

## **Officers Report**

### **Planning Application No: 140003**

**PROPOSAL:** Planning application for outbuilding to be used as beauty salon.

**LOCATION:** 23 Greetwell Lane Nettleham Lincoln LN2 2PN

**WARD:** Nettleham

**WARD MEMBER(S):** Cllr G McNeill and Cllr A White

**APPLICANT NAME:** Ms Hindle

**TARGET DECISION DATE:** 13/11/2019

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Joanne Sizer

**RECOMMENDED DECISION:** Grant permission subject to conditions.

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This application has been referred to the Planning Committee due to the objections from neighbours and the Parish Council, and these matters are considered to be finely balanced.

**Description:** The application site is located within Nettleham Village (a large village under policy LP2 of the Local Plan). It hosts a semi-detached dwelling set in a residential plot allowing for off road parking to the front and a private garden to the rear. Other residential properties sit to the North and South with paddock land sitting to the East. Beyond the paddock land is Nettleham conservation area and further to the North East is a Scheduled Ancient Monument (Bishops Manor House). Boundary treatments around the rear garden area consist of a mixture of close boarded and post and rail fencing with some planting.

This application seeks permission to erect a detached outbuilding located in the rear garden to be used as a beauty salon. The building measures 8 metres in length, 3.1 metres in width and 3.1 metres in height. It will be constructed in a cream colour wood grain effect board with grey windows and doors. The accompanying statement sets out that the use as a beauty salon will be in operation during the hours of 9am to 5pm over 3 days a week (Monday to Saturday) with a maximum of 5 clients per day and one appointment at a time with one Therapist working on the premises.

**Relevant history:**

W65/375/95 – Planning application to erect a two storey extension to existing dwelling - PPC

**Representations:** The application has been subject to amendments and a re-consultation undertaken on the 13 November 2019.

**Chairman/Ward member(s):**

None received

**Parish/Town Council/Meeting:**

17/10/19 - The Parish Council objects to this application on the following grounds:

The building shows UVC cladding which is inappropriate and not in keeping with the local character, Nettleham Neighbourhood Plan policy 6a.

There would not be adequate on-site parking for business customers as well as residential needs and parking on Greetwell Lane, which is a well-used country lane, would represent a hazard.

The PA states there flat roof and the drawing shows a pitched roof to a height of 3.64m. At this height it would be visible from the Bishops Palace Heritage amenity (SAM) site contrary to Nettleham Neighbourhood Plan policy D6 c.

There would appear to be some confusion over the quoted opening hours which would appear to relate to a "take away".

Local residents:

**Local Residents:**

15/11/19 - **11 Greetwell Lane, Nettleham:**

I have read the latest submissions and I remain concerned. The proposals on the restriction of the number of clients and the hours the new unit it is said will operate is as far as I can tell not enforceable and is there for of little worth. My concerns regarding traffic movements remains on a narrow road with pavement at only one side.

03/10/19

I have some concerns regarding the application Greetwell Lane is a narrow road with pavement just on one side. Cars parked create some issues and particularly if the park across the pavement as some do. I am concerned that to open a business unit on this road will create traffic issues and be dangerous. I note additional hard surfacing to create a car parking area but I fear that cars will be unable to turn round and have to reverse onto a stretch of road that is busy. There will be an inevitable increase in car movements. One other consideration is I believe the unit will be seen from the Bishops Palace an ancient monument within the conservation area of the village.

07/10/19 - **27 Greetwell Lane:**

I have Lived on Greetwell lane for over 10 years and have seen a high rise in the volume of speeding traffic on this increasingly busy village lane .It can be dangerous to pull into and pull out of my own driveway at the best of times without the increase of vehicles which this business venture will bring .There is no path on this side of the road and we often have cars parking on the verge which is dangerous and obstructs the view, this will surely increase. After studying the proposed plans , i also feel the building is too high , on the plans we see it as a pitched roof ( not flat ) , this will be seen not only by close neighbours but visible from the Bishops palace a beauty spot and conservation area within our village . There is also the question of noise, i

understand there are to be two air conditioning units which we are close enough to hear. I would also like to raise the question, on the plans, the reception area is the same size as the main treatment room. Is this so that in the future it can be made into another treatment room, meaning taking on a member of staff? more clients? more cars?

