

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H08-1070-25      **Applicant:** Mr S Dobney

**Proposal:** Change of use of existing residential swimming pool to a swimming pool available for private hire, exclusive use by family groups of up to 6 - primarily rehabilitation and disabilities.

**Location:** 110 Siltside Gosberton Risegate Spalding

**Terminal Date:** 15th May 2026

### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

|            |                                                               |
|------------|---------------------------------------------------------------|
| 01         | Spatial Strategy                                              |
| 02         | Development Management                                        |
| 03         | Design of New Development                                     |
| 04         | Approach to Flood Risk                                        |
| 07         | Improving South East Lincolnshire's Employment Land Portfolio |
| 30         | Pollution                                                     |
| 36         | Vehicle and Cycle Parking                                     |
| APPENDIX 6 | Parking Standards                                             |

#### National Guidance

#### National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development  
Section 4 - Decision-making  
Section 6 - Building a strong, competitive economy  
Section 9 - Promoting sustainable transport  
Section 11 - Making effective use of land  
Section 12 - Achieving well-designed places  
Section 14 - Meeting the challenge of climate change, flooding and coastal change

### Representations:

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

## **CASE OFFICER ASSESSMENT**

### **Proposal**

The application seeks full planning permission for the change of use of an existing residential swimming pool to a swimming pool available for private hire. According to the description of development the pool is to be for exclusive use by family groups of up to 6 people, primarily for rehabilitation and people with disabilities.

### **Site Description**

The application site comprises land to the east and north-east of 108 and 110 Siltside in Gosberton Risegate. The site includes a vehicular access from Siltside and an existing outbuilding for 110 Siltside which features an indoor pool. There are dwellings to the east, south and west of the site and open land to the north.

The site is within the settlement boundary of Gosberton Risegate, as identified by the South East Lincolnshire Local Plan 2011-2036 (March 2019) and the accompanying policies map.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

### **Relevant Planning History**

H08-0647-15: (Prior Approval) Proposed change of use of horticultural building to dwelling (Class C3) - approved 16 September 2015

H08-0657-16: (Full Application) Conversion of horticultural building to dwelling and alterations in connection with the conversion and change of use to dwelling C3 - refused 26 September 2016

H08-0769-17: (Discharge of Conditions) Details of the building operations necessary to convert the building and the design and external appearance (Condition 3 i and ii of H08-0647-15) - approved 06 October 2017

H08-0903-18: (Discharge of Conditions) Details of landscaping, boundary treatment, foul and surface water disposal (Conditions 5, 6 and 7 of H08-0647-15) - approved 26 October 2018

H08-0963-19: (Full Application) Proposed dwelling to replace former horticultural building - approved 15 November 2019 - appeal dismissed 03 June 2020

H08-0413-21: (Full Application) Part Change of Use of Former Horticultural Business to Residential Curtilage and Erection of Garage and Swimming Pool for Residential Use - approved 09 June 2021

H08-0614-23: (Section 73 Application) Part Change of Use of Former Horticultural Business to Residential Curtilage and Erection of Garage and Swimming Pool for Residential Use - approved under H08-0413-21. Modification of Condition 2 to allow amendments to previously approved plans - approved 05 September 2023

### **Consultation Responses**

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

#### **Lincolnshire County Council - Highways and SUDS:**

First Response (09 April 2026): A Simple Transport Statement is required to detail the existing vehicle movements in/out of the site compared to those envisaged with the proposal. The width of the access/drive to be detailed along with the parking on the proposed block plan. As the access it will need to measure a minimum of 4.1m wide for the first 10m and thereafter it will need to measure

3.7m.

Second Response (24 April 2026): The site location plan shows the access to the east (red outline) to be utilised for the pool whereas the site block plan shows the access to the west. Please could you clarify. I assume it is the western access and if that is the case does the red outline need changing as it's very misleading. Either way the proposed site plan doesn't accord to the red outline. I wouldn't want the eastern access to be used as it isn't suitable for two-way traffic. Can the dimension of the access/driveway be put on the proposed site plan as this will make it clearer.

Environmental Protection: No comments.

Ecology Officer: No response received.

Gosberton Parish Council: No response received.

Cllr H J W Bingham: No response received.

Cllr M A Geaney: No response received.

Cllr J L King: No response received.

### Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no representations have been received from members of the public.

## **Key Planning Considerations**

### Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Visual and Amenity Impact;
- Highway Safety and Parking;
- Flood Risk; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

### Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be

most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the defined settlement of Gosberton Risegate, which falls under the category 'Other Service Centres and Settlements'. Within such settlements, Policy 1 sets out that development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Committed sites and infill.

