

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0654-25 **Applicant:** Boston College

Proposal: Change of use of existing learning space into temporary fitness facility including the installation of changing facilities

Location: Units Pr1, Pr2 Pr3 & Pr4 Of Red Lion Quarter Red Lion Street Spalding

Terminal Date: 15th September 2025

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
24	The Retail Hierarchy
29	The Historic Environment
32	Community, Health and Well-being
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 7 - Ensuring the vitality of town centres
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SPALDING & DISTRICT CIVIC SOCIETY	0	0	0	1

SHDC INTERNAL	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a Full Planning Application that seeks permission for the change of use of an existing learning space, within units PR1, PR2 PR3 & PR4, to form a temporary fitness facility.

The proposal relates solely to the ground floor of the site, and would consist of gym studios, with an open plan gym area and changing facilities.

Site Description

The application site comprises Units PR1, PR2, PR3 and PR4 of the existing Boston College site (Spalding Campus), located to the eastern side of Red Lion Street, within the market town of Spalding.

Currently, the site comprises the existing units, with Classrooms located above. The wider site currently comprises a training hair and beauty salon (Style Academy), with further rooms and facilities associated with Boston College.

Neighbouring the site to the north lies a residential property, which comprises a built form detached from the application site. Adjacent the site, to the western side of Red Lion Street, lies commercial units, including a florist and escape room.

Spalding, the settlement in which the application site lies, is a Sub-Regional Centre as defined by Policy 1 of the South East Lincolnshire Local Plan (2019).

The site lies within Spalding Conservation Area and lies adjacent, or within relatively close proximity to, a number of listed buildings (Grade II and grade II*). These include (but is not limited to):
 -No.24 & 25 Red Lion Street - Grade II - Immediately neighbouring the site to the north.
 -Broad Street Methodist Church - Grade II - Neighbouring to the east (rear).
 -Red Lion Hotel, Market Place - Grade II* - Located within close proximity, beyond the remaining Boston College site, to the south.

History

No relevant site history.

Consultation Responses

This application has been advertised in the local press and a site notice was displayed immediately adjacent the site. In addition, internal and external consultees have been consulted by individual letter or email. As a result, the following responses have been received:

Environmental Protection

The findings of the 30.6.25 Noise impact assessment PC-25-0121-RPI have been reviewed. There is no concern for external noise impact to neighbouring buildings; however, there is a potential for internal sound transfer to other units within the building. The curtain window adjacent the hair salon has potential for sound transfer, as does the moveable wall between units PR3 & PR4.

This has been discussed with the end users and intended to be managed by volume control of the

amplified sound. We would also suggest the use of "silent disco" type headphone transmission systems for some classes. We understand that high noise output aerobic type classes are not intended to operate at this unit in order to reduce impact.

Lincolnshire County Council Highway/SUDs

Recommendation: No Objections.

The proposal is for Change of use of existing learning space into temporary fitness facility including the installation of changing facilities and it does not have an impact on the Public Highway or Surface Water Flood Risk.

The site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future visitors of the temporary fitness facility will not be reliant on the private car and therefore parking is not essential for this proposal. However, there is sufficient parking available nearby for those who wish to travel by motor vehicle.

No Objections - Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Spalding Civic Society

We have no objection to this proposal.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received. This can be summarised as follows:

- Spalding has a number of gyms.
- There is not a necessity for the development.
- Increased risk for users of neighbouring uses.

Planning Considerations

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flood Risk Considerations
- Historic Environment
- Biodiversity and Protected Species.

Evaluation

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.

In this case, the South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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) are

also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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 application site in this instance lies within Spalding, a settlement that is identified as a Sub-Regional Centre within Policy 1 of the South East Lincolnshire Local Plan. Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Spalding, development will be permitted that supports its role as a Sub-Regional Centre.

As the site is within the settlement boundary of Spalding, the primary settlement within South Holland, when viewed in broad principle, development within this location is broadly considered appropriate, subject to other policy and material considerations being met.

In this instance, the proposal seeks to change the use of an existing building, in part, to form a temporary fitness facility. Where a proposal would comprise development that relates to retail and other town centre uses, Policy 1 is supported by Policy 24 of the South East Lincolnshire Local Plan.

