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2563-13

**DEFINITION'S HEALTH AND FITNESS GYM
WELLAND COURT
CRADGE BANK
SPALDING
LINCS
PE11 3AB**

VARIATION OF CONDITION – H16-0770-13

FOR

J. SMITH



PLANNING, DESIGN & ACCESS STATEMENT

**DEFINITION'S HEALTH AND FITNESS GYM
WELLAND COURT
CRADGE BANK
SPALDING
LINCS
PE11 3AB**

VARIATION OF CONDITION – H16-0770-13

The application is to acquire Town & Country Planning Permission to change the opening hours of Definition's Health and Fitness Gym from 7am to 6:30am for the benefit of J. Smith the applicant/proprietor.

Planning Permission was acquired on the 30th January 2013, under reference H16-1015-12 to change the use of the premises to a fitness centre. Since its commencement the business has gone from 'strength to strength' with particular demand for earlier opening hours, the application proposal is to vary Condition 4 of applications H16-1015-12 and H16-0770-13 to enable to premises to open at 6:30am.

Opening hours of similar fitness centres around Spalding are:-

Pro-Bodies High Street Spalding	6:30am to 10pm
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Everybody's Gym Vine Street Spalding	7am to 9pm
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Heroes Gym Edison Court Spalding	6am to 9pm
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Application H16-0107-13 was refused Planning Permission on the 2nd April 2013 to vary Condition 4 to alter the opening hours, hence the application to vary the condition to 6:30am (instead of 7am).

May 2015
G R Merchant

APPENDIX

LOCATION PLAN 1/1250

MAP – SPALDING

(SHOWING REFERED TO FITNESS CENTRES AROUND SPALDING)

