

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H20-0391-24      **Applicant:** Cutigel

**Proposal:** Use of timber shed for beauty business - Retrospective

**Location:** Jarvis Lodge 34 Jarvis Gate Sutton St James

**Terminal Date:** 18th September 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    |
| 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 |
|---------------------------------------------|--------|---------|---------|----------|
| PARISH COUNCIL                              | 0      | 0       | 0       | 0        |
| WARD MEMBER                                 | 0      | 1       | 0       | 0        |
| HIGHWAYS & SUDS<br>SUPPORT                  | 0      | 0       | 0       | 1        |
| SOUTH HOLLAND<br>INTERNAL DRAINAGE<br>BOARD | 0      | 0       | 0       | 1        |
| SHDC INTERNAL                               | 0      | 0       | 1       | 0        |
| RESIDENTS                                   | 1      | 12      | 0       | 0        |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

This is a full application seeking retrospective permission for the use of a timber shed for a beauty business to the front of Jarvis Lodge, 34 Jarvis Gate, Sutton St James.

### **Site Description**

The site is located within the defined settlement boundary of Sutton St James as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). Jarvis Lodge is set behind a mature hedge along Jarvis Gate just off the main road heading through Sutton St James. The property itself is a bungalow with an attached double garage made from white render with two bay windows projecting from the front elevation.

### **History**

H20-1054-97 - Proposed garage/garden store extension to existing bungalow - Approved

### **Consultation Responses**

#### **Councillor L J Eldridge**

The applicant has confirmed in their statement, this is a retrospective application for an upgrade to an existing outbuilding within the property grounds.

It is not visible from the road as the property is surrounded by hedging.

There is ample off road parking and no parking restrictions on Jarvis Gate for anyone visiting the premises.

This is a small business that has been operating for 13 years in the village - moving to the current location in 2020 with no prior complaint.

Due to the reasons as stated above, I am supportive of this application.

#### **South Holland Internal Drainage Board**

No comments.

#### **Lincolnshire County Council Highways**

### **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 retrospective for use of a timber shed for a beauty business. The shed is small and could only accommodate one client and one therapist. If clients drive to site, there would be one additional car on site as there is a 10minute gap left between clients. There is sufficient parking and turning on site. If there was a crossover of clients there is room to accommodate an additional car. The proposal will not have an adverse effect on the public highway.

## South Holland District Council 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, thirteen letters of representation have been received.

These can be summarised as follows:

- Next door neighbours, we have no objections
- No reason not to support this application, building is not visible from the road and does not affect anyone's privacy, adequate off road parking which does not impact on traffic entering or leaving
- Positive small business for the village, cause no disruption
- Fantastic asset to the community since opening, can be accessed easily and with a car for those in the village. Very visible in the village, engages in local fundraising projects
- It is not intrusive and hardly visible. Brings people to the village which in turn supports other local businesses
- The salon is the size of a garden shed and is completely out of site of the road. Due to the booking regime there is only ever one client at the premises at a time. The business is run by a long standing resident and is an asset to the village
- The salon is bright, comfortable and a safe space offering needed self care

One objection was received and is summarised below -

- Clients park on both sides of the road outside other properties. Makes the road dangerous due to cars reversing onto the road near a dangerous and tight bend.

### **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 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.

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 (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

### **Planning Considerations**

#### 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. They must meet the the following criteria -

A) The development does not conflict with neighbouring land uses;

- Whilst the majority of existing land uses in the area are residential, it is worth noting that there are existing commercial businesses in the centre of Sutton St James which therefore shows there is multiple uses in the immediate area.

B) There is no significant adverse impact upon the character and appearance of the area;

- There shall be no significant adverse impact upon the character of the area as the timber shed that will be used for the businesses is concealed by an existing hedge to the front of the site and therefore should not harm the character.

C) The design is responsive to the local context;

- The design is of a standard timber shed commonly featured in residential gardens for storage purposes etc albeit the use in this instance does not fall under this. As mentioned above, the shed is not visible from the highway therefore there is no material concerns regarding the design being responsive to the local context.

D) There will be no significant adverse impact on the local highway network;

- Lincolnshire County Council provided comments on this application and raised no objection therefore outlining there should be no impact on the local highway as a result of this application be permitted.

E) There will be no significant adverse impact upon the viability of delivering any allocated employment site;

- There are no allocated employment sites within Sutton St James and therefore there has been no significant adverse impact upon the viability of delivering any allocated employment site as a result of the change of use.

F) Proposals maximising opportunities for modal shift away from the private car are demonstrated; and

- The proposal is inside a defined settlement boundary and is accessible from a variety of means of sustainable transport. There are no concerns regarding the highway safety raised by LCC.

