructed recently, having been granted consent under application reference H12-1056-20.

History

H12-1191-19

Proposed extensions and alterations. Approved on 05-02-20.

H12-1192-19

Proposed extensions and alterations. Approved on 05-02-20.

H12-1056-20

Proposed extension, alterations and detached garage. Approved on 06-05-21

H12-1057-20

Proposed extension, alterations and detached garage. Approved on 06-05-21

Consultation Responses

SHDC Environmental Protection Team

No observations

Lincolnshire County Council as Lead Local Highways and Flood Authority

The proposal is for the change of use of double garage to dog grooming salon. There is sufficient parking on site for the business and the dwelling and the visibility is acceptable. The site has good pedestrian connections in an urban location so people can walk to the site. The proposal will not have an adverse impact on the public highway or highway safety.

South Holland Internal Drainage Board

Application does not meet the board's threshold for commenting

Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Residential Amenity
- Highway Safety and Parking
- Heritage Impact

Evaluation

Section 38 (5), (5A), (5B) and (5C) of the Planning and Compulsory Purchase Act 2004, as amended through the Levelling-up and Regeneration Act 2023, requires for the purposes of any area in England, that the Local Planning Authority makes decisions in accordance with the adopted Development Plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004, as amended through the Levelling-up and Regeneration Act 2023 specifically details that:

(5) If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to: (a) the development plan, and (b) any national development management policies.

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy".

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (updated 2023) 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.

The Authority is also able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering

sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Minor Service Centres, 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. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

The proposal site is not within any established employment zone as defined by Policy 7 of the SELLP. However, the section of Policy 7 regarding 'Other Employment Sites' confirms that "New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings." As this application seeks to use an existing building, then the principle of development for commercial use on this site is sound.

Residential Amenity

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.

Due to the nature of the business, there is a risk of noise generation. However, however, given the business would operate on a booking system with a maximum of two dogs at any one time there is likely to be only two additional dogs on the site at any given time. This is considered to be adequate for a residential property and not considerably different to having domestic pets. In addition, the proposed operating hours are considered suitable for a residential area.

The application seeks no amendment to the external elements of the property, including no new proposed windows or altered openings. Therefore the Local Planning Authority does not consider there to be any material risk of overlooking or overshadowing presented by this application.

Highway Safety and Parking

The proposal site features a large private driveway with ample space for multiple personal vehicles. Due to the proposed scale of the business operation on site, it is not considered likely that such a proposal would lead to the utilisation of the parking available on site by any more than 3 additional vehicles at any one time (2 customers, and the possibility of short stay delivery vehicles).

Furthermore, the Lincolnshire County Council Highways Authority were consulted and replied confirming the following:

"The proposal is for the change of use of double garage to dog grooming salon. There is sufficient parking on site for the business and the dwelling and the visibility is acceptable. The site has good

pedestrian connections in an urban location so people can walk to the site. The proposal will not have an adverse impact on the public highway or highway safety."

Heritage Impact

The Local Planning Authority does not consider there to be any risk presented to the historic environment in the form of the host listed building. This is because the application seeks to make no design, aesthetic or material alterations to any element of the built environment on site.

Conclusion

Taking into account the considerations above, the proposed development is considered to comply with Policies 2, 3, 29, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019 as well as Paragraphs 130 of the National Planning Policy Framework (NPPF), 2021.

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.