Policy 24 details that retail and other main town centre uses should be located in accordance with the hierarchy, as specified within this policy, and as defined on the Policies Map. Policy 24 goes on to detail that the "town centres of Boston and Spalding (as defined by the Town Centre Boundaries) will be the locational focus for the development of town centre uses; planning permission will be granted for retail, food and drink outlets, financial and professional services, leisure and tourist-related uses (Classes A1-A5, B1, D1 and D2) and residential development. The provision of markets and other appropriate initiatives that would enhance the vitality and viability of Boston and Spalding town centres will be supported".

As such, Policy 24 primarily directs development, of the nature outlined, towards the town centres of the sub-regional centres and 'District and Local Centres'. It should be noted that since the adoption of the Local Plan, the Use Classes Order has been revised and as such, the Use Classes specified within Policy 24 are not up-to-date. In this regard, the proposal seeks to provide a fitness facility, which would comprise a Class E use. This use class correlates most appropriately with those outlined within policy 24 (Classes A1-A5, B1, D1 and D2).

Beyond this, Section 6 of the National Planning Policy Framework (December 2024) expresses that "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development".

Section 7 goes on to detail that "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation". This continues by stating that "Local planning authorities should

apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered".

In this instance, as detailed above, although located within the settlement boundary of Spalding, the site lies outside of the defined 'Town Centre' boundary of the settlement. Notwithstanding this, the proposed use (Class E - Fitness facility) comprises a use that is recognised as being appropriate for a town centre location and in this case, the proposal seeks temporary permission only, during the period in which the nearby Castel Sports Complex is being redeveloped. The site lies within close proximity to the town centre boundary in any event, and lies amongst other commercial units, including a florist, escape room, cafes, hair salon, bakery and takeaway units. As such, the use of the site, in part, as a fitness facility is considered to be appropriate and acceptable in principle, when viewed on balance.

Section 8 of the National Planning Policy Framework (December 2024), relating to 'Promoting healthy and safe communities', details that planning decisions should "aim to achieve healthy, inclusive and safe places which" amongst other matters "promote social interaction". Paragraph 103 of the National Planning Policy Framework goes on to state that "Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities".

Furthermore, Policy 32 of the South East Lincolnshire Local Plan, which relates to 'Community, Health, and Well-being', expresses that "Development shall contribute to: the creation of socially-cohesive and inclusive communities; reducing health inequalities; and improving the community's health and well-being".

Whilst the proposal would not necessarily provide a 'community use', the proposal provides additional fitness provision, within close proximity to the defined town centre boundary, and would provide a temporary provision that would otherwise be limited, due to the current redevelopment of the Castle Sports Complex. The proposal therefore complies with the provisions of both Policy 32, and Section 8 of the National Planning Policy Framework (December 2024).

For the above reasons, it is considered that whilst the proposal would not strictly accord with Policy 24, the proposal would comprise an appropriate development within the settlement boundary of a sub-regional centre and is considered to be acceptable, when viewed on balance. The proposal would accord with the overarching aim of Policy 1 and Policy 32 of the South East Lincolnshire Local Plan, and Section 8 of the National Planning Policy Framework (December 2024).

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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 South East Lincolnshire Local Plan (2019) 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.

Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), 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.

These policies accord with the provisions of the National Planning Policy Framework (December 2024) and require 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

In addition to this, when viewing the site in its wider context, it lies within the designated Spalding Conservation Area and lies within relatively close proximity, given its central location, to a number of listed buildings. These nearby listed buildings include (but are not limited to):

- No.24 & 25 Red Lion Street - Grade II - Immediately neighbouring the site to the north.
- Broad Street Methodist Church - Grade II - Neighbouring to the east (rear).
- Red Lion Hotel, Market Place - Grade II* - Located within close proximity, beyond the remaining Boston College site, to the south.
- Punch Bowl Public House, New Road - Grade II - Located fronting onto New Road, to the north east of Red Lion Street.
- No.15 (Lloyds Bank) - Grade II - Located within close proximity to Red Lion Square, comprising a corner plot along Red Lion Square, Hall Place and Market Place.

Policy 29 (The Historic Environment) of the South East Lincolnshire Local Plan states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, Conservation Areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

This goes on to detail that "Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting". With proposals needing to retain street patterns buildings, historic building lines and architectural features that contribute to the area; retain and reinforce local distinctiveness; assess and mitigate against any negative impact the proposal might have on the townscape, roofscape, skyline and landscape; and should aim to protect trees, or where losses are proposed, demonstrate how such losses are appropriately mitigated against.