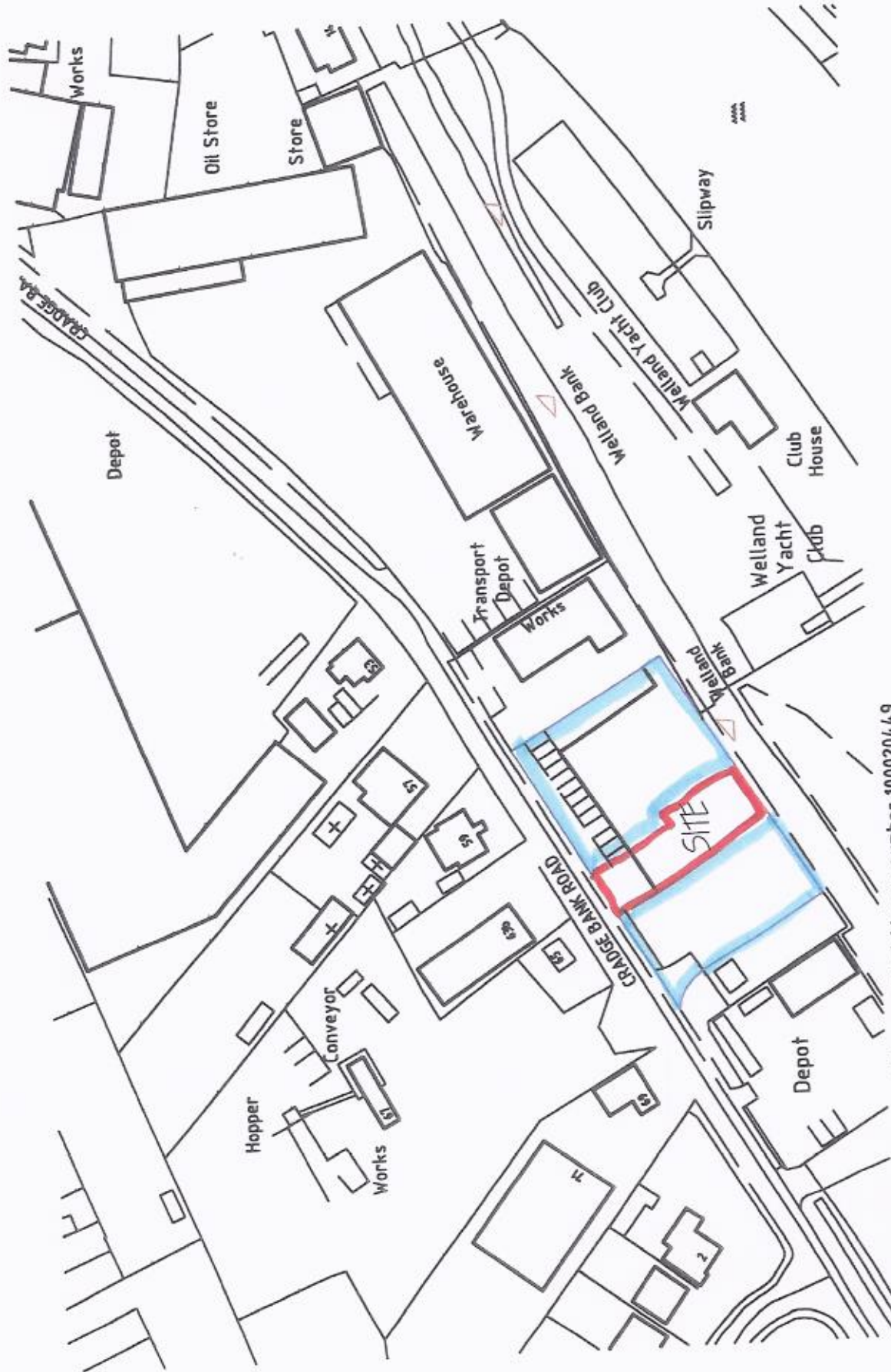
EVIDENCE OF OPENING HOURS OF LOCAL GYMS AS REFERED

PLANNING PERMISSION HISTORY

H16-1015-12

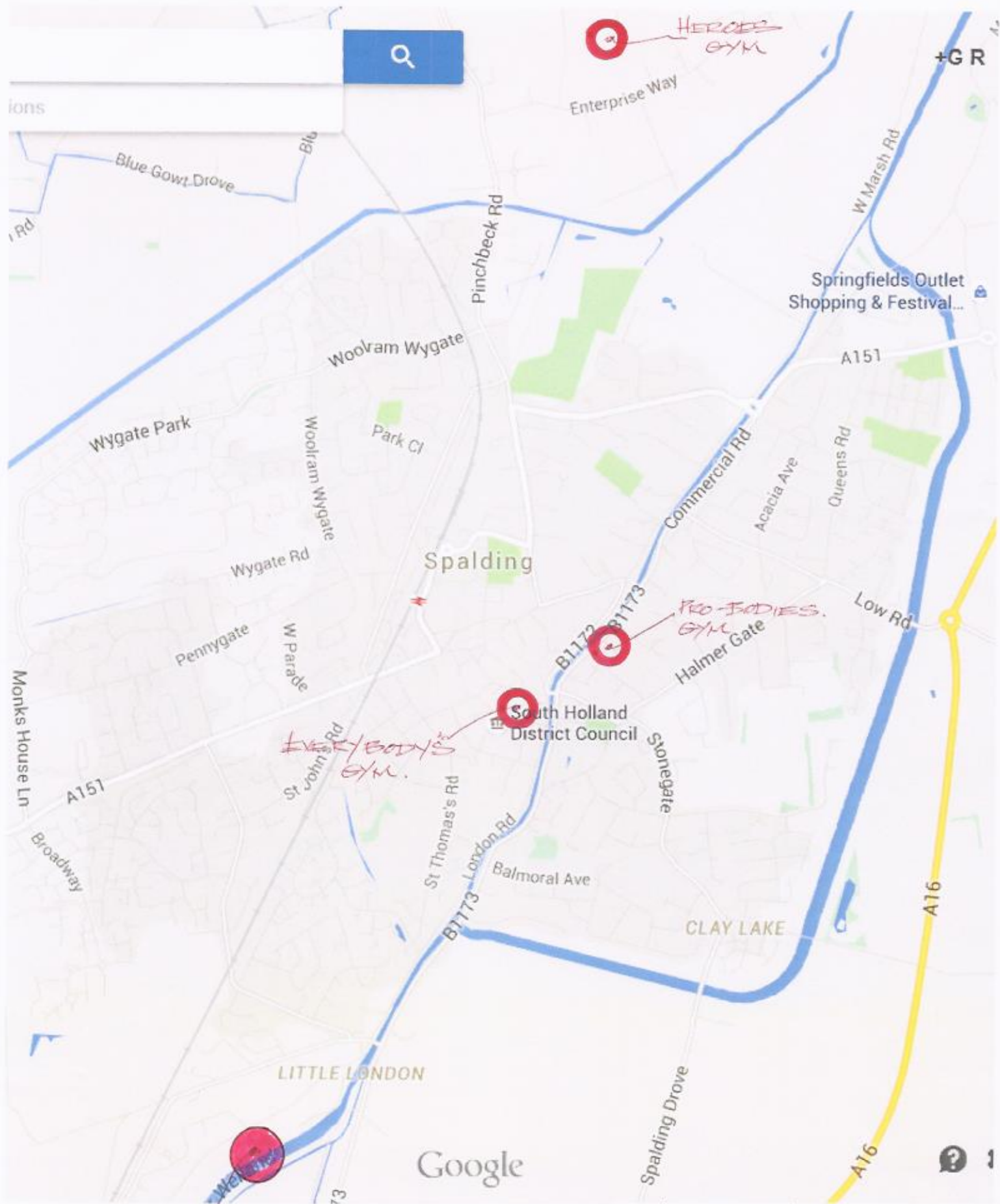
H16-0107-13

H16-0770-13



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LOCATION PLAN,
1/1250.