I feel Greetwell lane is not the right place to be setting up a beauty salon, this is a pleasant residential lane and should remain so.

**10/10/19 - 20 Greetwell Lane:**

I have lived on Greetwell lane for the past 32 years during which time I have seen the number of vehicles using this lane to increase to what I would describe as a very heavy flow. The residential part of the Lane is relatively narrow with only a footpath on the western side. Although there is a speed limit of 30mph I witness this being broken regularly. It would appear that parking arrangements at the proposed site will be limited to a small number of vehicles most of which will need to reverse back onto the lane on leaving, this causing obstruction and danger to other road users. Vehicles required to park on the roads would severely add to those problems. I fail to see how numbers of clients visiting the premises could be restricted sufficiently to properly address the road safety issues.

**28/11/19 - 19 Greetwell Lane**

The new planning application will still be a blot on the landscape with this pvc clad structure visible for all to see and not in keeping with the surrounding area. The size of this building also is of concern, being similar in appearance to an industrial unit. There appears to be more than three days and nights being used at present including weekend days and evenings. Parking in the evening on the footpath/ roadway outside of property and adjoining properties obvious for all to see.

11/10/19 - I have lived in Greetwell Lane for 6 years and my partner over 17 years. The traffic flow has always been very busy though quite a few people will daily exceed the speed limit by accelerating up the hill reaching close to 50mph before they pass property of applicant. Reversing upon the lane causes many occupants distress when the road is clear of parked vehicles, even worse when cars are parked here and there!! even worse when wheelie bins are blocking line of sight!

I think planning departments must seriously consider their actions before a fatality occurs. A pvc structure of this magnitude would have a negative impact on the neighbouring amenity. Negative effect on character and appearance on the landscape viewed from Bishops Palace.

It would be completely out of character with other buildings.

Excess noise from Air conditioning units "buzzing" away as people want to relax and enjoy the quietness of this rural setting.

**28/11/19 - 21 Greetwell Lane**

Further to the reviewing the amendments to planning application reference no: 140003, we wish to reiterate our original objections and concerns, previously submitted.

As occupants of the semi-detached house sharing a wall with no: 23 we believe the proposed change of use will cause us undue noise and disturbance, detrimental to our residential amenity.

We feel that running a business from a residential area, close to a conservation area, involving the construction of a very large building, is inappropriate and would set a precedent for future developments. The building materials and size, in relation to the garden and surrounding gardens is not in keeping with the area.

Whilst the applicant has stated business hours will be 3 days per week, up to 5 clients per day, we feel this would be highly likely to increase. The plans indicate the proposed beauty salon has a reception area the same size as the treatment room and could therefore easily accommodate 2 members of staff. Such investment in a separate building for business purposes would usually require significant turnover to make it viable development.

Approval of the application based on restricted use would be impossible to enforce and therefore the wider implications of an increase in traffic, noise and disturbance from business activities are a significant factor for consideration.

13/10/19 - There appears to be a number of errors, omissions and inconsistencies contained within the planning application and site plan. We would request that these are addressed to enable a full assessment of the application. These issues together with our comments are listed below:

Section 7. Materials - The application states the proposed building will have a flat roof but the plans show a pitched roof. The proposed materials for the building construction are uPVC Cladding, doors and windows – the application does not state what colour.

These materials are not in keeping with the characteristics of the properties in the area or the village. (Odd) house numbers 17 – 27 on Greetwell Lane are all semi-detached dwellings built in the 1930's. The size of the proposed building in relation to the garden and proximity to neighbouring properties is significant. **At 3.64 metres high and 8 metres long it takes up a large proportion of the garden and will tower above the fence on our boundary. The proposed building would be clearly visible from our garden and rear aspect from our home, blocking most of our view (and light) which would be detrimental to our residential amenity.**

Section 9. Vehicle Parking – The application states that vehicle parking is not relevant. However, traffic to the property will increase and therefore vehicle parking is relevant.

