

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H06-0119-21 **Applicant:** Mr W Newell

Proposal: Change of use of domestic triple garage and garden store to semi-private fitness suite.

Location: The Grange Broadgate Gedney

Terminal Date: 19th April 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission for change of use of domestic triple garage and garden store to semi-private fitness suite at The Grange, Broadgate, Gedney, Spalding.

The applicant is a qualified fitness/rehabilitation instructor. It is intended to use privately the fitness studio space for the enjoyment/recreation of the owner/applicant when it is not used for fitness training.

One daily fitness session is intended for small groups of persons (up to 6) between 18:30 to 19:30 Monday to Friday and 10:00 to 11:00 on Saturday. Subject to further demand, one-to-one personal training and sessions for older clients might be provided. In any case, these lessons will be undertaken at any time between 07:00h and 20:00h on any given day.

Site Description

The site is located approximately 950 metres from the core of Gedney. The area is visibly rural. Agricultural fields, flat topography and secondary watercourses dominate the character of the location.

The property was formerly known as The Lebanon House. It is a large dwellinghouse of vernacular design with no historic protection. There is a driveway laid in hardcore between the property and the public road. A set of a large metal gate and brick pillars is between the house and the detached garage. Further drive area extends between both buildings. Mature hedge is planted in most of the site boundaries.

History

H06-0458-04 - Two storey extension to rear of dwelling - Approved

H06-1160-05 - Proposed detached triple garage with garden store - Approved

Consultation Responses

SHDC Environmental Health

No objection.

Gedney Parish Council

Supports this application

LCC Highways/SUDS Authority

No objection.

Planning Considerations

Principle of development

Policy 1 of SELLP, 2019 is aimed to steer new development to the most sustainable locations. It defines a settlement hierarchy from which a sequential approach should be applied. The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.

The nearest urban settlement is Gedney, approximately 800 metres to the north-west of the site. Therefore, the site lies on land designated countryside as set out in South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 states that "in the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."

A supporting statement has been provided with this application. The document states that the proposed fitness studio is aimed to provide a similar health and fitness service for the local and wider community. No substantial alterations would be carried out to establish the fitness studio within the current garage/storage outbuilding. Thus, no harm is anticipated upon the built environment of The Grange and its setting. The level of footfall would not be considerable, and no residential amenity would result undermined in view of the lack of neighbours living in the vicinity of the application site.

Furthermore, it is worthwhile to address Policy 7 of SELLP 2019 which pursues to deliver employment sites without at expense of sustainable development. It states that "new employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings". The site is not allocated for employment and the proposals entail the partial conversion of an existing domestic outbuilding. Thus, the proposed small business is acceptable in this regard

For these reasons, the principle of developing the proposal at such location would be acceptable in sustainable development terms.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 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. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The main dwellinghouse is an old Georgian-style three-storey detached house. The outbuilding subject to this application is currently a triple garage and garden store building. It is separated approximately 9.5 metres from the northern side elevation of the dwellinghouse.

The garage is constructed of block walls with common red brick frontage and has buff coloured cement rendered rear elevation and gable ends. The individual garages have white double wooden doors with single glazed sections. The building has habitable loft space, with 2 rooms upstairs and internal stair access from the ground floor level.

The proposal is to use the ground floor level for semi-private fitness studio. It is intended to use privately the fitness studio space for the enjoyment/recreation of the owner/applicant when it is not used for fitness training. The loft space will remain for private use.

Alterations are proposed internally including opening a new double door size to the garden store room; enlarging toilet area to include a shower; creating a small kitchen/sink area; and plumbing for heating/electrics. These alterations would not substantially alter the external fabric of the outbuilding and are considered acceptable.

Residential amenity

Paragraph 127 of National Planning Policy Framework (2019) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

There are no residents living in the immediacy of the application site. The hours of openings would be imposed by way of condition to the planning permission. The anticipated number of customers is relatively low to harm the amenity standards of neighbours even if they live further away.

Car parking provision

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for parking provision upon class uses that were set out prior to the last amendment on 1 September 2020 to The Town and Country Planning (Use Classes) Order 1987 (as amended) .

The proposed fitness studio would fall within the revoked D2 (assembly and leisure). As such, parking provision should be assessed on a site-by-site basis.

The application site has the front driveway stretching along the principal elevation of the house. From the northern vehicular access, there is further drive space between the garage/storage building and the house. The surface is currently treated and appears acceptable for car movements. After having regard to the dimensions of the whole area, six cars could be at least parked within the curtilage and therefore car parking provision is on balance acceptable.

Planning Balance

The principle of developing the proposal at such location is acceptable in terms of sustainable development.

Alterations to the existing fabric of the outbuilding are not substantially and by no means would harm the design and appearance of the property. No residential amenity would result undermined by reason of the proposals. The hours of opening would be established by way of condition to the planning permission. Furthermore, the level of footfall associated with the home business is not considerable and no noise pollution or significant disturbance is anticipated due to the proposal. The number of visitor cars associated with the business could be parked within the curtilage in a fit-for-purpose area.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application accords with Policies 1, 2, 3 and 30 of South East Lincolnshire Local Plan (2019) as well as Section 12 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this 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.