Application Site [DEFINITION'S HEALTH & FITNESS GYM]

£17.00
*a month**
terms & conditions apply

3 Day Free Pass (<http://probodies.co.uk/downloads/trial.pdf>)

Book a Consultation (<http://probodies.co.uk/book-a-consultation>)

Opening Times

Mon-Fri: 6:30am - 10:00pm

Sat: 8:00am - 6:00pm

Sun: 8:00am - 4:00pm

Refer a Friend



Have you got a friend or a loved one and care about there health?? If so then please click here and refer them to us by entering there details, and you will be rewarded.

Find out more (<http://probodies.co.uk/refer-a-friend/>)

Probodies Health and Fitness
23 High Street
Spalding
Lincolnshire
PE11 1TX

tel: 01775 768 066

e-mail: hello@probodies.co.uk

PRO-BODIES
GYM

within east reach of Spalding's town centre.

Off Vine Street, Spalding, Lincs, PE11 1AZ

CALL 01775 768500

Mon - Fri 7am - 9pm

Saturday 8am-2pm and Sunday 8am-1pm Hols 8am - 12noon

info@everybodysgym.co.uk

Contact us

Name *

First

Last

Email

Phone Number

Message *



EVERYBODY'S
GYM

Contact us



Heroes Gym

1 - 2 Edison Court
Pinchbeck
Spalding PE11 3FX
01775 722202

Monday 6:00 am – 10:00 pm
Tuesday 6:00 am – 10:00 pm
Wednesday 6:00 am – 10:00 pm
Thursday 6:00 am – 10:00 pm
Friday 6:00 am – 10:00 pm
Saturday 6:00 am – 8:00 pm
Sunday 6:00 am – 8:00 pm

Contact Us

Contact Information

* Name

* Email

Telephone

* Comment

HEROES GYM

Town and Country Planning Act 1990 Planning Permission

Reference: H16-1015-12 Received: 11th December 2012 Type: FULL

Name: Mr J Smith
Bank House Farm
Roman Bank
Holbeach Bank
Spalding
Lincs
PE12 8BX

Agent: G R Merchant Ltd
Unit 4 Wrights Mews
12A Park Road
Holbeach
Spalding
Lincs
PE12 7EE

Description: Change of use of former drama/dance studio to fitness centre
Location : 1 and 2 Welland Court Cradge Bank
Spalding

South Holland District Council hereby give notice that PERMISSION HAS BEEN GRANTED for the development in accordance with the application and plans submitted, subject to any condition(s) set out below:

- 1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Dwg. no. 2475-12-01 received 10 December 2012 and e-mail from G R Merchant Ltd received 15 January 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The premises shall only be used as a fitness centre and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any Order or Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to monitor the affect that any other use would have upon the amenities of the locality and also highway safety.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 4 The fitness centre shall not be open to the public outside the following hours .
- 7am to 10pm on Mondays to Fridays (inclusive).
 - 7am to 6pm on Saturdays.
 - 8am to 6pm on Sundays and Bank Holidays.

Reason: To protect the amenity of nearby residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 5 Noise from any sound amplification system shall not exceed a level equivalent to 35 dB(A) Leq 15 minutes when measured at any residential boundary.

Reason: To protect the amenity of nearby residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 6 All doors/windows shall be closed whilst music is played on the premises.

Reason: To protect the amenity of nearby residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 7 The parking areas serving the site (identified on dwg. no. 2475-12-01 received 10 December 2012) shall be available for use by staff and visitors at all times when the premises are in use.

Reason: In the interest of highway safety.

This Condition is imposed in accordance with Policies SG17 of the South Holland Local Plan 2006.

- 8 Prior to the commencement of the first use of the development hereby permitted 15 covered cycle racks shall be provided in the vicinity of the building of a design and in positions which shall first be submitted to and approved in writing by the Local Planning Authority. The cycle racks shall thereafter be so maintained.

Reason: To ensure that adequate secure facilities are provided for cyclists using the site.

This Condition is imposed in accordance with Policy SG15 of the South Holland Local Plan 2006.