There is potential for the business to grow as the size of the proposed building could easily be modified to accommodate 2-3 staff, providing treatments concurrently. This would see an increase in the number of clients coming and going from the beauty salon which could mean the arrival / departure of several cars at once. The overlap of clients would mean the drive could not accommodate adequate turning.

Greetwell Lane is a very busy road where despite the 30 mph speed limit, drivers frequently exceed this coming into and going out of the village. There have been a number of accidents on the road during the past 13 years we have lived here.

Greetwell Lane only has a footpath on one side of the road. We already see quite a number of cars parking on the road and on the verges. This causes impaired visibility for residents reversing and pulling out of their own drives. The allowance of business premises, where an increase in traffic and parking is relevant, would set a precedent for future applications for change of use in a residential area, potentially increasing inflow of traffic from outside the village.

Section 11. Assessment of Flood Risk – The application states that surface water will be disposed of via ‘main sewer’. This would be against Anglian Water’s policy which does not allow surface water to be discharged in a main sewer for foul waste only.

Section 12. Biodiversity and Geological Conservation – The application indicates that the site is not near “features of geological conservation importance”. However, the proposed large Upvc cabin would be visible from the Nettleham Conservation Area of the Bishops Palace site which has a scheduled monument. (Odd) House numbers 17 – 27 on Greetwell Lane are 1930’s dwellings with long rear gardens in a largely open context, backing onto a paddock. Beyond the paddock is the conservation area. The proposed building in the rear garden of No. 23 would adversely affect views of this sensitive village edge and historic landscape including those across the conservation area. If approved, it would create a precedent and make future similar development applications more difficult to reject, which would further alter and harm the character and appearance in the vicinity.

Section 19. Hours of Opening – The application states use as “A5 – Hot food takeaways open 09:00 – 17:00, 7 days per week”. This is not consistent with Section 5 Description of the Proposal “Construction of outbuilding to be used as beauty salon”. Assuming this is an error, there is no information on the opening times of the beauty salon, we are therefore unable to comment on the business opening times and what impact this may have, or indeed any future alterations to opening hours.

Section 20. Industrial or Commercial Processes and Machinery – The application requests details of the type of machinery which may be installed on site. No details are provided but the plans indicate 2 large air conditioning units will be installed on the rear of the building, adjacent to our boundary. As no technical details or measurements have been provided on the application and plans, we are unable to comment on the potential noise, air pollution, disturbance or proximity to our boundary, but this remains a concern.

Section 22. Site Visit – The application indicates the proposed site cannot be seen from a public road, footpath, bridleway etc. This needs review as the proposed site can be seen from the Nettleham Conservation area close to Bishops Palace. See comments in Section 12.

Granting permission for a change of use for a business to be run from a residential area would set a precedent and may increase the likelihood of other proposed developments / change of use applications in the future. Granting a change of use would not prohibit the number of visitors / cars

arriving at the property and as such it is not possible to evaluate the impact this would have on neighbouring properties and traffic.

Noise and disturbance – There will be a number of visitors to the business on a daily basis which would be accessing the proposed building via the path down the side of no. 23 which is abutting the boundary of no. 25. The 8 metre length of the proposed building runs extremely close to our boundary, overshadowing our garden. The activities will therefore give rise to undue noise and disturbance to the detriment of the residential amenities of neighbours particularly ourselves and the occupants of no. 25. The proposed building also overlooks the rear garden and dwelling of no. 25 and directly into side facing windows.

#### **20/10/19 - 17 Greetwell Lane**

I refer to the above application for the proposal to build an outbuilding to be used as a Beauty Salon at 23 Greetwell Lane, Nettleham, Lincoln LN2 2PN. I understand that immediate neighbouring properties were notified of this application, but would like to submit comments on behalf of Miss W. A. Simpson of The Hollies, 17 Greetwell Lane, due to the close proximity of her home and paddock behind it.

