

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H07-0273-25 **Applicant:** Gedney Hill Parish Council

Proposal: Use of site as children's play park to include exercise equipment & seating area

Location: Sports Ground, Pavilion & Premises North Road Gedney Hill

Terminal Date: 7th November 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
28	The Natural Environment
30	Pollution
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 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

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

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	9	44	0	3

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the use of the site as a children's play park to include exercise equipment and a seating area. Various items of equipment are proposed including outdoor gym equipment and a zipwire. A cycle track area is also proposed to the east of the playground.

Site Description

The application site comprises land to the south-east of Gedney Hill Church of England Primary School. The site is located within the north-western part of the wider playing field site. The site also includes a pathway that runs from North Road to the south of the primary school, to allow access to local residents.

The site is within the settlement boundary of Gedney Hill, as identified by the South East Lincolnshire Local Plan 2011-2036 and accompanying policies map. The site is identified as Recreational Open Space by Policy 32 of the Local Plan.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Planning History

No applications have previously been submitted within the site.

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

Lincolnshire County Council - Highways and SUDS: No objections. This proposal is for Use of site as children's play park to include exercise equipment & seating area and the access arrangements remain unchanged; therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety. 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.

Environmental Protection: No concerns, location appears appropriate.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The applicant proposes to discharge surface water to a watercourse, as stated within the application form, however the discharge rate has not been provided at this stage.

This proposal will require consent under Byelaw 3, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience. The Board recommend that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher. Please note that any consent granted for the discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC) as outlined within our Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water): The applicant's proposals will not require the disposal of foul water; therefore Byelaw 3 (Treated foul water) does not apply.

Section 23, Land Drainage Act 1991: I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the northern and southern site boundaries. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4). I note the presence of a Board owned arterial watercourse (DRN196P2301 - E23 Highstock Drain - South) adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Byelaw 10: Whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the aforementioned Board owned arterial watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10.

Ecology Officer: I do not believe that this site is BNG exempt through the de minimis exemption. However, from what has been mentioned, I'm sure this site will be able to achieve 10% net gain. We will require documentation to ensure mandatory BNG will be met. We require a full Biodiversity Net Gain assessment to be completed for all aspects of this application.

Sport England: It is understood that the site forms part of, or constitutes land last used as playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). However, as the playing field has not been used for at least five years, the consultation with Sport England would not be a statutory requirement. The Council's Playing Pitch Strategy suggests that the school is marked out with 7v7 mini soccer grass pitch. However, the aerial images do not show this, unless it has recently been marked out. If the Local Planning Authority is aware of a pitch, please can they advise Sport England on this matter, and we can review our status as a statutory consultee on this planning consultation.

It is understood that the site forms part of, or constitutes land last used as playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). However, as the playing field has not been used for at least five years, the consultation with Sport England would not be a statutory requirement. The Council's Playing Pitch Strategy suggests that the school is marked out with 7v7 mini soccer grass pitch. However, the aerial images do not show this, unless it has recently been marked out. If the Local Planning Authority is aware of a pitch, please can they advise Sport England on this matter, and we can review our status as a statutory consultee on this planning consultation.

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations.

The proposal is for the use of site as children's play park to include exercise equipment and seating area. This will be located on the school's playing field.

As part of the assessment of this consultation, Sport England has sought the views of the following National Governing Bodies for Sport. The Governing Bodies act as Sport England's technical advisors in respect of their sport and their sport facilities. The comments of the Football Foundation (FF) who provide observations to Sport England on behalf of the Football Association have been

summarised as:

- Gedney Hill CE Primary School is listed within the South Holland Stage D Playing Pitch Strategy (2025) as being unavailable for community use, with the provision of one 7v7 mini soccer grass pitch, historically the site has provided a youth 11v11 grass pitch.
- The proposal would result in the loss of a 7v7 mini soccer pitch, to be replaced by a 5v5 mini soccer pitch.
- As shown below, this does not align with the needs outlined in the South Holland Stage Playign Pitch Strategy (2025). Therefore, further evidence would be required to justify the reduction in playing field at the site.
- With regards to the current needs identified within South Holland, the district shows a collective deficit of 11 Match Equivalent Sessions during peak times, which increases further when excluding sites without secured access:
 - Format Peak Match Equivalent Sessions
 - Youth 11v11 -4
 - Youth 9v9 -3
 - Youth 7v7 -4
 - Youth 5V5 0
- Further engagement is required with Lincolnshire Football Association to understand specific team needs in the local area, if community use at the site could be discussed with the applicant

