DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0805-21**	**Applicant:**	**Mr Dury**
Proposal:	Conversion and extension of swimming pool enclosure to form yoga studio for mothers and babies		
Location:	2-4 High Street Moulton Spalding		
Terminal Date:	1st October 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
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 8. Promoting healthy and safe communities.
Section 9 - Promoting Sustainable transport;
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN,	0	0	0	1

HISTORIC ENVIRONMENT OFFICER				
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to convert an existing swimming pool to a yoga studio for mothers and babies, including an extension and alterations.

Site Description

The swimming pool is located within the rear garden of 2-4 High Street, which form part of a 19th Century terrace within the centre of Moulton. It adjoins the rear boundary and is a shallow roofed building of brick construction with a rendered front elevation. The site is within Moulton Conservation Area.

Nos. 6-10 High Street (grade II listed) are situated to the east and no. 2 Shivean Gate (grade II listed) to the west on the opposite side of the highway. Nos 4 (bungalow) and 5 (house) All Saints Close are located immediately to the north.

Site History

H13-0171-09 - Full - Change of use of room from hairdressers to residential and alterations to include new roof, replace windows and internal alterations - Granted 12 May 2009.

H13-0415-09 - C/C - Details of roof tiles and windows (Conditions 2 and 3 of H13/0171/09) - Approved 30 June 2009.

Consultation Responses

Moulton Parish Council

Lack of parking spaces for the extra cars once business is up and running. Not suitable for general parking, only push chair space is shown with parking for 3 cycles. Will the mothers only be arriving on foot or by cycle? Usage times shown are only Mon - Fri, nothing for Sat/Sun. Public Holidays have been left blank - will it only be used as shown?

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

No comments

SHDC Environmental Protection

No objections.

LCC Archaeology

No archaeological input required.

Public

Objections received (summarised):
Site within quiet conservation area; No off-road parking for customers; Highway safety issues due to proximity to junction, village green and Somerby Close; Increased traffic and parked vehicles; Reduced visibility; Additional noise and disturbance; More appropriate sites elsewhere such as village hall/community centre within the village (not in back garden).

Planning Considerations

The main issues in this case are:
- Policy/principle;
- Visual impact, including its effect upon the character/appearance of Moulton Conservation Area and the setting of nearby listed buildings;
- The likely impact upon the amenity of nearby residents;
- Parking/highway safety issues;
- Other material considerations such as flooding and drainage.

Policy/principle

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.

The site is inside Moulton Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 indicates that within the settlement boundaries of the Minor Service Centres, including Moulton, 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. Development will normally be limited to Allocated and Committed sites and infill.

Policy 32 of the SELLP is also of relevance. It indicates that development shall contribute towards improving the community's health and well-being.

The above policies are in accordance with advice within the National Planning Policy Framework, 2021. Paragraph 93 indicates that planning decisions should plan positively for the provision of community facilities. Paragraph 11 indicates that decisions should apply a presumption in favour of sustainable development providing any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In this case, the proposal would provide an additional community facility within the village and involves the conversion of an existing building within the village fabric. The principle of the proposed development is considered acceptable and in accordance with development plan policy unless material considerations indicate otherwise, according to section 70(2) of the Town and Country Planning Act 1990.

Character/appearance and heritage issues

The site is within Moulton Conservation Area. Nos. 6-10 High Street (grade II listed) are situated to the east and no. 2 Shivean Gate (grade II listed) to the west on the opposite side of the highway.

Policies 2 and 3 of the SELLP, 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework, 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built

environment and landscape setting.

Policy 29 of the SELLP 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 199 of the Framework, 2021 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 present building is rather utilitarian in terms of appearance with a flat/shallow roof. The proposal is to reduce the eaves height of the building and re-roof with a pitched roof more in keeping. It would be extended on the southern elevation, which would be white render. The gables would be finished in weatherboarding. Only the upper section of the building and the roof would be open to public view due to existing fencing. Overall. it is considered that the proposal would give the building a more traditional appearance in terms of its public view. It would not harm the character/appearance of Moulton Conservation Area or the setting of nearby listed buildings, subject to conditions.

The proposal therefore satisfactorily complies with Policies 2, 3 and 29 in terms of visual amenity and heritage issues.

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Nos. 6-10 High Street are situated to the east. Nos 4 (bungalow) and 5 (house) All Saints Close are located immediately to the north. Land to the west has full permission for 2 dwellings (ref. H13-0970-20).

The proposal has blank elevations facing north, east and west. The only openings are a door and windows on the southern elevation facing towards the garden of nos. 2-4, the host property. The boundaries are de-lineated by fencing. The nature of the proposal is such that associated activity will be low key. The use would only be operated between the hours of 9.15 am and 4pmn Mondays to Fridays. Environmental Protection have been consulted and have raised no objections. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc, subject to conditions.

The proposal therefore satisfactorily complies with Policies 2, 3 and 30 in terms of amenity.

Highway safety/parking

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class.

No on-site parking is available for use in this case. However, there are locations around the centre of Moulton where it is possible to park safely on-street and without obstructing other road users. Given the niche nature of the use to which the extended building is proposed to be put it is considered likely that those existing parking spaces would be sufficient to ensure that the proposed use would not be expected to have an unacceptable impact upon highway safety. Therefore, 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 is acceptable and accordingly does not wish to object to this planning application on highway safety grounds.

Other material considerations

In terms of flood risk, the site is located within Flood Zone 1 (low risk) on the Environment Agency maps. It is within an area designated as no hazard with the South East Lincolnshire Strategic Flood Risk Assessment. Consequently, the proposal passes the sequential test and there are no flood risk issues in this case.

Foul water would be disposed of to a mains sewer and surface water to soakaways.

Planning balance

In this case, the proposal would provide an additional community facility within the village and involves the conversion of an existing building within the settlement. The proposal would enhance the current appearance of the building and would not harm the character or appearance of Moulton Conservation Area or the setting of nearby listed buildings. Nor would it materially harm the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc, subject to mitigating conditions. Whilst the proposal is not strictly in accordance with Policy 36 (parking requirements) of the SELLP, LCC Highways have indicated that the proposal would not be detrimental to highway safety. The proposal is therefore generally in accordance with the aims and objectives of Policies 1, 2, 3, 4, 29 and 30 of the SELLP. In this case, the factors in favour of the proposal outweigh the constraints.

Conclusion

The planning balance lies in favour of the proposal.

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.

Recommendation

That the application be approved under delegated powers.