DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0378-21**	**Applicant:**	**Holbeach St Marks Village Hall**
Proposal:	Proposed gym extension		
Location:	Holbeach St Marks Village Hall St Marks Road Holbeach St Marks		
Terminal Date:	4th June 2021		

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
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 8, 12 and 14

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
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	2	1	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for an extension at the rear of the existing village hall to incorporate additional gymnasium facilities and also a community room.

Description

The site is located within an existing frontage on the northern side of St Marks Road. It is occupied by the existing village hall and associated car park.

A house (Homefield Villa) is located to the east beyond a high hedge. A bungalow (Carol Ann) and cottage (Laceytone Cottage) are situated to the west. The former has hedging along its common boundary and the latter a combination of hedging and fencing. A playing field is located to the rear (north).

Policies/Constraints

Outside a defined settlement limit as defined in the South East Lincolnshire Local Plan, 2019.

Recent History

H09-0149-96 - Full - Proposed new village hall - Granted 11 April 1996.

H09-1260-99 - Full - Community store interpretation centre - Granted 8 February 2000.

Consultation Responses

LCC Highways

Does not wish to restrict the grant of permission.

Environmental Protection (Contamination)

No comments or objections.

Public

Objections received (summarised):
Concerns over opening hours; Noise and disruption outside normal working hours; Should not be open before 6am or past 8pm. Additional traffic and result in parking on road; Non villagers speed through village to hall; increased litter; poor maintenance of site.

Letter of support also received (summarised):
Great to keep gym in village within walking distance; Can be used for other events too.

Material Considerations

The main issues in this case are:

- Policy/principle;
- Character/appearance;
- The likely effect upon the amenity of neighbouring residents;
- Highway issues;
- Other material considerations such as flood risk.

Policy/principle

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed development is outside a defined settlement limit within the South East Lincolnshire Local Plan, 2019. It is therefore within an area regarded as countryside. Policy 1 of the South East Lincolnshire Local Plan is therefore applicable. It states that development will be permitted in the countryside that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Policies 32 is also of relevance. It indicates that development shall contribute towards improving the community's health and well being.

The above policies are consistent with advice within the National Planning Policy Framework, 2019. Paragraph 92 indicates that planning decisions should plan positively for the provision of community facilities. Paragraph 11 indicates that decisions should apply a presumption in favour of sustainable development providing any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Addressing the above, the proposal has a functional link with the existing facility and is considered necessary in this location. It would improve existing community/leisure facilities within the locality. No objections are therefore raised in principle.

Character/appearance

Policy 2 of the South East Lincolnshire Local Plan, 2019 indicates that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met in relation to, inter alia, size, scale and impact on the amenity, character and appearance of the area. Policy 3 indicates that it should create a sense of space and respect the character of the area within which it is situated.

The proposed extension would be at the rear of the existing village hall and would not be readily open to view from St marks Road. It would be constructed in brickwork and roofing tiles to match those existing. It is considered that it would not materially harm the character or appearance of the existing building or rural locality.

The proposal satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Amenity

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2019). Paragraph 127, amongst other matters, seeks places with a high standard of amenity for existing and future users

A house (Homefield Villa) is located to the east beyond a high hedge. A bungalow (Carol Ann) and cottage (Laceytone Cottage) are situated to the west. The former has hedging along its common boundary and the latter a combination of hedging and fencing. A playing field is located to the rear (north).

The village hall can presently be used for any community event, including an existing gymnasium, without any restrictions in terms of operating hours. The original permission did, however, including a condition relating to noise levels. The extension, if permitted, would be used as a gymnasium and/or for the holding of meetings, events, etc. Whilst activity associated with it could result in some additional noise and disturbance to neighbouring residents the extent is not considered to be such as to outweigh the community benefits, subject to a similar condition relating to noise levels. It should also be noted that an open canopy at the rear would be removed as part of the proposal

The proposal satisfactorily accords with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of amenity, subject to conditions.

Highway Issues

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision for different use classes.

Car parking is available at the front and rear of the building and is considered to be sufficient to cater for the gymnasium and most events. LCC have been consulted and have raised no objections on highway safety grounds.

The proposal satisfactorily accords with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety and parking requirements.

Other Matters

Flood Risk - The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken.

The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

The SFRA indicates that the site is within an area identified as "Danger for Most". However, the proposal is a minor development. In accordance with advice within the paragraph 164 of the Framework, 2019, it should not therefore be subject to the sequential or exceptions tests.

However, there are not reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding because the development is related to the existing facility and is required in this location.

It is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding. The exceptions test should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The NPPF and the PPG set out two elements to the Exceptions Test.

First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, the proposal would improve an existing leisure facility serving the village and immediate area. It would provide wider sustainability benefits to the community that outweigh flood risk.

Concerning the second element, it recommended that flood resilient construction be incorporated within the development and that the applicant sign up to the Environment Agency's free Floodline Warnings Direct Service.

Planning Balance

Addressing the above, the proposal has a functional link with the existing facility and is considered necessary in this location. It would improve existing community/leisure facilities within the locality. Moreover, it would not harm the character/appearance of the building or rural locality.

Although nearby residents may suffer some noise/disturbance it is not considered to be significantly greater than at present and such as to outweigh the community benefits of the scheme subject to a noise condition. Issues concerning flood risk can be addressed by means of a condition

The proposal generally accords with Policies 1, 2, 3, 4, 32 and 36 of the South East Lincolnshire Local Plan, 2019 and advice within the National planning policy Framework.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.

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

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.