

DECISION DELEGATED TO HEAD OF PLANNING

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Application No: H23-0259-24 **Applicant:** Mr & Mrs S Steward

Proposal: Erection of Salon - Retrospective

Location: Springway Stockwell Gate Whaplode

Terminal Date: 17th May 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed & beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the erection of a salon in the rear garden of 'Springway' Stockwell Gate.

The building is already built, and the building is being used as a Salon. It is located within the rear garden of Springway, it is dual pitched and detached, made up of timber cladding (painted white) grey slate style roof with dark grey UPVC openings.

The plans show that the salon will be accessed through the main entrance for vehicles, cars will be parked to the front (domestic entrance to Springway) and customers can walk through the curtilage (passed the side of the house) and to the rear garden where the salon is located.

Site Description

The application site is located outside the defined settlement for Whaplode and located within the open countryside for planning purposes. The application site is also located within flood zone 3 in accordance with the Environment Agencies Mapping System. The flood hazard and depth maps show that the site is located in an area at low risk of flooding.

The salon is located in the rear garden of Springway, it is accessed through a side gate located to the south of the dwelling.

History

H23-0177-15 - First floor extension above existing bungalow. Approved 15-04-15

H23-0905-23 - Proposed dwelling with garage, swimming pool and storage building. Refused 15.11.2023

Consultation Responses

Highways:

The proposed site plan does not show where visitors to the salon park.

Parish

No comment

Representations

Two objections have been received against the application. These are based upon the retrospective nature of the proposal, the impacts upon amenity rights, loss of trees, highway safety and parking considerations by virtue of the salon. Both objections also discuss wider planning breaches across the site.

Planning Considerations

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

- Principle of Development
- Impacts upon neighbours, amenity/Environmental Issues
- Highway safety/Parking Considerations
- Character & Design
- Flood Risk Considerations

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.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment

Principle of Development

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire until 2036. Policy 1 (Spatial Strategy) expresses the 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.

The application site is located within the rear garden of Springway and within the settlement of Whaplode as identified by the SELLP Proposals Map. Whaplode is described as a 'Minor Service Centre' and of these areas spatial policy 1 states:

Within the settlement boundaries of the Minor Service Centres (as shown on the Inset Maps) 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. Development will normally be limited to Allocated and Committed sites and infill.

The proposal is for a salon, proposals such as this are allowed if they help sustain existing facilities or help meet the service needs of other local communities. The Salon which is already functioning clearly provides a service that is accessible for the local community. On this basis it is considered that the proposal is acceptable in principle.

Impacts upon neighbours, amenity/Environmental Issues

Policy 2 and 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.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

The applicant has provided a planning statement that expands upon how the facility does/will operate. Which is as follows:

- The salon will be managed by two persons (one being Mrs Steward).
- The Salon will only have two customers at anyone time. Opening hours:- Monday to Friday 9:30am to 2:30pm, with one person staying to 6pm, if required. Saturday 8:30am to 6pm. No opening on Sunday and Bank Holidays.
- The Salon is appointment only. Any customer using the salon will arrive via the existing access and parking on the drive.
- There is a pedestrian side gate to the rear of the domestic fence which takes you to the entrance of the salon building. All treatments will take place inside the building.

The applicant has submitted an amended plan that shows customers and staff will use the parking area to the front of Springway and access/egress the salon past the walkway next to the house. The salon if managed in the above way, and operated in accordance with the submitted hours would

have a limited impact upon the amenity of neighbouring residents.

Conditions will be attached that will ensure that the salon functions in the agreed way. A separate condition will reinforce that the salon is owned and operated by Mrs Steward, and it shall not be sold separately or severed from the dwelling 'Springway'. Furthermore, to reinforce that parking associated with Springway is used this will be conditioned.

On this basis it is considered that the proposal would accord with the aforementioned policies of the SELLP.

Highway safety/Parking Considerations

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 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

The applicant has provided an updated site plan showing 3 spaces made available for customers and staff. Sufficient parking provision is retained for domestic use. Highways have requested that this information is provided. Given that the salon would be conditioned that only two customers can be at the salon at any one time and that the planning statement confirms two members of managers, one being Mrs Steward then sufficient parking is provided.

The existing access arrangement will remain unchanged. On this basis it is considered that the proposals would accord with the aforementioned policies of the South East Lincolnshire Local Plan.

Character & Design

Policy 2 of the SELLP states 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. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to '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'.

Policy 3 sets out the 'Design of new development' in part it states 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"

The salon building is of a modest scale and massing and made up to a high standard with an appropriate palette of materials.

On the basis of character and design the proposal would accord with SELLP policies 2 & 3.

Flood Risk Considerations

The proposal given its footprint would represent minor development in flooding terms. The environment Agency Standing Advice should therefore be followed.

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 within the defined settlement boundary. The development hereby proposed subject to the conditions outlined within this report 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.

Conclusion

The proposal is recommended for approval subject to the conditions discussed within this report.

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.