Following a brief, initial look at the application, clarification was required regarding reference to a Hot Foot Takeaway. It was advised that the application was only for a Beauty Salon which would operate between the hours of 9am to 5pm three days per week. The main concerns of this application relate to the possible levels of disturbance, lighting and lack of privacy to neighbouring gardens and the paddock, with particular regard to the potential:-

- **level of noise generated from two air conditioning units,**
- **noise and lighting generated by the volume of clients using the business, which would possibly increase as the business expanded,**
- **level of traffic increase parking on Greetwell Lane,**
- **overlooking of neighbouring gardens and the paddock from the Salon windows, resulting in a loss of privacy.**

**An additional concern is that, as the Salon proposal includes showering and toilet facilities, it could, in future change it's use to a private dwelling and therefore set a precedent for future, similar back garden developments.**

Whilst It is not wished in any way to obstruct a good business opportunity that would further enhance the village, the concern is that the rear garden of a quiet area is not the appropriate location.

#### **LCC Highways:**

07/10/19 - 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 is acceptable and accordingly, does not wish to object to this planning application.

#### **Environmental Protection:**

15/10/19: As discussed provided we can condition opening times to those as agreed with the applicant (those being 9-5 and restrict opening to Mon-Sat only) and condition client numbers to one at a time, along with the further information supplied to clarify that the air conditioning unit is to be internal and floor mounted and that waste is to be suitably dealt with, then I have no further concerns.

10/10/19: A full noise assessment will need to be undertaken and submitted to and approved by LPA. This should be to BS 4142 (2014) standard and include all potential sources of noise associated to the business including fixed plant, client activity etc.

Waste: There is no indication as to how waste associated to the business will be disposed of. Waste created by the business must be disposed of separately to household waste and must be accounted for and disposed of correctly in line with current legislation.

**Archaeology:** None received

**Relevant Planning Policies:**

### **Development Plan**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the relevant parts of the Development are the Central Lincolnshire Local Plan (April 2017); and the Nettleham Neighbourhood Plan (March 2016).

If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan – here, the Central Lincolnshire Local Plan.

### **Central Lincolnshire Local Plan**

LP1: A Presumption in Favour of Sustainable Development  
LP2: The spatial Strategy and Settlement Hierarchy  
LP13: Accessibility and Transport  
LP17: Landscape, Townscape and Views  
LP22: Green Wedges  
LP26: Design and Amenity

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

### **Nettleham Neighbourhood Plan:**

Nettleham Neighbourhood Plan was made on 3<sup>rd</sup> March 2016. The following policies are considered relevant in the determination of this application.

Policy D-4 Water Resources and Flood Risk  
Policy – D-6 Design of new development

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/nettleham-neighbourhood-plan-made/>

### **National Guidance**

National Planning Policy Framework  
National Planning Practice Guidance

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Paragraph 213 of the NPPF states that *“existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

### **Main issues**

- Principle of development
- Impact on visual amenity including the Historic Environment
- Residential amenity
- Highway Safety
- Drainage

### **Assessment:**

#### **Principle**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Central Lincolnshire Local Plan 2012-2036 (adopted in April 2017) contains a suite of policies that provide a framework to deliver sustainable development. The proposed site being located in Nettleham village and proposing the erection of a building to be used as a Beauty Salon and having a sui generis use class would principally be assessed against Local Plan Policies LP1: A presumption in favour of sustainable development and LP2: The Spatial Strategy and Settlement Hierarchy.

LP1 indicates that at the heart of the strategy for Central Lincolnshire is a desire to deliver sustainable growth which brings benefits for all sectors of the community (existing and new).

LP2 states that the spatial strategy will focus on delivering sustainable growth for Central Lincolnshire that meets the needs for homes and jobs, regenerates



places and communities and supports necessary improvements to facilities, services and infrastructure. Development should create strong, sustainable, cohesive and inclusive communities, making the most effective use of previously developed land and enabling a larger number of people to access **jobs, services and facilities locally**. Decisions on investment in services and facilities, and on the location and scale of development will be assisted by a Central Lincolnshire Settlement Hierarchy.

Nettleham is designated as a large village within the Settlement Hierarchy and LP2 advises to maintain and enhance their role as large villages which **provide housing employment, retail and key services and facilities for the local area**, the following settlements **will be focus for accommodating appropriate level of growth. Most of this growth will be via sites allocated in this plan, or appropriate infill intensification or renewal within the existing developed footprint**. In exceptional circumstances additional growth on non-allocated sites in appropriate locations outside of but immediately adjacent to the developed footprint of these villages might be considered favourably, though these are unlikely to be of a scale over 25 dwellings/1 ha per site.

Policy LP6 sets out a tier of retail and town centres in Central Lincolnshire. The bottom tier 5 “Rural Settlements” sets out that the retail hierarchy within rural settlements follows the settlement hierarchy in LP2.

The policy says that “within the rural settlements... the scale of provision should be proportionate and strengthen their roles in providing mainly convenience shopping and local services to meet local needs”. The proposed use is however considered to be an unclassified or “sui generis” use – and would not readily fall within the NPPF’s “town centre use” definition. The proposals do not therefore generally fall within the parameters of this policy guidance.

Paragraph 81. Of the NPPF does however guide that planning policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances. In section 5.4 of Nettleham Neighbourhood it also makes reference to local businesses including beauticians working from home. The character of the proposal is recognised therefore as a feature of Nettleham.

The proposal in creating a small sui generis business and local service which is within the developed footprint of the village is consequently considered to be principally in accordance with LP2 of the Central Lincolnshire Local Plan, within the spirit of the Neighbourhood Plan and Paragraph 81 of the NPPF.

Nonetheless, the development proposes a purpose built cabin to operate a commercial business to visiting members of the public, within a residential area. Consideration therefore needs to be given as to the effect upon the

residential amenity and character, and as to whether the proposal would be a “neighbourly use”.

**Impact on Visual Amenity including the Historic Environment:**

The site is located within an existing residential area of Nettleham. Concerns have been raised in relation to the proposals and visual relationship with the Conservation area and Scheduled Ancient Monument. It is however noted that the Conservation Area is set over 70 metres away from the site and the SAM over 80 metres away. The proposals being set at this distance away, sited in a domestic garden area and of a size which will be read with the existing domestic context and screened by boundary treatments are not considered to cause harm to the setting of nearby heritage assets. No concerns have been raised from the Historic Environment Team in relation to the proposals and consequently Impact only relates to visual amenity and assessed through Policy LP26 of the Central Lincolnshire Local Plan and Policy D6 of the Neighbourhood Plan.

Policy LP26 relates to design and amenity and states: that development proposals should achieve to contribute positively to local character, landscape and townscape. All proposals should take into consideration the character and local distinctiveness of the area and create a sense of place.

Proposed development should respect the existing topography, landscape character and **relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot width, incorporate as far as possible natural features, and incorporate appropriate landscape treatments and well-designed boundary treatments to assimilate the development into the surrounding area. Development should protect important views into, out of and through the site and reflect or improve on the original architectural style of the local surroundings, using appropriate materials which reinforce or enhance local distinctiveness.**

In addition to this the Neighbourhood Plan D6 of the Neighbourhood plan relates to Design of new development and states:

New development, including infill development and residential extensions, should preserve and enhance the village of Nettleham by:

- a) **Recognising and reinforcing the district local character (as set out in the character assessment and the village design statement) in relation to height, scale, density, spacing, layout orientation, features and materials of buildings.**
- b) Designing housing proposals to reflect existing residential densities in the locality of the scheme.
- c) Respecting and protecting local heritage assets and their setting, including scheduled Ancient Monuments and Conservation Areas.
- d) Protecting natural assets, enhancing the natural environment and biodiversity.

**e) Incorporation adequate landscaping to mitigate the visual impact of the development and to ensure that proposals merge into the existing rural village context and respond to the wider countryside setting.**

f) Seeking to retain mature or important trees. Development that damages or results in the loss of ancient trees, or trees of good arboricultural and/or amenity value, will not normally be permitted unless justified by a professional tree survey and arboricultural statement. Where removal of trees of recognised importance can be justified, a replacement(s) of similar amenity value and maturity should be provided on site.