The proposal seeks to change the use of an existing outbuilding which features a residential swimming pool, to a swimming pool that is available for private hire. Although the site is within the settlement boundary of Gosberton Risegate, the site is within an area that is relatively rural and there are no public swimming pools within Gosberton Risegate. Whilst the swimming pool would only be available for private hire, this would nonetheless provide a facility for members of the public. Furthermore, it is the applicant's intention to provide a space for people to use who have disabilities and swimming offers widely recognised health benefits. Section 8 of the NPPF contains general support for development that encourages healthy lifestyles through physical exercise and recreation.

The proposal seeks to re-use an existing building, thereby making efficient use of previously developed land, for which there is general policy support both within the NPPF and the Local Plan.

Therefore, the principle of development is considered to be acceptable provided the development is acceptable in terms of other material considerations which are assessed in turn below.

### Visual and Amenity Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping. Paragraph 135 also states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

Policies 2 and 3 of Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

No external changes are proposed as part of the application and as such, the building will remain unchanged in terms of its physical appearance. Furthermore, the building is located to the rear of two dwellings which provide a degree of screening from the street scene along Siltside.

The proposed change of use is unlikely to significantly alter the character and appearance of the area. The main change that would result from the proposals is an increase in the comings and goings to the site; however, it is not considered likely that the number of visitors would be significant. For example, the applicant has set out that they estimate the proposals would result in up to 2 vehicles movements every 2 hours during operational hours.

The description of development sets out that the pool is proposed to be available for hire by family groups of up to 6 people. According to the submitted information, the pool is proposed to help people with rehabilitation needs and those with disabilities.

The proposed opening hours are:

- 9am to 8pm Monday to Friday;
- 9am to 6pm on Saturdays; and
- Not at all on Sundays or Bank Holidays.

Whilst the proposed opening hours are relatively long, the use of the site could be restricted to up to 6 people at a time via a planning condition. It is considered that the opening hours are proposed for flexibility and in practice, it is unlikely that the site would be booked to full capacity during the proposed hours.

There are dwellings next to the site and the proposal would likely result in an increase in comings and goings to the site. Other than visitors arriving and leaving the site, activities would largely place within the building which would help to reduce the impact on neighbouring amenity. It is not considered that the proposed use would result in a significant degree of noise or disturbance to neighbouring dwellings. A planning condition can be included to link the building to 110 Siltside to ensure that any occupants remain in control of the building and manage site activity. It is considered that this should help minimise any disturbance to neighbouring dwellings.

The council's environmental protection team have also not raised any objections to the proposals in terms of noise generation.

Therefore, the development would not cause an adverse impact to the character or appearance of the area or the amenity of neighbouring dwellings, in accordance with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

### Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 of the Local Plan details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

Lincolnshire County Council's highways team have raised some queries with the proposals, requesting further information regarding the proposed trip generation and the width of the access.

The applicant has set out that they would expect 1 to 2 vehicles every 2 hours during operating times. The applicant has also set out that the access was previously used to access up to 5 acres of green houses and polytunnels. The width of the access varies from 4.5m wide at the road entrance, 3.7m further into the access and 4m near the gate at the rear of the site.

The highways team have queried which access is proposed to be used as the location plan shows that the eastern access is proposed to be used, whereas the submitted site plan shows that the western access is proposed to be used. The western access also serves as the driveway for 110 Siltside. The applicant has clarified that the eastern access is proposed to be used and as such, the access would be separate from the driveway for 110 Siltside. The highways team have raised some concerns with the width of the eastern access as they do not consider that this would be wide enough for two vehicles to pass one another. It is understood that a road should be at least 4.1m wide to allow for two vehicles to pass one another. Notwithstanding this, it is understood that the access road will only be used by visitors to the swimming pool building and based on the likely trip generation, it is unlikely that two vehicles would need to pass one another. If on a rare occasion visitors leave the site at the same time as the next visitor wishes to enter the site, there is room for a vehicle to wait within the site near the swimming pool building. Similarly, visitors could wait within the driveway area at 110 Siltside which provides ample room for parking and turning.

Therefore, whilst the points raised by the highways team have been taken into account, it is considered that the proposal would have an acceptable impact in terms of highway safety, in accordance with Policies 2, 3 and 36 of the Local Plan and Paragraph 116 of the NPPF.

### Flood Risk

The site is within Flood Zone 3; however, the site is not within a hazard rating area, as identified by the South East Lincolnshire Strategic Flood Risk Assessment. As the proposal is for a change of use, no specific flood risk mitigation is required in this instance as the development would not result in any increased flood risk either within the site or to any surrounding land.

### Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

Unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set. When taking the above into account, the development in this instance the application is exempt from the statutory 10% Biodiversity Net Gain requirements.

### **Planning Balance**

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. Therefore, the proposed development accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

### **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.

### **Conclusion**

Taking the above considerations into account, the proposal is considered to accord with Policies 1, 2, 3, 4 and 36 of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

### **Recommendation**

Based on the assessment detailed above, it is recommended that the proposal should be approved under delegated authority.