

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0427-22 **Applicant:** Ms D Khanal
Proposal: Change of use from offices to sports therapy/massage clinic
Location: C A Barnes 31b Pinchbeck Road Spalding
Terminal Date: 16th June 2022

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
29 The Historic Environment

National Guidance

National Planning Policy Framework 2021

Section 7- Ensuring the vitality of town centres
Section 12- Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application, seeking permission for a proposed change of use from offices to sports therapy/massage clinic at the property at C A Barnes, 31B Pinchbeck Road, Spalding.

Site Description

The site lies within the Spalding Conservation Area, according to the SELLP (2019) and is bounded by terraced residential properties, with the Sir Halley Stewart playing field to the west. There are several other service buildings in the vicinity of the application site, such as a swimming pool and a church.

History

No relevant planning history.

Consultation Responses

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Planning Considerations

Principle of development

The proposal site sits just outside the Town Centre Boundary indicated in the SELLP (2019), but within the Settlement Boundary for Spalding. The retail policies of the SELLP therefore do not apply. Policy 1 of the SELLP sets out that, in Spalding, development will be permitted that supports its role as a Sub-Regional Centre. As a Sports Therapy / Massage Clinic, like the former accountant occupiers, can be defined as a commercial enterprise offering a service on site to the general public, this particular Sui Generis use is considered appropriate for the edge of town centre location. The operation of this business, which is small in scale, in this location would not undermine the viability of the district's retail centres.

Layout and Design

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 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; and 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, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The site is located within Spalding Conservation Area. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, section 66(1) of the same Act requires that special regard must be had to the desirability of preserving the setting of listed buildings.

Policies 2 and 3 of the SELLP essentially indicate that new development should be acceptable in terms of character and appearance and have a satisfactory relationship with existing development. Policy 29 indicates that proposals should enhance or reinforce the character and appearance of a conservation area and not harm the setting of a heritage asset. Paragraph 193 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

No alterations to the external fabric of the building are required and therefore, it is not such that it would materially impact the character of the conservation area as it currently stands. The change of use will only include converting the existing internal five office rooms into treatment rooms with a sink basin in each of them.

It is considered that the proposal satisfactorily complies with Policies 2, 3 and 29 of the SELLP, 2019 and it would not have a detrimental material impact upon the Conservation Area.

Amenity

The building is situated within the town centre where general noise and activity is expected.

Moreover, the proposed use would generate a reasonably similar number of visitors compared to the previous offices. In terms of noise, general disturbance, privacy, etc, it is not considered that there are any nearby residential properties in the vicinity which would have a detrimental impact towards the residential amenity.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the SELLP in this respect.

Parking

No on-site parking is available. However, the site is close to town centre public parking. On street car parking is available along Pinchbeck Road and in the Spalding Retail Park.

Appendix 6 of the SELLP sets out parking standards for new development but Sui Generis uses are to be assessed on a site-by-site basis. Given that parking is available close there would be no detrimental impact in this regard. Local Highways have not raised any objection given the town centre location.

Other Material Considerations

Flood Risk - The application is for a change of use. Paragraph 164 of the National Planning Policy Framework, 2019 indicates that such applications should not be subject to the sequential or exception tests.

In any case, the site is located within Flood Zone 3 of the Environment Agency's Flood Maps and within an area of no hazard within the South Holland Strategic Flood Risk Assessment (2017). The proposal is not considered to be a more vulnerable use. No objections are therefore raised on flood risk grounds.

The proposal therefore satisfactorily accords with Policy 4 of the SELLP and advice within the Framework in terms of flood risk.

Planning Balance

No objections are raised to the proposal on principle, character, heritage, amenity and highway safety grounds. In terms of flood risk, the site is within an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment (2017).

The proposal therefore satisfactorily accords with Policies 1, 2, 3, 4 and 29 of the SELLP, 2019.

Conclusion

It is therefore recommended that the application be approved under delegated powers.

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.