DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0058-24**	**Applicant:**	**Mrs G Hammond**
Proposal:	Change of use of existing summer house to hair salon - Retrospective		
Location:	30 Thistle Gardens Spalding		
Terminal Date:	20th March 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2023

Section 9 - Promoting sustainable transport
Section 12 - Achieving well designed and beautiful places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking retrospective permission for the change of use of an existing summer house to a hair salon at 30 Thistle Gardens, Spalding.

Site Description

The site is located within the defined settlement boundaries of Spalding as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). 30 Thistle Gardens is a semi-detached property sharing its boundary with No. 28 whilst its garden backs onto a pair of semi-detached dwellings to the south. It is made from brick with a tiled roof and white uPVC windows and doors, it also features one bay window and a porch on the principal elevation. This design is common for the dwellings in the immediate area however there is a slight variation in design and materials through the estate.

History

H16-0940-18 - Proposed bay window and internal alterations - Approved

Consultation Responses

Lincolnshire County Council Highways Authority

No Objections

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 would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

The proposal is for the change of use of existing summer house to hair salon - Retrospective. There is off road parking for two cars, the site is served by a private drive served from Thistle Gardens which is public highway. The Salon is open Wednesday to Saturday and averages 7 clients a day with 15 minute intervals between each client. Therefore on most occasions there should only ever be one car visiting when clients have travelled to the salon by car. The site has good connections for other modes of transport so visitors are not wholly reliant upon the car. The proposal will not have an adverse impact upon the public highway.

Key Planning Considerations

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

- Principle of development and sustainability
- Layout, design and impact on the character of the area
- Impact on neighbouring residents/ land users/ land use
- Highway safety and parking

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

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.

Planning Consideration

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 site is not within any established employment zone as defined by Policy 7 of the SELLP. The section of Policy 7 regarding 'Other Employment Sites' states 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. 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' providing they meet certain criteria. As the application seeks to use an existing building, then the principle of development for commercial use on this is sound. In any case, it has good transport links due to its location and is in suitable walking distance from the town centre.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Whilst the proposal is specifically for the change of use of the existing summer house to hair salon reference has been given to the existing outbuilding through the plans and application form, as such this will be assessed below.

The walls of the outbuilding are composite cladding in anthracite grey with a rubber roof. Both the windows and doors will be uPVC also in anthracite grey. Whilst these materials are not particularly common in this area due to it being a predominately brickwork style estate, due to it being located to the rear of the property and it is not visible from the public highway no harm will be caused to the street scene or locality. Consideration can be given as to the potential for a neighbouring property having a view through rear elevation windows as it directly faces the rear amenity area of 30 Thistle Gardens, however the view they will have is of the roof/ rear and therefore they cannot directly see the composite cladding. Therefore for this reason the use of these materials are not considered to harm the area despite conflicting with the typical design.

The outbuilding has a flat roof that slopes down towards the rear, whilst flat roofs are not commonly favourable to the LPA due to the aforementioned reasons of the building being located in the rear garden away from the public highway/ footpath and the majority of it not being visible from neighbouring properties this design will not harm the area either.

At its highest point the outbuilding is 2490mm and slopes down to have a lower section of 2250mm. When measured externally, it has a total length of 5320mm and a width of around 3320mm, the internal floor space is around 14.8 metres squared. These measurements are considered to be acceptable as it fits well in the garden and does not take up a significant amount of room for the area it is in, furthermore, the height means it is only slightly above the existing 2m boundary fence and therefore only 490mm of this will be visible over the fence. This fence provide coverage of the outbuilding and conceals it well to benefit the application.

In any case, the outbuilding itself would have been permitted development under Class E when erected.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area. Whilst not being in direct accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023) due to the difference in materials etc, the proposal is considered to be acceptable and in any case the outbuilding could have been constructed without needing planning permission in the first place.

Impact on Residential Amenity/ Land Users

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.

As outlined on the application form, the applicant stated that the outbuilding will be used as a hair salon for sole use (no employees) with a maximum of seven clients per day. It shall operated only as appointment through hourly appointments with 15 minutes between each client. The working hours will be varied with no set hours, they state 'hours ranging from 10:00 - 14:00pm to 09:00 - 20:00pm whilst only opening Wednesday, Thursday, Friday and Saturday. Whilst the days they shall be open will be acceptable concern has been raised surrounding the hours of operation specifically if the business was to be open until 20:00pm daily, it is of the LPAs view that it would be more suitable and acceptable if the business operated in a window of 09:00am - 18:00pm as this

gives sufficient time to see seven clients per day on hourly appointments with 15 minute breaks in between. A condition shall be imposed within the decision notice to enforce the hours of operation, days and amount of clients on site at any one time.

Due to the nature of the business, there is of course a risk of an increase in noise pollution. However, given the business would operate on a booking system with a maximum of one client at any one time there is likely to only be one additional person on the site at any given time. This is considered to be adequate for a residential property and not considerably different to the domestic household. In addition, when considering this with the aforementioned operating hours and days this is considered to be suitable for a residential area.

Whilst the application seeks no amendment to the external elements of the host property, the retrospective outbuilding shall be assessed against the SELLP to ensure no harm will arise on the residential amenity through overshadowing or overlooking. The outbuilding is not considered to be a habitable room and therefore any views from the front windows/ doors should not cause a loss of privacy; in any case due to the angle of the neighbouring plot the outbuilding faces it should not provide a view into the windows and therefore no material loss of privacy will occur. Similarly, there should be no overshadowing as the outbuilding has a maximum height of 2.49m and therefore only 0.49m higher than the existing 2m boundary fence additionally the positioning should also mean no material or significant shadow would be cast.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Lincolnshire County Council Highways Authority were consulted on this application due to the nature of the application increasing the vehicular movement in the area specifically at No. 30. They raised no objections to this scheme stating that 'There is off road parking for two cars, the site is served by a private drive served from Thistle Gardens which is public highway. The Salon is open Wednesday to Saturday and averages 7 clients a day with 15 minute intervals between each client. Therefore on most occasions there should only ever be one car visiting when clients have travelled to the salon by car. The site has good connections for other modes of transport so visitors are not wholly reliant upon the car. The proposal will not have an adverse impact upon the public highway' it is therefore considered that despite an increase this is not considered to be significant and/ or unacceptable in any way, adequate parking can be provided for clients when attending site and there should be no more than one client on site at any one time - to ensure this will remain a condition will be imposed that states no more than one client shall be on site at given time.

The proposal is therefore considered to be in accordance with Policies 2, 3, 36 and Appendix 6 of the SELLP as well as Section 9 of the NPPF.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and causes no unacceptable impact on the highway, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh significantly against the proposal and as such, the planning balance is in favour of the development.

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

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 7, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023). The are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.