Furthermore, "Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building".

In respect of any buildings or other land in a Conservation Area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, in assessing proposals of this nature, the Local Planning Authority must ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

The National Planning Policy Framework (NPPF) (December 2024) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the National Planning Policy Framework (December 2024) states that "When considering the impact of a proposed development on the significance of a designated heritage

asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Paragraph 214, relating to substantial harm, details that "where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss".

Paragraph 215 of the National Planning Policy Framework (December 2024) in respect of less than substantial harm identifies that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

The proposed development comprises the change of use of the existing units, in order to provide a temporary fitness facility. The proposal would result in a material change of use; however, no structural alterations are sought and as such, no further operational development would occur.

The resultant use, as a fitness facility, would result in a frequency of visitors to and from the site, and may result in increased activity as a result, compared to that of its current form. However, given its fairly central location within close proximity to Spalding town centre, in addition to the predominantly commercial surroundings in which it lies, the resultant extent of use is not considered to give rise to an unacceptable impact to the character or appearance of the area.

In light of this, given that the proposal would not result in any physical alterations or extensions to the built form, coupled with the appropriate use proposed, the proposal would not give rise to an unacceptable impact to the setting of the nearby listed buildings, and as such, would not harm the significance of the assets. Likewise, the proposal would not cause harm to Spalding Conservation Area.

The use proposed would be typical for its setting and would not adversely impact upon its character.

Taking account of the nature of the development, coupled with the scale and limited extent of physical alterations, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and the proposal is not considered to cause harm, neither substantial or less than substantial harm, to the Conservation Area or nearby listed buildings. As such, the proposal would therefore be in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan and Section 12 and 16 of the National Planning Policy Framework (December 2024).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) 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.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The application site, in the context of the units specific to this proposal, forms the northernmost part of the Boston College site. This built form neighbours residential properties to the north, with the remaining built form of Boston College (to the south of the application site) being retained as an educational provision, comprising a 'Style Academy', classroom and associated accommodation. The upper floor, above that of the application site, also comprises additional provision of a similar nature.

As such, the proposal must be carefully assessed in regard to the potential impact and harm that could arise from the proposed use, with particular attention to the potential noise impacts.

Policy 30 of the South East Lincolnshire Local Plan, relating to 'Pollution' details that "Development proposals will not be permitted where, taking account of any proposed mitigation measures, they

would lead to unacceptable adverse impacts upon:

1. health and safety of the public;
 2. the amenities of the area; or
 3. the natural, historic and built environment;
- by way of: 5. noise including vibration".

The application site lies within a predominately commercial setting, within close proximity to a number of retail and commercial uses and within close proximity to the town centre; albeit, residential properties, such as that immediately neighbouring the site, do lie within the area.

The proposed fitness facility would be open during the following hours:

Monday to Friday: 06:30am - 21:00pm

Saturday, Sunday and Bank Holiday: 08:00am - 16:00pm.

Whilst the opening hours during weekdays is fairly early, proposing opening at 06:00am, it is noted that such a time may be required for individuals that wish to attend the facility prior to a typical working day. The hours of opening proposed, which are further reduced during weekend and bank holiday periods, are considered suitable for the use proposed, and are considered to be appropriate for the setting in which it lies. The hours of operation are not considered to be unacceptable, or give rise to an unacceptable impact to neighbouring occupiers or users. It should be noted that no representation has been received relating to noise nuisance. Furthermore, the temporary nature of the consent sought further reduces the impact of the proposal as a non-permanent development.

In this regard, the application was accompanied by a Noise Assessment, This assessment has taken account of the hours of opening (as listed above) and the potential for amplified music (which "has been the focus of our assessment as a worst case"), amongst other matters.

The noise assessment, which has been reviewed by SHDC's Environmental Protection team, concludes that "Throughout, the assessment has been undertaken with reference to British Standards, national & local policies and international guidance on noise impact. Noise impact has been assessed with consideration to the National Planning Policy Framework and the Noise Policy Statement for England. Following these policies, guidance from the WHO 'Guidelines for Community Noise' and BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' and IEMA, have been used to confirm that 'significant adverse impacts on health and quality of life' are expected to be avoided as a result of the proposed development. The development is expected operate at a noise level which is significantly below the prevailing ambient noise conditions in the area".