Assessment against Sport England's Playing Fields Policy and NPPF

Aerial images, including historic aerial images of the site, shows that a pitch was last marked out 2014. An image from 2007, shows that most of the school's playing field accommodated a pitch:

Playing field is seen as a resource for pitches to be marked out on, changed from one pitch type to another, or allow pitches to be reoriented to allow the playing field to rest. The proposal would occupy about a third of the school's playing field and severely reduce the ability for the remaining playing field to accommodate a pitch. The Council's current Playing Pitch Strategy has identified a deficit of pitch provision, and the proposal will impact on the ability to provide pitches to meet this demand. From the information available, forming part of the planning application, Sport England is unable to find any information that has been submitted by the applicant to justify the loss of the playing field. Whilst Sport England notes the proposal is for the provision of play equipment which includes an outdoor gym and a bike track, Sport England needs to balance the loss of the playing field and its ability to accommodate a pitch or pitches against the benefits to sport that the proposal will bring. In such cases Sport England would consider this against Exception E5 of Sport England's Playign Fields Policy.

Whilst Sport England does not wish to discourage new sport facilities, where they result in the loss of grass playing field, it is essential that there are sufficient benefits to the development of sport as to outweigh the detriment caused by the loss of the playing field. This is because any area of a grass playing field can be used for sporting purposes covering over 15 different sports whether competitively or for general training/skills sessions. Gym, play equipment and bike tracks are fixed structures with fixed dimensions, only suitable for a limited number of sports. They can't be moved around and resized to cater for changes in sport over the years. In seeking to balance the potential loss of playing field against the provision of a new indoor or outdoor sports facility, Sport England will consider the following factors:

- The need for the facility - has this been identified in a local sport and recreation strategy, a governing body facility strategy or similar document?
 - Technical suitability - does the proposed facility meet the specifications set out in Sport England's Guidance Notes or a relevant National Governing Body of Sport's Guidance Notes?
 - Community availability - will the facility be available to the community and if so, will the terms of availability be clearly set out in a community use agreement?
 - Sports development - will the facility be linked into the local sports development network?
 - Local level of pitch provision - does the local area have a shortfall of playing pitches that would be exacerbated by the current proposal?
 - The physical location of the new facility - is it easily accessible by the community and schools?
- Again, from the information available, Sport England is unable to find anything that addresses the above bulleted points.

Sport England's Position: In light of the above, Sport England objects to the planning application as it does not accord with Sport England's planning policies as set out above.

Potential to overcome the objection: Sport England would be pleased to review the objection if the applicant can provide the following:

1. Revise the proposal so that there is no impact on the main area of playing field. For example (and this is an example only), the school has a triangle shaped area of playing field to the north of the school buildings. This area of playing field cannot accommodate a pitch due to its shape. The applicant should explore options to provide the proposal in this location therefore retaining the grass playing field for pitch use. Or:

2. If the applicant wishes to proceed with the planning application as proposed on the school playing field, provide more information to address the bulleted points in relation to exception E5 above. The applicant would need to demonstrate how the proposal would not contribute to the identified shortage of pitches in the Council's Playing Pitch Strategy, and they need to show how the playing field can accommodate a pitch to meet that need along side the proposal.

Gedney Hill Parish Council: No response received (the parish council are the applicant in this case).

Cllr L J Eldridge: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, 63 letters of representation have been received. 52 of the representations set out support for the proposals and 11 of the representations set out objections to the development. The matters set out in support within responses are set out below:

- The proposals are much needed as there is not much for children to do within the area.
- The proposals will benefit the community by providing a safe and enjoyable space for all ages.
- The space is underused and the proposals would provide more benefits to the community than the current space.
- People from the village could walk to the site.

