

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0702-22 **Applicant:** Schroder Real Estate Investment Management Ltd.

Proposal: Use of units into single unit for Pets at Home for retail store along with ancillary pet grooming salon and a Vets4Pets veterinary service

Location: Units D & E Winfrey Avenue Spalding

Terminal Date: 7th September 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

Not applicable.

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

S192 LAWFUL USE CERTIFICATE APPLICATION. Use of units into single unit for Pets at Home for retail store along with ancillary pet grooming salon and a Vets4Pets veterinary service.

Specifically, the application seeks advice regarding a change of use from previously Class A1, which is now Class E (a) retail, to a 'Vets4Pets' veterinary service.

The facility will comprise three consulting rooms where general pet care advice is given and animals receive basic preventative medicine and treatments (such as worming or flea treatments). There will be a small operating theatre to undertake small scale procedures such as spaying and X-raying. The facility will also include laboratory and pharmacy areas.

The store will also accommodate a Groom Room salon which offers treatments across a range of services to enhance the well-being of dogs. These include full dog grooming, baths, microchipping and nail clipping services.

The grooming and veterinary services would only be accessible via the main Pets at Home store entrance, and there will be no separate access or egress points for customers. Accordingly, the

operating hours of each service will be in line with the opening of the retail floor area.

Site Description

The retail units are vacant and were formally occupied by Marks & Spencer Simply Food (unit D) and The Carphone Warehouse respectively (unit E).

History

H16-1458-03. Winfrey Avenue and Swan Street, Spalding. Demolition of petrol filling station and erection of single-storey retail unit. APPROVED 17-02-04.

Planning Considerations

This application is a legal determination and planning policy is not relevant to the determination as to whether the proposed use would be lawful.

The following has been submitted in support of the application:

Application Form
Site Location Plan 9986 26 6659/04
Existing Ground Floor Plans, Elevations & Section
Proposed Ground Floor Plans & Elevations 6659/10
Firstplan letter dated 21 June 2022. reference 21436/MM
Decision Notice H16-1458-03
Appendix 2 - Photographs of Pets at Home

The previous and proposed uses are both considered to fall within Class E of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. Thus no material change of use is proposed.

No prohibitive conditions were imposed upon the 2003 consent that would preclude this proposal.

Conclusion

APPROVE.

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

In light of case law, it is concluded that the only reasonable determination would be to issue a Lawful Development Certificate for the use proposed.