DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-1337-21**	**Applicant:**	**Mrs Dury**
Proposal:	Conversion & extension of swimming pool enclosure to form yoga studio for mothers and babies - approved under H13-0805-21. Modification of Condition 2 to allow amendments to previously approved plans and removal of Conditions 5 & 6 relating to roof tiles & roof lights.		
Location:	2 High Street Moulton Spalding		
Terminal Date:	21st March 2022		

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 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 8. Promoting healthy and safe communities.
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	1	0	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission was granted in September 2021 to convert an existing swimming pool to a yoga studio for mothers and babies, including an extension and alterations (ref. H13-0805-21). This application is to modify condition 2 (approved plans) to allow amendments to previously approved plans and removal of Conditions 5 & 6 relating to roof tiles & roof lights. The main alterations are a change of the roof from a pitched to flat roof, as presently existing, plus the use of external timber cladding as opposed to brickwork.

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.

Gardens associated with nos. 6-10 High Street are situated to the south-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). A house is presently under construction to the east (ref H13-1021-17) off Bell Lane beyond rear garden associated with no. 6 High Street.

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.

H13-0805-21 - Full - Conversion and extension of swimming pool enclosure to form yoga studio for mothers and babies - Granted 27 September 2021.

Consultation Responses

Moulton Parish Council

'How do the wheelchair persons get to the site or others? Obviously by transport and this location does not serve car parking in the immediate area without serious obstruction. Car parking unacceptable. A provisional area should be set aside for wheelchairs and a very nice path leading to the facility.

LCC Highways/SUDs

H13-0805-21 - Does not wish to restrict the grant of permission.

Public

Objection received (summarised):
This is going to be a business run in a conservation area with no parking whatsoever - the house has only one parking space.

Planning Considerations

The principle of the proposed development in this location has already been established by virtue of planning permission ref. H13-0805-21, including parking/highway issues. This application is to modify the design and appearance of the building, including alterations to the roof. The determining issues, therefore, are:

- The effect of the revised scheme upon the character/appearance of the locality, Moulton Conservation Area and also the setting of nearby listed buildings;
- Its impact upon the amenity of neighbouring residents.

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 has a flat/shallow roof. It is to be extended on the southern elevation, with a similar flat roof. Rooflights would also be added. The whole building would be timber clad. Whilst it is somewhat utilitarian in terms of appearance, the building is only visible at limited public vantage points due to existing/proposed development, including a new house presently under construction to the east and two houses that have planning permission on land to the west off Shivean Gate (ref. H13-0970-20). Moreover, only the upper section of the building and the roof is open to public view due to existing fencing. Taking these matters into consideration it is considered, on balance, that the proposal would not unduly harm the character/appearance of Moulton Conservation Area or the setting of nearby listed buildings.

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.

Gardens associated with nos. 6-10 High Street are situated to the south-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). A house is presently under construction to the east (ref H13-1021-17) off Bell Lane beyond rear garden associated with no. 6 High Street.

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 previously been consulted and raised no objections. The proposal would also have less of an impact upon the amenity of nos. 4 and 5 All Saints Close to the north in terms of general outlook and blockage of sunlight during the winter months.

It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, blockage of light, 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.

There is no change to the proposal in terms of parking/highway issues. 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 was previously considered that existing parking spaces would be sufficient to ensure that the proposed use would not 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) previously raised no objections 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

Given the location of the building and the characteristics of the site it is considered, on balance, that the proposal would not unduly harm the character/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, blockage of light, noise and disturbance, etc, subject to mitigating conditions as previously. Whilst the proposal is not strictly in accordance with Policy 36 (parking requirements) of the South East Lincolnshire Local Plan (SELLP), 2019, the scheme remains unaltered in terms of parking arrangements and LCC Highways have previously 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, there are no factors that outweigh considerations in favour of the proposal.

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.