The objections to the proposals are set out below:

- The proposals are too large and should be reduced in terms of their scale.
- There is no parking or access to the site.
- The proposals will increase traffic through the village.
- The proposals will attract anti-social behaviour and result in an increase in noise and disturbance.
- The site will no longer be suitable for dog walkers.
- The materials for the equipment are not in keeping with the character of the area. The materials should be wooden rather than metal.
- An improved landscaping scheme is needed.
- The money could be better used on other projects such as speed reduction.

6 of the responses were received after the publicity period ended on 24 July. This included 1 objection and 4 representations that support the development. One of these responses was from Gedney Hill Church of England Primary School and the response has been provided following the publication of a consultation response from Sport England. The primary school has clarified that the site is not within the school's playing field.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority (LPA) makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Flood Risk; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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 site is within the settlement boundary of Gedney Hill, which is a Minor Service Centre. Policy 1 sets out that within the settlement boundaries of Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Allocated and Committed sites and infill.

The application seeks full planning permission for the use of the site as a children's play park, including exercise equipment and a seating area. The site comprises part of land that was formerly used as a playing field. As such, the proposed recreational use of the site would fall under a similar use.

Paragraph 88 of the NPPF sets out that planning decisions should enable the development of accessible local services and community facilities (part d).

Paragraph 104 of the NPPF sets out that existing open space, including playing fields and formal play spaces, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

In terms of Paragraph 104 of the NPPF, the proposals seek to install equipment and facilities on land that currently features mowed lawn. Whether the proposed equipment represents a betterment of the existing site is a subjective matter. Quantitatively, the provision of equipment and facilities where there is current only mowed grass would comprise an improvement. The applicant has provided information to clarify how the community was engaged prior to the submission of the application. There appears to have been engagement to determine what type of facilities and equipment would be desired. For example, according to the applicant, the parish council undertook a consultation process beginning in October 2024. 148 responses were received and according to

the applicant, over 95% of respondents supported the creation of the play park, 63% of respondents set out that they do not use the park as "there's nothing to do", and 80% chose the current proposal. Similarly, according to the applicant within a follow-up online vote 83% of respondents supported the design. It should be noted that this information is summarised by the Parish Council, however, the LPA have not seen detailed evidence of this. It is also recognised that 52 of the 63 public representations received during the determination of the current application have set out support for the proposals. Not every resident in Gedney Hill has responded to the pre-application engagement or to the current application. Therefore, it is not possible to determine if the majority of Gedney Hill are in favour of the proposals based on the information that has been received. Notwithstanding this, it is considered that the proposals would result in a better provision of facilities than currently provided by the site. Therefore, it is considered that the proposals accord with part b of Paragraph 104.

In terms of part c of Paragraph 104, the use of the site would remain for recreational purposes. Instead of the land being used as informal open space, the application seeks to provide a play area including various items of play equipment and a cycle track area. It is considered that the proposed use would provide benefits that outweigh the current use, therefore according with part c of Paragraph 104, due to the wider community and public benefits that this would deliver in terms of health and well being which weighs positively in the planning balance..

Policy 32 of the Local Plan encourages the delivery of community facilities, particularly where there is an identified shortfall. The policy sets out that the development of new community facilities will be supported, provided that they are located so as to be:

- "1. as close as possible to the community they will serve;
- 2. readily accessible by public transport, on foot, and by bicycle;
- 3. compatible with nearby uses and the character and appearance of the neighbourhood; and
- 4. located and designed to enable (where possible) shared use with other services/facilities

In terms of the above referenced criteria, the proposed development would be located within the settlement boundary of Gedney Hill. The site is accessible via a footpath than runs from North Road to the south of the Gedney Hill Primary School. Therefore, the site is accessible and is as close as possible to the community that it will serve. The site is identified as "Recreation Open Space" within the Local Plan and there is, therefore, a presumption that the site will continue to be used for recreational purposes. The site is located to the east of the primary school within the village, and there are dwellings to the north and south of the site. As set out within the "Impact on Amenity" section within this report, there are considered to be suitable separation distances between the proposed lay area and the nearest dwellings. As such, it is considered that the proposed development would be compatible with nearby uses and the character and appearance of the neighbourhood. Lastly, the proposed development would be located within an existing recreational space, close to a pavilion and within walking distance of nearby dwelling. Therefore, the proposed development accords with the aims of Policy 32.

