

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0500-23 **Applicant:** Mr R Jarrett
Proposal: Change of use from hairdressers to tattoo studio
Location: 3 Barrington Gate Holbeach Spalding
Terminal Date: 2nd August 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
24	The Retail Hierarchy
27	Additional Retail Provision
29	The Historic Environment

National Guidance

National Planning Policy Framework 2021

Sections 12 and 16 of the National Planning Policy Framework (2021) (NPPF)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
HOLBEACH & DISTRICT CIVIC SOCIETY	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks to change the use of 3 Barrington Gate, Holbeach from a hairdressers to a tattoo studio.

No external alterations are proposed by this application.

Site Description

3 Barrington gate is an early C20th former dwelling, in recent use as a commercial unit. The area in general is characterised by commercial and residential blend. Adjacent to the site is the Grade II listed 19 Barrington street

History

H09-0233-12

Change of use of ground floor of premises from A1 (shops) to hair salon and beauty therapist (retrospective). Approved on 06-06-12

Consultation Responses

Holbeach Civic Society

Raises an objection in principle to the proposed use.

Holbeach Parish Council

No Objection

Planning Considerations

Principle of Development

In accordance with Policy 24 of the South East Lincolnshire Local Plan (2019) (SELLP), Holbeach is considered to be a sub-regional centre. In the case of applications relating to permission for commercial uses, Policy 24 establishes that commercial uses in town centre locations will be supported where they do not harm the vitality or viability of any centre identified within the hierarchy. This proposal site sits just outside of the town centre as established in SELLP inset map No.5 however, as identified in the following sections of this report, it is concluded that the proposal does not harm the visual or residential amenity of the immediate setting, and would represent a commercial development in a town-centre-adjacent setting accessible by pedestrian means from within and without that town centre setting, and with a ready supply of local public parking, meaning that there should be no material, harmful impact upon the viability or vitality of the adjacent town centre location.

Heritage Impact

The Local Planning Authority does not consider the proposal to represent any risk to the character or visual amenity of either the Holbeach Conservation Area, or the adjacent listed building, due to the fact that this proposal seeks to make no alterations to the exterior of the property, except for a new fascia board sign, suggesting no impact upon the setting.

Residential Amenity

The Local Planning Authority does not consider there to be any risk to residential amenity caused by this proposal. The application seeks to make no alterations physically to the building, meaning no enhanced risk of overlooking or overshadowing. Additionally, it is not considered that the proposed use risks any additional inherent noise generation risk over the existing use, and even so, this is a location in close proximity to the town centre, in an area with extensive commercial use and therefore there is a general expectation of some reasonable business-associated noise generation during reasonable hours of operation.

Parking Provision

Much like the bulk of commercial and retail sites in Holbeach, this premises does not feature any customer parking. However, this is not a change from the most recent, current use. It is considered that the amount of business footfall or traffic shall not be substantially greater than that incurred by

the existing use and therefore, there should not be any adverse impact upon the local road network or availability of or access to alternative forms of transport effected by this proposal. The setting is in a highly central location of Holbeach, with ease of access to both public transport options and public parking, in addition to sufficient pedestrian access, all of which confirm that the Local Planning Authority does not consider this to be a materially unacceptable feature of the proposal.

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2, 3, 24, 27, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2021) as well as Section 16 of the NPPF. Therefore, this application is recommended for approval.

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.