The character assessment and village design statement states that Greetwell Lane is one of the main routes into Nettleham is relatively straight and consists of grass verges, with open or hedge bounded fields leading to houses which are set back from the road. It identifies that poorly designed extensions which use inappropriate materials or are badly built can distort and seriously affect otherwise attractive streetscapes of the village. It continues to guide that the scale and proportion of buildings should complement and reflect surrounding dwellings and buildings. Extensions to properties should not alter the existing street scene in a detrimental or excessive way.

Concerns were raised by the Parish Council through the first consultation and reiterated by some residents in relation to the building and material finish being out of character with the area and contrary to the Neighbourhood plan.

In terms of the size, scale and design (including use of materials) of the proposed building it is noted that some amendments have been made to reduce the height of it.

It may be noted that a building similar in scale and appearance, could be erected for purposes incidental to the enjoyment of the dwellinghouse if set off the boundaries, with the Government's national grant of planning permission ("permitted development")

Its overall size is not therefore considered to be overly large or out of scale for a domestic building nor look out of place within this residential area. The building will not also be seen from the street scene.

In terms of being viewed from the paddock area to the rear, the proposals include the provision of a 1.8 metre close boarded fence running along the rear eastern boundary. This is a typical domestic scaled fence, and consequently a majority of the building will be screened from the paddock land to the rear and its presence considered acceptable in visual amenity terms.

It is also noted that the host dwelling and some of those within the immediate context have UPVC conservatories and windows. The application site also has an existing timber outbuilding which could be painted without the need for planning permission. As a consequence the finished material and colour of the proposed building cannot be considered to be at odds with the domestic character to which it will be viewed within and weight also needs to be

afforded to what could be erected in the site as a result of permitted development rights.

It is therefore concluded the proposals are relative to the character of the area and provide adequate boundary treatments to minimise views of it from the wider area. They are therefore considered to be in accordance with Policy LP26 of the Central Lincolnshire Local Plan and Policy D4 of the Neighbourhood Plan.

**Residential Amenity:**

Local Plan Policy LP26 also sets out criteria affecting amenity. It states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

Concerns have been raised in relation to the provision of the building and its use by the neighbouring occupiers of No 21 the dwelling attached to No 23 and another resident. These concerns relate to noise and disturbance with the restricting of the business not a feasible option. Concerns have also been raised in terms of the presence of the building running along the boundary fence being dominating and the business offering opportunity for overlooking.

In terms of the size, scale and design of the proposed building it is not considered to go beyond what could be erected as a garden building incidental to the enjoyment of the dwelling house. In this regard it is again noted that a building of a similar scale and appearance, could be erected for purposes incidental to the enjoyment of the dwellinghouse, through the Government's national grant of planning permission ("permitted development").

It is therefore concluded that its size is not considered to be unacceptable within a domestic garden area. Its presence along the shared boundary of No 23 and 21 would also be substantially screened by the existing boundary treatment and a tree in this neighbouring property also provides further screening. The garden areas are also a length that the proposed outbuilding would only sit alongside part of the shared boundary and at the furthest away from the dwelling house. As a consequence the presence of the building would not be significantly harmful through dominance or loss of light/shadowing. This conclusion is also drawn for impacts on the neighbouring property to the south with a greater distance between them also offering separation in this instance.

However, when considering impacts from the use of the building in such an otherwise residential area and in the rear private garden space, concerns raised by residents in relation to impact upon residential amenity are somewhat shared by the Local Planning Authority.

The access to the proposed Salon will be down the side of the dwelling house which is within very close proximity to the neighbouring property 25 Greetwell Lane. There are windows within close proximity to the boundary, although

some are obscurely glazed. Some views into this neighbouring garden are available and loss of privacy somewhat of a concern. It is however noted that existing boundary treatments do offer some separation and screening. It is also noted that further boundary treatments/screening could also be put in place without the need for planning permission.

