

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0944-19 **Applicant:** Diamond Touch Beauty Clinic

Proposal: Change of use from retail (A1) to retail/beauty treatment, education (Sui Generis)

Location: The Old Warehouse Chapel Lane Spalding

Terminal Date: 20th November 2019

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
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

Section 7. Ensuring the vitality of town centres
Section 12. Achieving well-designed places
Section 16. Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission for change of use from retail (A1) to retail/beauty treatment/education (Sui Generis) at The Old Warehouse, Chapel Lane, Spalding.

The purpose of this application is to enable the relocation of the existing business Diamond Touch Beauty Clinic from 9 Vine Street, Spalding to the site. The business is mainly a beauty treatment clinic with a minor element of beauty goods sales and training of beauty apprentices.

The premises are part of Hall Place, a Grade II Listed Building and is located within the Spalding Conservation Area. The application only seeks permission for the change of use itself. No external alterations would be carried out. The signage might be replaced but this will be addressed with an advertisement consent application at a later stage.

Site Description

The site is located within the town centre boundary of Spalding (as defined in the South East Lincolnshire Local Plan, 2019) with the presence of a wide range of retail shops, offices and food establishments. Below there is a list of the nearest businesses to the site:

- The Pied Calf, public house (A4)
- Penman, watch and jewellery shop (A1)
- Courtyard, beauty clinic (Sui Generis)
- The Loft, coffee shop (A3)
- Wood Green, charity shop (A1)
- Seacroft Mobility, mobility and personal care shop (A1)
- Fancy Frox, bridal shop (A1)

There is a paved square extending between Swan Street to the north and Chapel Lane. The unit in question faces this area which is read in conjunction with Pied Calf Yard a few metres to the south-east. The shopping area Holland Market and Sainsbury's food store are opposite the square beyond Swan Street.

The application site contains a commercial unit which is part of Hall Place, a Grade II Listed Building. The building also faces Sheep Market to the south where there is one further leasehold unit. The application premises are within a two-storey old building. The internal floorspace amounts to a total of 69.9 square metres, 38 sq. m. on the ground floor and 31.9 sq. m. on the first floor. The premises are vacant. By the shop frontage signage, the last use appears to be the shoe shop Shoeiy.

History

None relevant.

Consultation Responses

SHDC Environmental Protection

No objection.

Planning Considerations

Principle of development

The site is within the Town Centre boundary, Primary Shopping Area and Conservation Area of Spalding as set out in the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 24 of the SELLP sets out the retail hierarchy in the district and defines the town centres of Boston and Spalding as the locational focus for the development of town centre uses. The uses supported for planning permission will be "retail, food and drink outlets, financial and professional services, leisure and tourist-related uses (Classes A1-A5, B1, D1 and D2) and residential development". The proposed change of use would be in keeping with the variety of uses in the locality and effectively an element of A1 and D1 activities would take place on the premises.

Policy 25 highlights that the vitality and viability of Boston and Spalding's town centres must be promoted, enhanced and appreciated. Criterion 2 states that "enhancing existing sites and ensuring changes to premises have regard to the significance of heritage assets and the special interests of the Conservation Areas and their settings". No external alterations are proposed as part of this application.

Within Section 16 of the National Planning Policy Framework (NPPF), 2019 which deals with "Conserving and Enhancing the Historic Environment", Paragraph 192 indicates, when determining applications, local planning authorities should take account of;

"a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) The desirability of new development making a positive contribution to local character and distinctiveness."

Echoing the aforementioned NPPF provision, Policy 29 of SELLP establishes that "proposals to change the use of a Listed Building or to alter or extend such a building will be granted where the Local Planning Authority is satisfied that the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting".

As mentioned above, the intended use would not be at odds with existing uses within the town centre and Conservation Area of Spalding. Given the absence of any proposed external alterations, the change of use would not further alter the fabric of the listed building. As the heritage asset is overall in good condition, there is no need to materially enhance the historical significance of the listed building. The signage might be replaced with a material impact upon the shop frontage and ultimately the character of the listed building and Conservation Area. However, no signage replacement has been included in this proposal and this will be addressed at a later stage with an advertisement consent application.

Residential amenity

The hours of opening of the business would be 9h to 19.30h Monday to Friday and 9h to 15h on Saturday. There is a high presence of retail and food and drink outlets in the vicinity with little residential development. The applicant would usually be the only full-time employee and the number of clients would be acceptable in view of the scale of the business. The arrival of the business to the application site would not create any detrimental impact upon the amenity standards of residents in the area.

Highway safety and parking provision

The access to the site by sustainable modes of transport is demonstrably convenient in light of the central location of the site. The shop employees and clients can go by foot, bicycle and public transport. A range of bus stops with several services and the train station is within a reasonable walkable distance. There is no parking available within the curtilage but given its central location in Spalding, with the presence of a number of public car parks, this is acceptable.

Conclusion

Taking into account the considerations above, the proposal complies with Policies 1, 2, 3, 24, 25 and 29 of South East Lincolnshire Local Plan (SELLP), 2019 and Section 7, 12 and 16 of National Planning Policy Framework, 2019.

It is accordingly recommended to approve this planning application via delegated powers.

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.