DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-1237-21**	**Applicant:**	**Mr & Mrs W Lunn**
Proposal:	Change of use of garage to hairdressers - retrospective		
Location:	Rosecott Farm Dozens Bank West Pinchbeck		
Terminal Date:	11th February 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 6 and 12 of the National Planning Policy Framework (2021)

6 - Building a strong, competitive economy
12 - Achieving well-designed places

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
SHDC INTERNAL	0	0	1	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a retrospective application for change of use of a garage to a hairdressers at Rosecott Farm, Dozens Bank, West Pinchbeck. The proposal seeks to remove the existing roof tiles and replace with grey Marley roof tiles to match those of the existing dwelling. The other half of the building will remain in use as the yard office for the adjacent haulage business. The hairdressers building is 5.5 metres in depth and 5.5 metres in width. The building has an approximate eaves height of 2.2 metres, with a ridge height of approximately 4.5 metres. The proposed hours of opening are Monday to Saturday 9pm to 5pm.

The Justification Statement submitted in support of the application states "Mrs Lunn has always operated a hairdressing business from home at both Kellet Gate, her previous address, and now Rosecott Farm since they moved. Due to the Covid 19 pandemic she wanted a separate salon so that clients were not entering the property itself hence the need for this change of use."

"Mrs Lunn's working hours are Tuesday to Saturday 9 am to 5pm, but during this time she also operates a mobile hairdressing business so is not permanently at the salon. She has a maximum of 4-5 clients per day."

SITE DESCRIPTION

The hairdressers is outside of defined settlement limits in the open countryside. The surrounding area is predominately rural and is characterised by non-nucleated linear development of varying ages and designs. The proposal building is at the frontage of the site with the A151 (Dozens Bank) and a dwelling called Southfields to the west. The main dwelling is sited to the north, car park and haulage business to the east, haulage business office immediately to the south with the access and an arable field beyond. The garage building is in Environment Agency Flood Zone 3, and in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.5 metres on the 2115 South Holland Strategic Flood Risk Mapping. As the building is for non-residential use then there is not a requirement to raise finished floor levels to address flood depth.

RELEVANT HISTORY

None

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections - "The proposal is for the change of use of the garage to a Hairdressers and it does not have an
impact on the Public Highway or Surface Water Flood Risk. There is sufficient parking, turning and visibility is good."

SHDC - Environmental Protection Officer

No objections.

SHDC - Environmental Protection

No objections.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Countryside. This section of the policy states:

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.

In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

When assessed against the above criteria the following can be observed:

The proposal is considered to provide an economic benefit to the applicant as it will allow them to operate a business from home at the times when they are not operating their mobile hairdressing business. There will be a community benefit from the proposal as it will provide a business in an area of the district that is not immediately served by hairdressing businesses. Environmentally the hairdressers will reduce the need for the residents of Pode Hole, West Pinchbeck and Guthram Gowt to travel greater distances by vehicle to Bourne and Spalding to utilise hairdressing services.

This application accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size and scale of the building is unaltered by the proposal. The layout and size of the converted garage room is considered to be appropriate to allow the applicant to work as the sole employee of the hairdressing business. No trees will be removed to facilitate this application. The character and appearance of the area is not impacted by this proposal.

2. The design of the building has removed the garage door and replaced with UPVC frontage east facing windows. The orientation remains unaltered.

3. The proposal seeks to remove the existing roof tiles and replace with grey Marley roof tiles to match those of the existing dwelling. Windows on the building frontage are black UPVC. The proposed materials are considered to be appropriate for the site.

4. The access is unaltered and there is a large parking area to the front of the building that comfortably accommodate approximately 10 vehicles without impeding the access. The business will be seeing one client at a time. This parking provision accords with Appendix 6 of the SELLP. The County Highways & SUDS Officer has no objections to the submitted details.

5. The proposal is considered to improve existing community services and will not impact infrastructure.

6. There is not considered to be a noise, odour or disturbance impact from the proposal which will operate normal opening hours of Monday to Saturday 9am to 5pm. Due to the applicant also operating a mobile hairdressers the business will not be in operation at at all times during the proposed opening hours. The size of the building is not being altered and the installed windows face directly eastwards toward the parking area and haulage business beyond which is owned by the applicant's husband. Given the built design considerations there is not considered to be an overlooking, overshadowing, overbearing or overdevelopment visual intrusion impact from the building use and fenestration amendment.

7. The garage building is in Environment Agency Flood Zone 3, and in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.5 metres on the 2115 South Holland Strategic Flood Risk Mapping. As the building is for non-residential use then there is not a requirement to raise finished floor levels to address flood depth.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.
Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. A sense of place is not considered to be impacted by this proposal. The building is having replacement tiles but elevations facing the highway are not being materially altered. The size and scale of the building is unaltered by the proposal. The layout and size of the converted garage room is considered to be appropriate to allow the applicant to work as the sole employee of the hairdressing business. No trees will be removed to facilitate this application. The character and appearance of the area is not impacted by this proposal.

4. The proposed business can only realistically be accessed by private transport due to the rural location.

5. Refuse and cycle storage is unaffected by this proposal. The parking area to the front of the site can comfortably accommodate 10 vehicles without impacting the access or the adjacent haulage business. This parking provision accords with Appendix 6 of the SELLP. The County Highways & SUDS Officer has no objections to the submitted details.

10. No signage is proposed for the hairdressing business.

11. There is not considered to be a noise, odour or disturbance impact from the proposal which will

operate normal opening hours of Monday to Saturday 9am to 5pm. Due to the applicant also operating a mobile hairdressers the business will not be in operation at at all times during the proposed opening hours. The size of the building is not being altered and the installed windows face directly eastwards toward the parking area and haulage business beyond which is owned by the applicant's husband. Given the built design considerations there is not considered to be an overlooking, overshadowing, overbearing or overdevelopment visual intrusion impact from the building use and fenestration amendment.

12. The garage building is in Environment Agency Flood Zone 3, and in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.5 metres on the 2115 South Holland Strategic Flood Risk Mapping. As the building is for non-residential use then there is not a requirement to raise finished floor levels to address flood depth.

This application accords with SELLP Policy 3.

Assessment against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio

This proposal is assessed against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio. The relevant section of Policy 7 is titled Other Employment Areas and this section states:

"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. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:
a. the development does not conflict with neighbouring land uses;
b. there is no significant adverse impact upon the character and appearance of the area;
c. the design is responsive to the local context;
d. there will be no significant adverse impact on the local highway network;
e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
g. there is an identified need for the business location outside of identified employment areas on the Policies Map."

When assessed against the above relevant criteria the following can be observed:

a. The scale of the proposal with one hairdresser seeing 4 to 5 clients a day is not considered to conflict with neighbouring land uses.

b. The proposed replacement tiles will match those of the existing dwelling and extend the lifetime of the building. There is not considered to be a significant adverse impact upon the character and appearance of the area as the majority of the building remains unaltered.

c. The proposed replacement tiles will match those of the existing dwelling and extend the lifetime of the building.

d. The parking area to the front of the site can comfortably accommodate 10 vehicles without impacting the access or the adjacent haulage business. This parking provision accords with Appendix 6 of the SELLP. The County Highways & SUDS Officer has no objections to the submitted details. There is not considered to be a significant adverse impact on the local highway network.

e. There will be no significant adverse impact upon the viability of delivering any allocated employment site. The site will be for a single employee and will not materially impact hairdressing services in larger settlements.

f. A shift from private car use cannot be demonstrated in this location. However, there are not established hairdressing businesses in the settlements of Pode Hole, West Pinchbeck and Guthram Gowt. This business is not considered to reduce vehicle movements but will reduce the length of journey times for clients as well as congestion within Spalding and Bourne.

g. The proposal is considered to provide hairdressing services in an area of the district that is not well served by hairdressers in the immediate area.

This applicant accords with SELLP Policy 7.

PLANNING BALANCE

It is considered that this business will provide a hairdressing service in an area of the district where such services are underprovided. The proposed alterations to the building and hours of operation are not considered to impact the character and amenity of the surrounding area. This application is considered to accord with Policies 1, 2, 3, 7, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 6 and 12 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for approval.

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.