DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-1033-22**	**Applicant:**	**Encanto Natalja Ltd.**
Proposal:	Change of use from offices to beauty and tanning salon and hairdressers		
Location:	8 Winsover Centre Winsover Road Spalding		
Terminal Date:	3rd February 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
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres

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

CASE OFFICER ASSESSMENT

Proposal

The proposal is for a change of use, from offices to a beauty salon and hairdressers at 8 Winsover Centre. This involves the change from class E to Sui generis. The unit is currently empty, with the previous tenants having vacated in 2019. No external or major internal changes will occur.

Site Description

The site is located at the Winsover Centre, a local retail centre. Currently there are two major tenants at the centre, Lidl and Poundland. The site is within the Town Centre Boundary of Spalding as indicated in the South-East Lincolnshire Local Plan (SELLP).

Relevant History

H16-1304-00 - Change of use from A3 to B1 (office). Approved 19/12/00.

Consultation Responses

No consultation responses received.

Planning Considerations

Principle of Development

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The key material considerations are addressed below.

Policy 1 of the SELLP states that Spalding is a sub-regional centre, and therefore, development that supports this role will be permitted. The proposal is within the Town Centre Boundary indicated in the SELLP; consequently, the retail policies of the local plan apply. Both policies 24 and 25 indicate that uses that support the viability of town centres will be supported. This proposal will convert a currently disused unit; therefore, the occupancy of this unit will create new employment and a new source of revenue for the locale. In addition, the occupancy of vacant units is supported by policy 25 of the SELLP.

While the proposed development is not be a retail unit or a use that requires a town centre location, the use does not conflict with the town centre location. Furthermore, there is an established history of similar Sui generis uses within the town centre. Therefore, the operation of this business would not undermine the viability of the district's retail centres, instead potentially enhancing the viability of the specific locale.

Layout, Design, Size and Scale

There will be no external alterations to the property. It is probable that there will be internal changes, but these are likely to be minor. Therefore, the impact upon the character of the area will be minimal.

Impacts Upon Resident Amenity

The unit is situated within the town centre where general noise and activity is expected. While there will be an increase in footfall due to the change of use, this will not be significant considering the retail use of the area and the relative size of the business compared to the adjacent units. In terms of noise, general disturbance, privacy, etc, it is not considered that there are any nearby residential properties in the vicinity which the proposal would detrimentally impact. The proposal therefore satisfactorily accords with policies 2 and 3 of the SELLP in this respect.

Planning Balance

Paragraphs 6.3.3 and 6.3.4 of the SELLP states that although the focus of the Local Plan is on retail provisions, the town centre is always evolving, and that it is open for all types of businesses. Therefore, although a retail unit is the preferred usage for a town centre property, a Sui Generis usage that supports the viability of the town, especially in a changing economic climate, should be supported.

The plot is not currently occupied, therefore, there will be no conflict arising between the new usage and its predecessor.

The planning balance is therefore in favour of the proposal.

Conclusion

The proposal conforms to policies 1, 2, 3, 24, 25 of the South-East Lincolnshire Local Plan. Therefore, the recommendation is for delegated 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.