

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-1091-19 **Applicant:** Ms Amber Parish - The Painted Lady

Proposal: Change of use from Class A1 to beauty parlour (Sui Generis use), installation of WC to ground floor and dividing partition to be reinstated

Location: 8 - 9 Sheep Market Spalding

Terminal Date: 6th January 2020

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
26	Primary Shopping Frontages
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
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application is for full permission for a change of use from A1 to Sui Generis for the use of the site as a beauty parlour. The plans also include proposals to add an internal partition to create a staff room and also the conversion of the extant under-stair cupboard to a W/C.

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 within the primary shopping frontage of Spalding, 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

H16-0721-10

Installation of 2 refrigerated units to rear (retrospective). APPROVED on 15/07/2011.

Consultation Responses

Lincolnshire County Council lead highways and local flood authority

No Observations and does not wish to restrict the granting of planning permission.

Planning Considerations

Principle of development

As the proposal site is within the Spalding Primary Shopping Frontage, and proposes the change of use of an A1 site, it falls under the remit of policy 26 of the SELLP (2019) which states lays out that proposals including the loss of A1 floor space or frontages shall not be permitted. However, whilst a Beauty Parlour would be Sui Generis, because this particular use can be defined as a commercial enterprise offering a service on site to the general public, similarly to an A1 use, this Sui Generis use is deemed appropriate for the Primary Shopping Frontage 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.

Design and Layout

The local planning authority seeks no amendment to the design or layout of the proposals, this is because the proposals include no amendment to the appearance or design of the property as viewed from the public realm, and the internal layout changes are appropriate for the proposed use of the site, creating a staff room and bathroom facilities.

Conclusion

For the reasons listed above, it is determined that this application is in accordance with policies 1, 2, 3, 24, 25, 26 and 29 of the SELLP (2019) as well as 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.