DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-1050-19**	**Applicant:**	**Mr Sergejs Bojarsins**
Proposal:	Change of use from retail shop to sunbed tanning shop		
Location:	18 Station Street Spalding		
Terminal Date:	19th December 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

CASE OFFICER ASSESSMENT

Proposal

This is a full planning permission application for the change of use from a kidswear shop (A1) to a commercial sunbed tanning salon (Sui Generis).

The proposal included no significant changes to either the external or external elements of the building.

Site Description

The site is within the Spalding Conservation Area (SCA), sitting in the prominent Sheep Market area of the town. The building itself is not listed, however, it is within eyeshot of the grade II listed Sessions House and the Grade II* listed 1, Sheep Market. Additionally, the site is not within the primary shopping frontage of Spalding, but does border it and can be considered an important part of the Spalding town centre, as defined in inset map 2 of the South East Lincolnshire Local Plan (SELLP) (2019)

History

None

Consultation Responses

None received.

Planning Considerations

Principle of Development

As the proposal site is within the Spalding Town Centre, it is generally accepted under policy 24 of the SELLP (2019) that shop frontages should be reserved for A1-A5, B1, D1 and D2 uses. 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.

Heritage Impact

Whilst the site is within a highly prominent portion of the SCA, it is not listed and there are no proposals to significantly alter the external elements of the property. Therefore, no impact upon the qualities of the SCA are proposed and so the application must be considered to CONSERVE the Historic Environment.

Conclusion

For the reasons listed above, the proposals are deemed to be in accordance with policies 1, 2, 3, 24, 25 and 29 of the SELLP (2019) and Sections 7, 12 and 16 of the National Planning Policy Framework (2019). 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.