G) There is an identified need for the business location outside of identified employment areas on the Policies Map.

- There is no real identified need for the business location outside of an identified employment area, however it will boost the local economy and has received high levels of support from the community. This is also the only criteria of this section of policy that the development does not directly conform with.

The proposal therefore is in accordance with six of the seven criteria outlined within the policy. Therefore, the principle of the development is considered acceptable.

## **Planning Balance**

### 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

The walls of the retrospective shed are made from timber sleepers with the roof being grey roofing felt and also features a velux rooflight. An air conditioning unit is also located on the side of the building. As the shed is completely concealed from view of the local highway, there is no issues surrounding the materials used on this development in this instance. Furthermore, the design of the building is also acceptable and no harm will be cast onto the locality in any case. It will have a total height of 2.5m, a width of 2.92m and a length of 4.07m. These measurements are considered to be acceptable and provide adequate room for the running of a business.

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 and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

### 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.

There will be no overshadowing concerns surrounding this development due to the positioning of the building plus the existing hedges and trees surrounding the plot. In addition to this, the same can be said regarding any overlooking concerns as the windows on doors within the shed do not provide a view due to it being covered with the extant trees and hedges.

To help reduce any impacts on residential amenity, conditions will be imposed on the decision notice limiting the hours of operation and amount of people on site at any one time. The hours will be limited to 09:00am - 16:30pm (Monday - Thursday) and 09:00am- 12:00pm (Friday) - the business will not operate outside these times and shall also not open on bank holidays. These hours are considered to be suitable and acceptable as they are standard working hours in that it should not harm nearby residents by having people visit late in the evening outside of traditional working times. In addition to this, a maximum of two people are allowed within the business at any one time, this includes the owner of the business as well as their clients; by imposing this it ensures that a minimal amount of people will be on site thus reducing the chances of high level noise being created. In addition to this, a limit of two people means that there should not be significant comings and goings of vehicles as one should remain on site throughout the day (the owner) and the others will be attending during their appointment slots only. Finally, multiple residents have written in supporting this application stating that there have been no issues in the past four years the business has been in operation and therefore the LPA have no reason to believe that the business causes any material harm to the area plus with conditions at stated previously this should further benefit the site and reduce impacts on the immediate area.

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.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, 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.

Lincolnshire County Council have raised no concerns surrounding the development in relation to highway safety with their comments stating 'The shed is small and could only accommodate one client and one therapist. If clients drive to site, there would be one additional car on site as there is a 10minute gap left between clients. There is sufficient parking and turning on site. If there was a crossover of clients there is room to accommodate an additional car. The proposal will not have an adverse effect on the public highway'. There is therefore no reason to refuse this application on highway safety terms.

Despite receiving concerns from a neighbour in the form of an objection regarding highway safety concerns, as Lincolnshire County Council Highways have no objection to the scheme and the LPA do not consider this to be unacceptable and therefore cannot refuse the application on this basis.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

### Flood Risk and Drainage

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 162 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

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 South East Lincolnshire 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.

It is worth noting that 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 site lies within Flood Zone 3 of the Environment Agency's Flood Maps. The latter 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. However, the maps are broad brush and do not take into account any flood defences. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site is also located in an area of no hazard within the South Holland Strategic Flood Risk Assessment with the flood risk assessment provided with this application stating that there is no specific mitigation measures proposed due to their being a low actual risk of flooding. Furthermore, the shed is not considered to be a habitable room either. Whilst no mitigation measures have been proposed the development is considered to be acceptable and suitable.

Overall, when considering the development on balance, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2019 and the intentions of the National Planning Policy Framework 2023 in this regard.

### Biodiversity Net Gain

Biodiversity Net Gain (BNG) is a way of creating and improving natural habitats, it makes sure development has a measurably positive impact (net gain) on biodiversity. Developers must deliver a

BNG of 10% on site and means a development will result in more or better quality natural habitat than there was before development. There are a list of exemptions from the need for BNG with the developer in this instance believing they are exempt for the following reasons -

- The shed was built without affecting any hedges, trees or shrub areas. It is considered there biodiversity net gain is exempt

Whilst the reason given in this instance is not necessarily true, the site is still considered to be exempt from biodiversity due to it being erected prior to the need for BNG plus it being erected on a gravelled driveway rather than on grass and therefore no grass, habitat or wildlife will have been effected. It is therefore considered there is no need to present a mandatory 10% as part of this development.

### 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 proposal represents appropriate development inside 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 provides adequate parking, 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 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, 7 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). 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.