The Potential Loss of Playing Field and Playing Pitch Land

According to Schedule 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Articles 18, 19 and 20), Sport England are required to be consulted on development which:

- (i) Is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or
- (ii) Is on land which has been -
 - (aa) used as a playing field at any time in the 5 years before the marking of the relevant application and which remains undeveloped.
 - (bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or
- (iii) Involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface"

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Schedule 5, Articles 16 and 17) defines a playing field as "the whole of a site which encompasses at least one playing pitch". The definition refers to the whole of a site and therefore does not just cover land which is currently laid out as pitches.

A playing pitch is defined in the 2015 Order as the following:

"a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo".

The wider site has previously been used as a football pitch. The wider site is no longer used for association football, and it appears that Gedney Hill Football Club was disbanded in 2014. An area within the south-eastern portion of the wider site still features goal posts and can be used for football, however, this area is outside the red line boundary.

The site is considered to be part of a former playing field, however, the site is not considered to comprise a playing pitch. Therefore, whilst Sport England have been consulted on the proposals and have raised an objection, Sport England are not a statutory consultee in this case. Sport England have set out within their response that "as the playing field has not been used for at least five years, the consultation with Sport England would not be a statutory requirement". This was not known at the validation stage of the application process as it was unclear if the site fell under the formal definition of a playing pitch. Furthermore, the use of the site was described as a playing field on the application form.

Notwithstanding this, the response from Sport England has been considered. Firstly, it should be noted that Sport England have set out that the playing field is part of Gedney Hill Primary School. However, the site is not part of the school's playing field. This has been confirmed by the headteacher of the primary school. Part of Sport England's objection sets out the following:

"The proposal would occupy about a third of the school's playing field and severely reduce the ability for the remaining playing field to accommodate a pitch. The Council's current Playing Pitch Strategy has identified a deficit of pitch provision, and the proposal will impact on the ability to provide pitches to meet this demand."

As the site is not part of the school's playing field this part of the Sport England's objection is incorrect. A response has been received from the school's headteacher to confirm that the site is not part of the school's playing field. According to the school's headteacher, the school uses a federated site at Shepeau Stow for playing pitches if needed which is approximately 5 miles from the school.

Sport England also sets out views that have been received from the Football Foundation (FF). The FF have set out that Gedney Hill CE Primary School is listed within the South Holland Stage D Playing Pitch Strategy (2025) as being unavailable for community use, with the provision of one 7v7 mini soccer grass pitch. Historically the site has provided a youth 11v11 grass pitch. The FF have set out that the proposed replacement of a 7v7 football pitch with a 5v5 football pitch does not align with the South Holland Stage D Playing Pitch Strategy (2025). However, there is not a football pitch within the red line boundary of the site. Furthermore, there is still potentially room for 3 x 5v5 pitches or at least 1 x 7v7 pitch on land outside of the red line boundary area within the wider field. As such, the proposals in this case should not undermine the provision of some football pitches within the wider site.

Sport England have set out that whilst they note that the proposal is for the provision of play equipment which includes an outdoor gym and a bike track, Sport England needs to balance the loss of the playing field and its ability to accommodate a pitch or pitches against the benefits to sport that the proposal will bring. In such cases, Sport England would consider this against Exception E5 of Sport England's Playing Fields Policy. Exception 5 relates to the provision of a sport facility that would outweigh the detriment caused by the loss, or prejudice to the use of the area of playing field. For reference, Exception 5 sets out the following:

"The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field."

In this case, Sport England consider that insufficient information has been provided to justify the loss of the playing field or confirm that Exception 5 applies. The applicant has provided additional information to justify the proposals in terms of Exception E5 and Sport England have been re-consulted, however, no further comments have been received from Sport England.

