DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0502-19**	**Applicant:**	**Rush Hour Escape Rooms Ltd**
Proposal:	Change of use from B1 (offices) to D2 (assembly and leisure)		
Location:	3b Red Lion Street Spalding		
Terminal Date:	16th July 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
26	Primary Shopping Frontages

National Guidance

National Planning Policy Framework 2019

NPPF 2019
Section 16

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This planning application seeks permission for change of use from B1 (offices) to D2 (assembly and

leisure) at 3b Red Lion Street, Spalding.

The specific use applied for is an 'escape room' where groups of people solve challenges to escape from a room, with the activity lasting 60 minutes and their entire time on site being likely to be no more than 90 minutes and with several groups a day enjoying the facilities.

The use is considered to be acceptable in a town centre location.

Site Description

The application site is an attractive historic building set in a row of properties just set off the corner of Red Lion Street near the Red Lion Hotel.

The site is shown in the Site Notice photo.

The site is surrounded on all sides by commercial activities and is enclosed by buildings in commercial use to the rear.

The site location falls within;

- the defined the settlement limits of; Spalding;
- Spalding Conservation Area
- Spalding Town Centre

but is not within the Primary Shopping Frontage.

The premises are currently a vacant B1 set of offices. Red Lion Street is a semi-pedestrian road linking New Road and Hall Place. The locality is the Town Centre but is not primary shopping frontage and therefore no conflict with policy exists.

History

None relevant.

Consultation Responses

SHDC - Steve Branson EPO - No objection.

SHDC - Nigel Burch - Economic Development Officer, Economic & Community Development;

"The Economic Development team are happy to support this application, it will help to add diversity to the changing face of the high street, and will work towards increasing footfall in the town centre to the benefit of other local businesses."

Planning Considerations

- Principle

The site is set within the town centre but is outside the primary shopping frontages. A D2 use is considered a suitable use in this location which is predominantly commercial and will add an evening use to further bolster the vitality and viability of the town centre.

The loss of two small B1 office units which are currently vacant is considered to not have any adverse impact.

- Amenity

There are no residential properties immediately adjoining and the area is predominantly commercial.

With a condition to control hours there is no reason for amenity to be materially or unacceptably impacted upon by these proposals.

Conclusion

The proposals are acceptable in all regards and should be supported.

Recommendation - APPROVE.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.