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

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dc officers: 01775 764703
s/board: 01775 761161
facsimile: 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

The Local Planning Authority has acted positively and proactively in determining this application, having engaged with the Applicant at the pre-application stage, and by assessing the subsequent application against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise and subsequently determining to grant planning permission within the statutory timeframe in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Copies of all documentation submitted in connection with this application can be viewed online at www.sholland.gov.uk/doitonline/plandev/plansearch.aspx

Reason For Approval

The proposal is in accordance with national guidance and local policies as set out in: Sections 7 and 8 of the National Planning Policy Framework, 2012.
Policies SG15, SG17 and EC3 of the South Holland Local Plan, 2006.

The Council's Chairman's Panel Report has identified that the issues relating to Employment Policy and Highway Safety are material considerations but not sufficient in this case to indicate against the proposal and to outweigh the Policies referred to above. The Council considers that any harm to residential amenity can be overcome by the above conditions.



Paul Jackson
Planning Manager

30th January 2013

H16-1015-12

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation.

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Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H16-0107-13 Received: 13th February 2013

Type: SEC 73 MODIFICATION

Name: Mr J Smith
Bank House Farm
Roman Bank
Holbeach Bank
Spalding
Lincs
PE12 8BX

Agent: G R Merchant
Unit 4 - Wrights Mews
12a Park Road
Holbeach
Spalding
Lincs
PE12 7EE

Description: Modification of Condition 4 of H16-1015-12 to allow opening hours to be amended to 6.00am to 10.00pm Monday to Friday, 6.00am to 6.00pm Saturdays and 8.00am to 6.00pm Sundays and Bank Holidays

Location : 1 and 2 Welland Court Cradge Bank
Spalding

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the proposal described above for the following reason(s):

- 1 The condition restricting opening hours was originally imposed to protect residential amenity for properties located opposite the site, and to correspond with operating hours of nearby businesses. It is therefore the opinion of the Local Planning Authority that the proposed extension of opening hours earlier in the morning would have a harmful affect upon the amenity of nearby residents in terms of noise nuisance and general disturbance associated with customers and vehicles arriving and departing from the site. Consequently, the proposal is contrary to Policy SG17 of the South Holland Local Plan 2006. Policy SG17 indicates that proposals should not harm the amenity of nearby residents. The proposal is also contrary to the National Planning Policy Framework 2012 which seeks to secure a good standard of amenity while integrating the needs of commercial and residential uses.

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The Local Planning Authority has acted positively and proactively in determining this application within the statutory timeframe and by identifying matters of concern with the application and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

Copies of all documentation submitted in connection with this application can be viewed online at www.sholland.gov.uk/doitonline/plandev/plansearch.aspx

Note:

The determined plans are:

1:500 Block plan and dwg. no. 2484-13 received 4 February 2013.



Paul Jackson
Planning Manager

2nd April 2013

H16-0107-13

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation.

Town and Country Planning Act 1990 Planning Permission

Reference: H16-0770-13 Received: 2nd September 2013 Type: FULL

Name:	Mr J Smith	Agent:	G R Merchant Ltd
	Bank House Farm		Unit 4 Wrights Mews
	Roman Bank		12A Park Road
	Holbeach Bank		Holbeach
	Spalding		Spalding
	Lincs		Lincolnshire
	PE12 8BX		PE12 7EE

Description: Change of use of former boxing centre to fitness centre

Location : 3 Welland Court Cradge Bank
Spalding Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN GRANTED for the development in accordance with the application and plans submitted, subject to any condition(s) set out below:

- 1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Dwg. no. 2563-13-01 received 30 August 2013.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 This part of the premises shall only be used in conjunction with the fitness centre and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any Order or Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to monitor the affect that any other use would have upon the amenities of the locality and also highway safety.

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This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 4 This part of the fitness centre shall not be open to the public outside the following hours .
- 7am to 10pm on Mondays to Fridays (inclusive).
 - 7am to 6pm on Saturdays.
 - 8am to 6pm on Sundays and Bank Holidays.

Reason: To maintain a consistency of use throughout the building and to protect the amenity of nearby residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 5 Noise from any sound amplification system shall not exceed a level equivalent to 35 dB(A) Leq 15 minutes when measured at any residential boundary.

Reason: To protect the amenity of nearby residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 6 All doors/windows shall be closed whilst music is played on the premises.

Reason: To protect the amenity of nearby residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 7 The existing parking areas serving the site shall be available for use by staff and visitors at all times when the premises are in use.

Reason: In the interest of highway safety.

This Condition is imposed in accordance with Policies SG17 of the South Holland Local Plan 2006.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the application against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise and subsequently determining to grant planning permission within the statutory timeframe in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Copies of all documentation submitted in connection with this application can be viewed online at www.sholland.gov.uk/doitonline/plandev/plansearch.aspx

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Paul Jackson
Planning Manager

28th October 2013

H16-0770-13

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation.