

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H14-1227-19 **Applicant:** Billie's Fins

Proposal: Change of use from B1 (light industry) to D2 (assembly and leisure) to provide a swimming school facility including alterations

Location: Four Seasons House 10 Enterprise Way Pinchbeck

Terminal Date: 21st February 2020

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
08	Prestige Employment Sites
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

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	1	1

CASE OFFICER ASSESSMENT

Proposal

Change of use from B1 (light industry) to D2 (assembly and leisure) to provide a swimming school facility including alterations.

The scope of works proposed as part of this Change of Use application can be summarised as follows;

- A change to the current Use Class of the existing B1 (Light Industrial) Office and Warehouse building at the rear of the Four Seasons House site, to D2 (Assembly and Leisure) to enable the applicant to set up a small swimming school facility.
- The forming of a new door opening to the existing South facing elevation of Unit 1, to provide a dedicated main entrance door as access into the property.
- The provision of an external ramp to provide suitable access for wheelchair users.
- The fit-out of an existing warehouse and office building to create a new swimming school complete with a bespoke above ground pool structure, dedicated changing and showering facilities, separate toilets and a spectator seating areas.

The application is supported by a flood risk assessment.

Site Description

The application site occupies an area of 1500 sq. metres (0.37 acres) and forms part of the Four Seasons House business site (totalling 0.88 acres) which sits within the heart of the Benner Road Industrial Estate and Business Park, located behind the Morrisons supermarket. The site is less than 1 mile to the South East of the village of Pinchbeck, in the South Holland District of southern Lincolnshire and approximately 2 miles to the north of the market town of Spalding.

The property is located within the settlement boundary for Pinchbeck as set out in the South East Lincolnshire Local Plan (2019) and is also identified as a proposed Main Employment Area.

The site is in Flood Zone 3.

History in locality and referenced below

H14-0060-19 - Cover House. Change of Use from B2 to D2 - personal training studio and massage therapy. Approved. 15-03-19.

H14-1252-18. Land at the junction of Wardentree Lane/ Wardentree Park. Proposed mixed use development comprising of drive thro' coffee shop A3 use, cafe/hot food takeaway A3 use, A3 & A5 restaurants and D2 assembly and leisure (fitness centre) and/or B1, B2, B8 (trade counter) use. Approved. 02-07-19.

H14-1090-16. ROBSONS OF SPALDING. Proposed docking and storage building, fuel canopy and forklift charging building (part retrospective). Approved. 22-12-16.

H14-0294-16. 3a APEX COURT. Change of use of ground floor from B1 to D1 (clinic for physical therapy). Approved. 20-05-16.

H14-0707-14. UNIT 1 - 2 - EDISON COURT. Change of use from industrial unit to D2 - Assembly and Leisure. Approved. 29-10-14.

H14-0330-12. Four Season House. Proposed upvc windows and doors. Approved. 07-06-12.

H14-0029-10. 4 Apex Court. Change of use from office to day nursery and creation of outside play area. Approved. 01-03-10.

Consultation Responses

Pinchbeck Parish Council

Recommend approval.

SHDC Environmental Health

No objection.

SHDC Economic Development

No objection.

LCC Highways & SUDS Support

No observations.

Third Parties

No responses received.

Planning Considerations

Principle of Use

The site is located within the settlement boundary for Pinchbeck as set out in the South East Lincolnshire Local Plan (2019) and so development in this location would not usually be acceptable.

However, permission has been granted in recent years for D2 uses within the wider employment area of Wardentree Lane/Enterprise Way as well as other non-employment uses e.g.

- Wardentree Lane/Wardentree Park - Proposed mixed use development comprising of drive thro' coffee shop A3 use, cafe/hot food takeaway A3 use, A3 & A5 restaurants and D2 assembly and leisure (fitness centre) and/or B1, B2, B8 (trade counter) use (H14-1252-18)
- Heroes Gym, off Edison Court (H14-0707-14)
- Personal training studio and massage therapy, off Wardentree Park (H14-0060-19)
- Clinic for physical therapy, off Apex Court (H14-0294-16)
- Change of use from office to day nursery, off Apex Court (H14-0029-10)

The Council's Economic Development Team had no objections to these applications and neither do they object to the present application. A D2 use in this location is therefore considered to be acceptable.

In terms of the proposed use, these would be limited employment generator in their own right and has the potential to serve employees working within the employment area. They would also serve visitors to the area thereby enabling multi-purpose trips, and would also promote healthy living.

Alterations to the Building

The alterations are considered to be acceptable and would not impact on any adjacent land users.

Highway Safety

The proposal will have no impact on the safety and use of the highway network, given the fall back position of the authorised use of the site.

Flooding

A flood risk assessment has been submitted.

This site is located in an area at Very Low Risk of flooding (information courtesy of the Environment Agency - Long Term Flood Risk Information). The site is located in an area where the risk of flooding from Rivers or the Sea is regarded as Very Low (information courtesy of the Environment Agency - Long Term Flood Risk Information). The site is located in an area where the risk of flooding from Surface Water is regarded as Very Low (information courtesy of the Environment Agency - Long Term Flood Risk Information).

The proposed development is not within 20m of an existing watercourse and will not increase the current flood risk elsewhere.

The proposed development presents no threat to life nor does it present an increased risk to the surrounding properties based on the current flood risk within the area.

Foul Water Discharge

All new Foul Water discharge from the proposed development will be connected directly into the existing below ground drainage system and directed into the main sewer serving the industrial site. It is not anticipated that the increase to the existing Foul Water discharge, generated by the proposed development, will have a noticeable impact on the existing drainage infrastructure.

Surface Water Discharge

It is not anticipated that there will be any additional Surface Water generated by the proposed development.

Conclusion

Given the above, the proposal is considered to be acceptable.

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.