The presence of customers and associated noise from their comings and goings from the site are also a potential concern in this otherwise domestic context. The movement of cars may also be a factor in this regard. Another potential for nuisance would be the presence of the air conditioning units. The Environmental Health Officer has advised that internal units would be acceptable, further details to ensure their suitability and noise impact would need to be approved and therefore it is recommended details are secured by a condition.

Environmental Health have also not raised any significant concerns in relation to detrimental impacts on the neighbouring properties through the siting of the building within this residential garden area or its use as a beauty salon. Their conclusion in this regard is however based on restricting the opening hours, days and number of customers visiting in one day and at a time. The restrictions they propose are based on opening hours being 9-5 Monday - Saturday only with client numbers restricted to one at a time.

The accompanying statement sets out that the use as a beauty salon will be in operation during the hours of 9am to 5pm over 3 days a week (Monday to Saturday) with a maximum of 5 clients per day and one appointment at a time with one Therapist working on the premises. These working parameters therefore fit within the restrictions required by Environmental Health and therefore reasonable to use as controlling mechanisms to reduce the impact on neighbouring residential amenity.

With these restrictions in place it is recognised that a majority of the comings and goings would be within a timeframe when most residential areas are functional with occupiers and traffic movements and their associated presence and noise being a normal activity. This along with the controlling of the number of clients visiting per day and at one time would also minimise the impacts and goes some way towards ensuring that the development would not be used to a level significantly different to a domestic property.

It is therefore concluded that although there is potential for the business in this residential area to have impacts upon neighbouring properties, the scale and use of the salon would be unlikely to have any significant adverse impacts upon neighbouring amenities. With conditions in place it is on balance considered that these can be mitigated and the proposals can be considered to be in accordance with Policy LP26 of the Central Lincolnshire Local Plan in terms of neighbouring residential amenity.

Thought is however also given to the building as an independent business unit and the impact upon the host dwelling. Although this application is applied for by the occupiers of this dwelling and the relationship therefore acceptable.

The use of the outbuilding by someone not associated with the occupation of this residential property would not be an acceptable relationship and consequently a condition ensuring that the business is only operated by the occupiers of No 23 Greetwell Lane will also be a condition of any permission should it be granted. The building itself could also easily be used as incidental to the enjoyment of the dwelling house should the business cease and no concerns therefore raised to the relationship in this regard.

### **Highway Safety:**

Policy LP13 Accessibility and Transport seeks development to contribute towards an efficient **and safe transport network** that offers a range of transport choices for the movement of people and goods.

Numerous concerns have been raised by the residents and parish council to the proposals in relation to highway safety through the increase of traffic, safe access and egress from the site and adequate parking provision. It is however noted that the use of the proposed salon will be restricted to only one visiting customer at a time and a maximum of 5 per day over a 3 day period. On this basis no concerns or objections have been raised from the Local Highway Authority and consequently the development is considered to be in accordance with the provisions of LP13 and can be supported subject to conditions.

### **Drainage:**

LP14 relates to Managing Water Resources and Flood Risk and includes the provision of adequate drainage provision for the development. Criterion m indicates that adequate foul water treatment and disposal should be provided to serve the development and criteria n and o seeks to ensure that surface water is only discharged into a combined system in exceptional circumstances.

Neighbourhood Planning Policy D4 relevantly relates to Sewage and Drainage and states. Applications for new development (other than for minor extensions) will be required to demonstrate that:

- a) The development contributes positively to the water environment and to its ecology where possible and does not adversely affect surface and ground water quality; and
- b) Any development that has the potential to pose a risk to ground water resources is not located in a sensitive location; and
- c) **Appropriate sustainable urban drainage systems have been incorporated into the proposals unless they can be shown to be impractical;** and
- d) The design of the scheme incorporates appropriate measures that contribute to the conservation and enhancement of biodiversity and green corridors in the Plan area in general, and to the Nettleham beck in particular.