In this regard, the assessment and submission details that the proposal would not give rise to an unacceptable impact in regard to noise. In assessing this proposal, the Local Planning Authority have gained the comments of SHDC's Environmental Protection team. These comments have raised no direct objections, detailing that "There is no concern for external noise impact to neighbouring buildings".

However, the response does detail that "there is a potential for internal sound transfer to other units within the building. The curtain window adjacent the hair salon has potential for sound transfer, as does the moveable wall between units PR3 & PR4".

In this regard, this matter has been discussed with the end users and it is "intended to be managed by volume control of the amplified sound".

Overall, it is considered that the proposal would not give rise to an unacceptable impact in this regard, that would warrant the refusal of planning permission.

The proposed development would not result in any significant alterations to the existing built form. Given this, coupled with the proposed use and the matters raised above, the proposal is not considered to give rise to an unacceptable impact, or give rise to unacceptable harm, to neighbouring residents or land users.

As detailed above, the scale and design of the proposal, coupled with the mitigation proposed alongside the conditions recommended, is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties.

Likewise, users of neighbouring units and premises would not be adversely impacted to an unacceptable degree. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2019).

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details 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 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.

The proposal does not seek to provide or alter any vehicular access arrangements to or from the site. Whilst vehicles can access part of Red Lion Square, this does not form a typical highway or access network that is heavily frequented with traffic; comprising a paved area that terminates within close proximity to the application site. The site, in its current form, does not utilise this (in regard to vehicle access) as a fundamental route of access for its users.

The site lies within close proximity to the town centre of Spalding, and lies within a central location. The site has easy access to public transport methods, and as such, the site does not have reliance on a private motor vehicle.

Whilst it is noted that the use may result in an increased number of direct users of these particular units, and whilst it is noted that some users would travel to the site using private motor vehicles; the sustainable location in which it lies is such that suitable parking provision can be found within close proximity to the site. Alternatively, the aforementioned access to public transport methods can be utilised.

The comments received by Lincolnshire County Council following consultation raised no objections, stating that the proposal "does not have an impact on the Public Highway". These comments go on to express that "the site is located in a central urban area, where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future visitors of the temporary fitness facility will not be reliant on the private car and therefore parking is not essential for this proposal. However, there is sufficient parking available nearby for those who wish to travel by motor vehicle".

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

Biodiversity Net Gain & Ecology

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 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.

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, 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 is exempt from the statutory 10% Biodiversity Net Gain requirements, as set out within the submitted exemption statement.

Other Matters

Representation has been received which highlights concerns regarding the necessity for the development, with Spalding having a number of gyms. In addition, the representation also raised concerns regarding an increased risk for users of neighbouring uses, with particular focus on the "risk with young men entering the building where the girls have their hairdressing courses".

The proposals seeks to provide fitness facilities due to the ongoing "construction at the Castle Sports Centre". The proposal seeks to provide the facility, as a temporary solution, "to ensure uninterrupted fitness and recreational services for the community. This facility will help members maintain their exercise routines, support community engagement, and minimise disruption to sports and fitness programs".

The use provided is not considered to be unusual for its wider setting and, given the justification and circumstances surrounding the reason for its submission, the proposal is considered to be appropriate and acceptable, irrespective of other gyms being present within the town.

Furthermore, the facility subject to this proposal is to be accessible (in line with, and subject to the operates requirements), for all genders. Likewise, whilst the representation specifically refers to 'girls', it is understood that the neighbouring 'Style Academy' relates to a training facility for the College's hair and beauty students, whilst also offering salon provisions, that is offered to all individuals utilising this site, and is not restricted to females only.

The proposed use of this site itself, as a fitness facility, would not give rise to an increased likelihood of risk.

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 proposal represents appropriate development for the site in which it is located, comprising a proposal that would provide access to fitness provision, during the redevelopment of the Castel Sports Complex. The development hereby proposed does not materially harm the character or appearance of the locality, harm the historic environment to an extent that is not outweighed by public benefit, or impact upon the amenity of nearby residents or land users, whilst conforming with the South East Lincolnshire Local Plan in its majority and the provisions of the National Planning Policy Framework when viewed as a whole.

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 into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 29, and 32 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024).

It is recommended that the application is approved under delegated authority.