In terms of Exception 5, the LPA considers that the proposals would deliver benefits for the

community by providing play equipment that would be suitable for all ages. The site is not currently being used as a football pitch, nor has the site been used as a football pitch in the past 5 years. The proposals seek to deliver a playground area, outdoor gym equipment, a zipwire and a cycle track area. Currently, there are no playgrounds within Gedney Hill, and the proposal seeks to address this shortfall in provision. Whilst the proposal would not deliver a sports pitch, the proposals would deliver opportunities for informal sport and outdoor activities including within the proposed cycle track and through the provision of outdoor gym equipment. Opportunities are proposed to encourage the local community to be more active. The local community will be able to walk or cycle to the site and would not be reliant on cars to visit the site. The site is located within a relatively central position within the village and there is an existing footpath to the site. The proposal would not undermine the use of a sports club as Gedney Hill Football Club was disbanded in 2014 and it appears that no sports clubs have since used the site formally since.

On balance, the principle of development is considered to be acceptable, as the proposed use comprises an appropriate form of development for the location which would be in accordance with the overall principles of the spatial strategy. The proposal would deliver wider public benefits through the enhance play and outdoor recreational provision that this would deliver on an underused area of playing field. Furthermore, the proposal could be accommodated at the site whilst still enabling future playing field pitch provision - both of which attracts and is afforded positive weight in the planning balance. As such, the proposed development accords with Policies 1 and 32 of the Local Plan and Paragraphs 88 and 104 of the NPPF. The limited extent of the harm caused would be significantly outweighed by the wider public benefits in the planning balance.

Design and Visual Impact

Policy 2 of the Local Plan similarly 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.

Policy 3 accords with the provisions of Section 12 of the NPPF as 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.

The proposals seek to install the following:

- A play park covering an area of approximately 20m by 40m. The play park is proposed to feature various items of equipment for all ages and abilities and picnic tables. The area is proposed to be enclosed with 1m high metal fencing painted in dark green.
- Around the equipment safety grass / matting is proposed which allows grass to grow through the materials. This is proposed to reduce wear and tear on the areas around the equipment and for safety purposes. Wet pour rubber is used for the base to the utility spinner which is porous. Conipave is proposed for the pathway and seating area.
- A new outdoor gym featuring exercise equipment for adults.
- A pergola measuring 4m by 3m.
- A zipwire measuring 30m in length is proposed to the east of the play park area.
- Further to the east, a bike track area is proposed covering approximately 25m by 15m. The bike track is proposed to be constructed using soil extracted from the play area site. Mounds of soil will be constructed to create dips and ramps in the land.

The proposals therefore would introduce various items of equipment and would alter the character and appearance of the site to a degree given that the wider site currently comprises mostly mowed grass. There are goal posts within the south-eastern portion of the site. There is a pavilion building located on the western edge of the site, some benches, and a light post. Therefore, the site does not currently feature any play equipment, except the goal posts.

The wider field is well screened from the surrounding area as there are mature trees along the site boundaries. There is less screening along the southern boundary as there are filtered views from the site towards long linear gardens to the south. However, there are mature trees along the southern boundary. The proposed development would not be highly visible from the surrounding area. The development would be partially visible from the gardens which are located to the south of the site. The development is considered to be in keeping with the character and appearance of the area.

It is noted that some of the public representations have set out that the equipment should be constructed should alternative materials such as wood rather than metal, in the interests of sustainability and the visual appearance of the development. Whilst wooden play equipment can be attractive, it is not considered necessary to insist on alternative materials in this instance as the visual impact of the proposals is acceptable.

Therefore, it is considered that the proposed development has an acceptable impact on the character and appearance of the area. As such, the development accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF 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 Local Plan sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The site is located to the rear of Gedney Hill Primary School. There are no dwellings located next to the area where the equipment and play area is proposed. The nearest dwellings are located on North Road. For example, 10 North Road is located approximately 85m to the south-west of the play area, and 18 North Road, which is located approximately 80m to the north-west of the site.

