

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager
To: Planning Committee - 16 December 2020
(Author: Maria Salemmme - Planning Policy Officer)
Purpose: To consider Planning Application H16-0944-20

Application Number: H16-0944-20 **Date Received:** 21 October 2020

Application Type: FULL

Description: Change of use of domestic garage to chiropody and beauty treatment room.

Location: SOUTHFIELDS CLAY LAKE SPALDING

Applicant: Mrs L Drury **Agent:** Remway Design Ltd

Ward: Spalding St Marys **Ward Councillors:** Lord Porter
Cllr H T Drury

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0944-20>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicant is related to a District Councillor.

2.0 PROPOSAL

2.1 This is a full planning application seeking permission for the change of use of a domestic garage to chiropody and beauty treatment room.

2.2 The existing garage would have a partition wall installed to create an entrance area and separate treatment room. Part of the existing utility room would be converted to a shower room. The alterations to fenestration would be carried out under permitted development rights.

2.3 The premises would be used solely by the applicant for the purposes of chiropody, footcare and associated treatments. The hours of operation would be Monday - Saturday, 08:30am to 5:00pm.

3.0 SITE DESCRIPTION

3.1 The property is a detached dwelling situated on the southern side of Clay Lake in close proximity to the Spalding Parish Church of England Day School. The surrounding area is predominantly residential, with frontage linear development along Clay Lake. The property is situated on a spacious plot, and is adjoined by detached properties on smaller plots. Spalding's Squash and Tennis Club is located to the rear.

3.2 The dwelling has a large gravelled driveway, which is gated, and has a brick wall and mature hedging as the boundary treatment to the front of the property. Down the sides from the front

boundary to the rear is approx. 1.8m high closeboard fencing. The garage is linked to the main dwelling by a single storey lobby and utility area.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

1 - Spatial Strategy
2 - Development Management
3 - Design of New Development
36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2019

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

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 None.

6.0 REPRESENTATIONS

6.1 LCC Highways/SUDS

Does not wish to restrict the grant of permission.

6.2 SHDC Environmental Protection Officer (contamination)

No comments with respect to land contamination.

6.3 SHDC Environmental Protection Officer (noise/odour)

No objection.

7.0 CONSIDERATIONS

7.1 Planning Considerations

The key planning considerations in this case are:

- Principle
- Layout and Design
- Impacts upon Residential Amenity
- Highways/Parking

7.2 Principle

7.3 The proposal is for the change of use of an existing domestic garage, which is currently being

used for storage, to function as a chiropody and beauty treatment room.

- 7.4 The site is located within the settlement boundary for Spalding as set out in the South East Lincolnshire Local Plan (2019) (SELLP), however it does not lie within a defined retail centre. Policy 1 of the SELLP sets out that, in Spalding, development will be permitted that supports its role as a Sub-Regional Centre.
- 7.5 The business could potentially be located elsewhere in available commercial premises in a town centre location, however running a business from home is an increasingly common practice and applications have been approved for such uses at residential properties in the past. It is not considered that the operation of this business, which is small in scale, in this location would undermine the viability of the district's retail centres. It would help meet the needs of the local community.
- 7.6 Taking the above into account, the proposed change of use is considered acceptable in principle.
- 7.7 Layout and Design
- 7.8 Paragraph 127 of the National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and 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 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.
- 7.9 The change of use would entail minor alterations to the internal layout of the existing garage. A partition wall would be erected to create an entrance area with sink, and separate treatment room. Part of the existing utility room would be converted to a shower room. The layout appears adequate for the proposed use and what it entails.
- 7.10 In terms of external alterations, a new front door and windows will replace the garage door to the front elevation and French doors will replace the existing rear window. The existing rear door would be bricked up. These alterations can be carried out under householder permitted development rights prior to the change of use being implemented and would not materially impact the appearance of the dwelling.
- The proposed materials are to match those existing in the property. Thus, the development will appear well blended with the fabric of the house and the visual amenity will not result undermined.
- 7.11 Taking the above into account, the proposal is considered to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of design and layout.
- 7.12 Impacts upon Residential Amenity
- 7.13 By introducing a commercial use into a residential street there is the potential for residential amenity to be adversely affected. The proposed opening hours are Monday to Saturday, 08:30am to 5:00pm. It will be solely the applicant using the premises for the purpose of chiropody, footcare and associated treatments. Given the limited nature of the use and the ability to control a commercial use with restrictions to the opening hours, it is considered that there would be limited impact on residential amenity with regard to noise/disturbance. SHDC's Environmental Protection Officer has raised no concerns in relation to the proposal.
- 7.14 Alterations to fenestration would be to the front and rear only. There are no residential properties located to the rear, and with regard to the opposing elevation it would be a normal frontage relationship. There would therefore be no unacceptable overlooking generated by the proposal.

- 7.15 Overall, given the relatively low key nature of the proposal, there are not considered to be any significant or demonstrable adverse impacts relating to residential amenity that would warrant refusal of this proposal.
- 7.16 In light of this, the proposal is considered to comply with Policies 2 and 3 in the South East Lincolnshire Local Plan, 2019 and Section 12 in the NPPF, 2019 in this regard.
- 7.17 Highways/Parking
- 7.18 The proposed change of use of the garage to a chiropody and beauty treatment room will involve clients visiting the property. Given that it would be solely the applicant working at the premises there would only be one client visiting at any one time (perhaps with the exception of changeovers between clients) and two additional vehicles can be accommodated on the existing driveway.
- 7.19 Appendix 6 to the Local Plan sets out minimum car parking standards for development, however it does not explicitly cover scenarios such as business uses at residential properties. In the absence of an objection from the Highway Authority, the proposed parking arrangement is considered acceptable.
- 7.20 Planning Balance
- 7.21 Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 7.22 The proposed change of use would not have a detrimental impact on residential amenity given the limited nature of the use, and working from home in such a manner is becoming increasingly common. The external alterations required are minor and can be undertaken under residential permitted development rights prior to the change of use taking place. Sufficient space for client vehicles is available within the curtilage of the property. On that basis, the proposal is considered acceptable and in accordance with Policies 1, 2 and 3 and Appendix 6 of the South East Lincolnshire Local Plan (2019).
- 7.23 **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.

7.24 Conclusion

7.25 In light of the considerations above the proposed development is considered to be in accordance with Policies 1, 2, 3 and Appendix 6 of the South East Lincolnshire Local Plan (2019), as well as Section 12 of the National Planning Policy Framework (2019).

8.0 **RECOMMENDATIONS**

8.1 **Grant permission subject to the conditions listed at Section 9.0 of this report.**

9.0 **CONDITIONS**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

3083-01
3083-02
3083-03
3083-04

Reason: For the avoidance of doubt and in the interests of proper planning.

3. This permission to grant the use of the domestic garage as a chiropody and beauty treatment room shall be operated solely by, and for the benefit of, the applicant (Mrs L Drury). No other persons other than the applicant may work or train there unless first agreed in writing by the Local Planning Authority. The use hereby approved shall be terminated at such time as the applicant ceases to occupy the dwelling or ceases to use the garage as a chiropody and beauty treatment room.

Reason: To ensure that the Local Planning Authority retains control over the future use of the premises in the interests of neighbouring amenity.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

4. The use hereby permitted shall not be open to customers except between the hours of 08:30am to 5:00pm, Monday to Saturday.

Reason: In the interests of the amenity of local residents.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

5. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

