DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0905-21**	**Applicant:**	**Afterglow Tanning Ltd.**
Proposal:	Change of Use from former travel agents to tanning & beauty salon		
Location:	23 Hall Place Spalding		
Terminal Date:	19th October 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
09	Promoting a Stronger Visitor Economy
24	The Retail Hierarchy
29	The Historic Environment
30	Pollution

National Guidance

National Planning Policy Framework 2021

Section 7- Ensuring the vitality of town centres
Section 12- Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
SPALDING & DISTRICT CIVIC SOCIETY	1	0	0	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks full permission for change of use of a former travel agents into a tanning and beauty salon at 23 Hall Place, Spalding.

Site Description

The site lies within the Spalding Conservation Area, according to the SELLP (2019) and is generally bounded by commercial properties and Hall Place to the south. The area is an established commercial urban area consisting of a mixture of shops, office, leisure and residential uses taking the form of properties generally addressing the street frontage via shop fronts. Hall Place is a distinctive primary shopping area, according to the SELLP (2019) and the proposal can contribute to the vitality, viability of the area and also enhance the character of the area.

History

No planning history relevant.

Consultation Responses

Spalding & District Civic Society-
Provide clarification if knocking through to 1 New Road. Not much assessment has been raised regarding the character and appearance as it is in a Conservation Area. The blanked out windows would raise a significant impact on the visual amenity and setting of the prominent site. Due to the lack of detail as to what works are proposed, both internally and externally we are objecting to this application.

Planning Considerations

Principle of development

As the proposal site is within the Spalding Town Centre, it is the general rule under Policy 24 of the SELLP (2019) that shop frontages should be reserved for A1-A5, B1, D1 and D2 uses (now mostly under different classes due to amendments toe the Use Classes Order). As a Tanning Salon would be Sui Generis, it falls outside of these uses, however, as a tanning salon can be defined as a commercial enterprise offering a service on site to the general public, this particular Sui Generis use is appropriate for the town centre location.

Layout and Design

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 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.

The site is located within Spalding Conservation Area. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, section 66(1) of the same Act requires that special regard must be had to the desirability of preserving the setting of listed buildings.

Policies 2 and 3 of the SELLP essentially indicate that new development should be acceptable in terms of character and appearance and have a satisfactory relationship with existing development. Policy 29 indicates that proposals should enhance or reinforce the character and appearance of a conservation area and not harm the setting of a heritage asset. Paragraph 193 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

No alterations to the external fabric of the building are required save for the painting of the timber to the front and side elevation in the company's colour scheme of dark grey, which was seen upon the

site visit. There are other examples of painted shop frontages in the vicinity and the tone of the colour is not such that it would materially impact the character of the conservation area.

The change of use will also include replacing the existing cardboard placements from the glass windows with vinyl coverings within the company colour scheme. Concern has been raised about the use of vinyls on the interior of the windows, however their application on the inside of the window does not require consent and they could therefore be installed regardless.

The floor plan appears to indicate a larger area is covered by the site location plan, but it has been confirmed that the applicant will not be knocking through to 1 New Road and they will be kept separate. The ground floor will contain 5 sunbeds, the first floor will contain 2 beauty rooms, vacuum treadmill, vacuum bike and lymphatic roller machine and the second floor will contain a spray room and an office.

It is considered that the proposal satisfactorily complies with policies 2, 3 and 29 of the SELLP, 2019 and is therefore not considered to have a detrimental material impact upon the Conservation Area.

Amenity

The building is situated within the town centre where general noise and activity is expected. Moreover, the proposed use would generate a reasonably similar number of visitors compared to the previous travel agents. In terms of noise, general disturbance, privacy, etc, it is not considered that there are any nearby residential properties in the vicinity which would have a detrimental impact towards the residential amenity.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the SELLP in this respect.

Parking

No on-site parking is available. However, the site is close to town centre public parking. On street car parking is available along New Road.

Appendix 6 of the SELLP sets out parking standards for new development but Sui Generis uses are to be assessed on a site-by-site basis. Given that parking is available close there would be no detrimental impact in this regard.

Other Material Considerations

Flood Risk - The application is for a change of use. Paragraph 164 of the National Planning Policy Framework, 2019 indicates that such applications should not be subject to the sequential or exception tests.

In any case, the site is located within Flood Zone 3 of the Environment Agency's Flood Maps and within an area of no hazard within the South Holland Strategic Flood Risk Assessment (2017). The proposal is not considered to be a more vulnerable use. No objections are therefore raised on flood risk grounds.

The proposal therefore satisfactorily accords with Policy 4 of the SELLP and advice within the Framework in terms of flood risk.

Planning Balance

No objections are raised to the proposal on principle, character, heritage, amenity and highway safety grounds. Whilst there is some conflict with Policy 36 because there is no on-site parking this is outweighed by other factors in favour of the scheme. In terms of flood risk, the site is within an area of no hazard within the South Holland Strategic Flood Risk Assessment (2017). Concern has been raised regarding the proposed use of window vinyls, these would be internal and therefore not require planning consent.

The proposal therefore satisfactorily accords with Policies 1, 2, 3, 4 and 29 of the SELLP, 2019.

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

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.