The site is part of a former playing field and it can be accessed by members of the public. The proposals include a playground with associated play equipment, a zip wire and a mountain bike track. The provision of new facilities could increase public usage of the site as it could become more desirable for users. Local residents would still visit the site for the purposes of recreation, and this would remain unchanged. It is considered that the proposal would not significantly increase the amount of noise or disturbance experienced by the nearest dwellings. There are considered to be suitable separation distances between the proposed lay areas and the nearest dwellings. Furthermore, the council's environmental protection team have not raised any objections in terms of potential noise generation from the proposals.

Therefore, in amenity terms the proposed development accords with the provisions of the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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 would be severe, following mitigation.

Policy 2 of the Local Plan sets out 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.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

The site can be accessed on foot by pedestrians using an existing footpath that runs from North Road. Whilst no on-site parking is proposed, the site is located within an accessible location within Gedney Hill and it is expected that the majority of users would travel to the site on foot. Lincolnshire County Council's (LCC) Highways and SUDS Team have not set out any objections to the proposals, nor have they requested any conditions. Whilst the concerns of some residents regarding the potential increase in traffic and parking issues are noted, LCC's Highways Team have

not raised any objections to the proposals. The team set out within their response 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.

Appendix 6 of the Local Plan sets out parking standards for various types of developments. There is no reference to recommended parking standards for recreational proposals such as the current development. Appendix 6 sets out that "All other types of development will be assessed on a site-by-site basis". The lack of on-site parking is considered to be acceptable in this case as it is considered likely that users would walk or cycle to the site.

Therefore, the proposal would have an acceptable impact in terms of highway safety and as such, the proposal would accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Flood Risk

The site is within Flood Zone 3 as identified by the Environment Agency's flood risk maps. Policy 4 of the Local Plan sets out that development within Flood Zone 3 will be permitted in instances where specific criteria is met.

Paragraph 176 of the NPPF sets out that applications for changes of use and some minor development should not be subject to the sequential or exception tests. Therefore, it is not necessary to apply these tests to the current proposals. Furthermore, the proposed use falls under the 'water-compatible' category of development as defined by Annex 3 of the NPPF. As such, the development would not required to pass the exception test in any case.

Paragraph 176 of the NPPF also sets out that developments should nonetheless meet the requirements for site-specific flood risk assessments.

The application is accompanied by a Flood Risk Assessment, within which no specific mitigation is set recommended.

Within the South East Lincolnshire Strategic Flood Risk Assessment, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is not within a hazard area. No specific mitigation is recommended by the SFRA for the proposal within a non-hazard area.

No foul water drainage is proposed. Surface water is proposed to be discharged via permeable surfacing. South Holland Internal Drainage Board (IDB) have set out that consent is likely to be required under Byelaw 3. The Parish Council have since set out that they have discussed this with the IDB and as there is no additional piped outfall and the proposed surfacing would be water permeable, the IDB's permission is not required. It is considered appropriate to include an informative referring the applicant to the IDB's consultation response for future reference.

The proposed development would not pose an increase in risk to people in terms of flood risk. Therefore, it is considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk management.

Biodiversity Net Gain

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 biodiversity gain condition is a pre-commencement condition. This relates to a condition that

seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

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.

The application is accompanied by a BNG Exemption Statement, setting out that the applicant considers the proposal to fall under the 'de minimis' exemption. However, the LPA's ecology officer considers the proposals would not be exempt and as such, BNG is required. This has been discussed with the applicant, and they have agreed in principle to a pre-commencement condition requiring BNG to be demonstrated.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the LPA makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposed development would not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposal is considered to be acceptable in terms of highway safety, flood risk and biodiversity, conforming with the Local Plan and the NPPF when viewed as a whole. Whilst Sport England have objected to the development, as the playing field has not been used for at least five years, the consultation with Sport England was not a statutory requirement. The LPA was unable to confirm this when the consultation request was issued. Sport England's objection has nonetheless been reviewed, and the LPA consider that the wider public benefits of the proposal (i.e the provision of enhanced outdoor recreational provision whilst still enabling the provision of a playing pitch) significantly outweighs the loss of potential space for a football pitch in the future in the planning balance. 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 the above considerations into account, the proposal is considered to accord with Policies 1, 2, 3, 4, 28, 30, 32 and 36 of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under delegated authority.