DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H16-0780-24** | **Applicant:** | **Mr R Wightman** |
| **Proposal:** | Change of use of first floor of hairdressers premises to a single 2 bedroom residential flat | | |
| **Location:** | 2a Sheep Market Spalding Lincolnshire | | |
| **Terminal Date:** | 11th November 2024 | | |

**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 |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 2023**

**National Planning Policy Framework December 2023**

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 12 - Achieving well-designed and beautiful places
Section 16 - Conserving and enhancing the historic environment

**National Guidance**

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| WARD MEMBER | 0 | 0 | 0 | 0 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 1 | 1 |
| RESIDENTS | 1 | 0 | 0 | 0 |

## CASE OFFICER ASSESSMENT

### Proposal

The proposal seeks full planning permission for the change of use of the first floor of a hairdressers to a two-bedroom flat.

### Site Description

The application site comprises part of a building located at 2a Sheep Market, Spalding. The building features two storeys which adjoins another building to the south-west. The site is within Spalding's Conservation Area. There is also a Grade II* listed building (1 Sheep Market) to the north of the site.

### Relevant Planning History

H16-0006-22: Fascia Signage, Projecting Sign & Window Graphics - retrospective - approved 15 February 2022

H16-1105-21: Change of use from a charity shop E(a) to a waffle house takeaway (Sui Generis) - approved 17 December 2021

### Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on the South Holland website.

Highways and SUDS Support: No objections. The proposal is for the change of use of first floor of hairdresser's premises to a single 2 bedroom residential flat. The site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal. But there is available parking in the public car park nearby. The proposal will not have an adverse impact on the public highway.

Conservation Officer: No objections. The application seeks no exterior alterations to the host property, apart from the addition of obscure glazing to one of the first floor windows. The proposed development would not risk harm to the character or appearance of the Conservation Area setting and as such the proposed development accords with Policy 29 of the SELLP and Section 16 of the NPPF.

Cllr G J Taylor: No response received.

Ecology Officer: No response received.

Environmental Protection: No comments.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received. The topics raised within the response are summarised as follows:

-Object to the application as the property currently has windows that look directly into a residence. With the building changing from commercial to residential, this will become a breach of privacy. The first floor is currently used for commercial purposes and as such the overlooking impact is not severe, however, changing the building into a flat would mean the building could be occupied for a significant part of the day.

## Key Planning Considerations

### Development Plan

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

-Principle of Development;
-Visual and Heritage Impact;
-Impact on Amenity;
-Highway Safety and Parking; and
-Flood Risk.

These matters are assessed in turn below.

### Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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.

The most sustainable locations for development are situated within the 'Sub-Regional Centres'. The site is located within Spalding which is identified as one of the sub-regional centres.

The application seeks consent to change the use of the first floor from a hairdressing salon to a residential flat. The site is within a sustainable location for residential development as there are various services and facilities within walking distance of the site. Furthermore, there are permitted development rights that apply that could allow the building to be converted into a residential dwelling, subject to the prior approval process (Part 3, Class MA of the General Permitted Development Order). This further supports the principle of development.

As such, the proposed development accords with the requirements of Policy 1 of the Local Plan. This is subject to the assessment against site specific criteria which are assessed in turn below.

### Visual and Heritage Impact

Section 12 of the NPPF 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. For example, paragraph 135 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.

Similarly, Policy 2 of the 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 NPPF, 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.

As the site is within a Conservation Area and next to a listed building, section 16 of the NPPF is also relevant as this section relates to the assessment of applications where heritage assets are involved.

Policy 29 of the Local Plan sets out within Parts A and B that proposals affecting the setting of a Conservation Area, or a listed building should preserve and enhance or reinforce features that contribute positively to the area's character, appearance and setting.

The application seeks consent to change the first floor of the site into a flat. The site is currently used as a hairdressing salon and the ground floor will be retained for commercial use. No changes are proposed to the shop frontage and as such an active ground floor frontage will be retained. The only external change is the proposed obscure glazing on the northern elevation. The council's conservation officer has reviewed the proposed development and has raised no objections to the proposals. The officer considers that the impact on the Conservation Area would be acceptable. As such the proposed development accords with Policy 29.

The visual and heritage impact of the proposed development is acceptable as no external changes are proposed other than the proposed installation of obscure glazing within two of the windows. The proposed development would therefore not cause an adverse impact to the character or appearance of the area or cause harm to the Conservation Area, and would therefore accord with Policies 2, 3 and 29 of the Local Plan, and Sections 12 and 16 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF 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 Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed flat meets the nationally described space standard and as such it is considered that there would be sufficient internal living space. All the habitable rooms feature windows and as such there should be sufficient natural light for future occupants.

The proposed flat would not be subject to a significant degree of overlooking, nor would it overlook neighbouring properties to an unacceptable degree. The representation that has been received has however set out concerns with the proposed degree of overlooking with 1B Sheep Market. The proposed plans have therefore been amended to include obscure glazing within the kitchen window to reduce the potential for overlooking. The kitchen / lounge area features other windows and as such there would still be sufficient light within the room.

Therefore the impact of the proposed development on the amenity of neighbouring properties and future occupants would be acceptable. As such, the proposed development accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this section, Paragraph 115 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The submitted plans indicate one parking space for the proposed flat. Lincolnshire County Council's highways and sustainable drainage team have not raised any objections to the proposed development. The site is within a sustainable area and future occupants would not necessarily be reliance on a private car.

The proposed development would therefore be acceptable in terms of highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

Large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The current application is for a change of use and Paragraph 174 of the NPPF sets out that change of use applications should not be subject to the sequential or exception tests. Developments should however still meet the requirements for site-specific flood risk assessments, as set out in footnote 59.

The application is accompanied by a Flood Risk Assessment, however, this report lacks detail. Notwithstanding this, it is recognised that the proposed development would result in sleeping accommodation on the first-floor level only. The only part of the accommodation at the ground floor level is the foot of the access staircase where the flat entrance is located. As the flat would be located mostly on the first floor, future occupants would be afforded a place of refuge should a flood occur. Policy 4 of the Local Plan clarifies that "change of use of existing buildings will be supported providing they do not pose an increase in risk to people".

It is therefore considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in this regard.

**Planning Balance**

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The proposed development 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. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh 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 the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4, 29 and 36 (including Appendix 6) of the Local Plan, along with the identified sections contained within the NPPF. There 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.