No drainage details have been provided with the application and consequently a condition securing adequate drainage provision for the development will therefore need to form part of an approval if permission is granted. With such

a condition in place the development can be considered to be in accordance with Policy LP14 of the CLLP and D4 of the Neighbourhood Plan.

### **Other matters**

The errors in the application that were noted by representations have been addressed through the submission of the design and assessment statement.

Concerns relating to the size of the building and future possible expansion are noted but the application has to be determined on its own merits and the use of conditions to limit the use of the beauty salon reasonably meets the 6 tests as set out in the NPPG. With such conditions in place the expansion of the business would require further planning approval where the merits of the proposals would be assessed in their own right.

### **Conclusion and Reason for Approval**

The proposals have been assessed against Policies LP1, LP2, LP13, LP14, LP17 and LP26 of the Central Lincolnshire Local Plan and Policies D4 and D6 of the Neighbourhood Plan; as well as all other material considerations including the National Planning Policy Framework, Practice Guidance and permitted development rights. In light of this assessment it is considered that the proposals subject to conditions is in an appropriate location and provides a service/facility of an appropriate scale in accordance with Policy LP2 of the Central Lincolnshire Local Plan and within the spirit of guidance within the Neighbourhood Plan and NPPF. The proposals subject to conditions are on balance also considered to be acceptable to visual and residential amenity considerations as well as highway safety and drainage requirements. They are therefore considered to be in accordance with the above named policies and grant of permission subject to the following conditions recommended.

### **Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

### **Conditions which apply or require matters to be agreed before the development commenced:**

None

### **Conditions which apply or are to be observed during the course of the development:**

2. The building hereby approved shall not be erected or located on site until details of foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. The building shall not then be first brought into use until the approved drainage strategy and details have been fully implemented on site.

Reason: To ensure adequate drainage facilities are provided for the development in accordance with policy LP14 of the Central Lincolnshire Local Plan and Policy D6 of the Neighbourhood Plan and guidance within the NPPF.

3. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: Site Plan including elevations and floor plan received on 13<sup>th</sup> November 2019 and Design and Access statement. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and policies LP1, LP13, LP17 and LP26 of the Central Lincolnshire Local Plan and Policies D4 and D6 of the Neighbourhood Plan.

4. No external air-conditioning units or other plant shall be installed on the building or within the site until details have been submitted to and approved in writing by the Local Planning Authority. They shall then only be installed in accordance with the approved details.

Reason: In the interest of neighbouring amenity in accordance with LP26 of the Central Lincolnshire Local Plan and guidance within the NPPF.

5. The 1.8 metre close boarded fence proposed along the rear eastern boundary of the site shall be erected prior to the erection or locating of the building on site and shall thereafter be retained in perpetuity for the lifetime of the development.

Reason: To minimise visual impact on the surrounding area in accordance with Policy LP26 of the Central Lincolnshire Local Plan and Policy D4 of the Neighbourhood Plan and guidance within the NPPF.

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

6. The use as a beauty salon hereby permitted shall only operate during the hours of 9am to 5pm Monday to Saturday with no Sunday or Bank holiday opening.



Reason: To protect the amenities of adjoining properties and the locality in general in accordance with policy LP26 of the Central Lincolnshire Local Plan.

7. No more than 1 therapist shall operate and no more than 5 customers shall be treated on the premises in any one day, with no more than 1 customer being present on the site at any one time.

Reason: To avoid the unacceptable loss of amenity to nearby premises through the inappropriate scale of the business and impacts relating to noise and disturbance in accordance with policy LP26 of the Central Lincolnshire Local Plan.

8. The use of the beauty salon hereby approved shall only be operated by the Occupiers of No 23 Greetwell Lane Nettleham LN2 2PN and at all other times as incidental to the enjoyment as residents of it.

Reason: To ensure that the running of the beauty salon is tied to the occupiers of the host dwelling and does not become a separate business use in the interest of residential amenity and in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

#### **Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

#### **Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

Prepared by :

*Joanne Sizer*

Date : 16/12/19

Authorising Officer

*R. Jackson*

Date: 16/12/2019

**Decision Level** (tick as appropriate)

Committee