DECISION DELEGATED TO HEAD OF PLANNING
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Application No:	**H09-0427-23**	**Applicant:**	**Holbeach United Community Sports Academy**
Proposal:	Proposed classroom block comprising additional toilets, canteen & 3 classroom areas		
Location:	Holbeach United Community Sports Academy Penny Hill Road Tolls Lane		
Terminal Date:	6th July 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019
National Guidance **National Planning Policy Framework 2021** **The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)** Schedule 2, Part 7, Class M - extensions etc for schools, colleges, universities, prisons and hospitals

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
MATTHEW ADAMS - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

RESIDENTS	2	1	0	0

CASE OFFICER ASSESSMENT

Proposal

This application comprises a prior notification, under Schedule 2, Part 7 Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for the erection of a detached classroom block.

The proposed classroom block would be approximately 22.0m by 10.0m in size, with a maximum height of 3.0m.

Site Description

The application site lies to the eastern side of Penny Hill Road and comprises Holbeach United Community Sports Academy.

The proposed development is proposed to be located to the south-east of the existing car park and to the north of the existing 3G pitches.

History

H09-1184-21 - Proposed 3G football turf pitch, fencing & entrance gates, pitch barriers & entrance gates, storage container, floodlights, amenity lighting and hardstanding areas for pedestrian access & circulation, portable goals storage and vehicular access - Approved

H09-0182-22 - Extension of car parking on site - retrospective - Approved

Consultation Responses

LCC Highways/SUDS

No Objections: The proposed building is intended to enhance the range of facilities that are available at this established Community Sports Academy. As such, it is not expected that the use of the proposed building would materially increase the number of trips made to the Academy. No changes are proposed to be made to the Academy's existing access or parking arrangements.

In view of the above, it is not considered that the proposed development would have an unacceptable impact upon highway safety and therefore, the highway authority does not wish to object to he grant of Consent for this Application.

Environmental Protection Officer

No comments to make.

Historic Environment Officer

No further archaeological input is required for this development, following the results of the previous evaluation of the site associated with application H09-0789-11.

Planning Considerations

Relevant provisions of the Town and Country Planning (General Permitted Development) Order

Schedule 2, Part 7, Class M of the Town and Country Planning (General Permitted Development) Order (as amended) permits the erection, extension or alteration of a school, college, university,

prison or hospital building.

Paragraph M.1 further provides that such development would not be permitted in the following circumstances:

(a) if the cumulative footprint of any erection, extension or alteration under Class M on or after 21st April 2021 would exceed the greater of (i) 25% of the cumulative footprint of the school, college, university, prison or hospital buildings as it was on 21st April 2021; or (ii) 250 square metres;
(b) in the case of a college, university, prison or hospital building, if any part of the development would be within 5 metres of a boundary of the curtilage of the premises;
(ba) in the case of a school, where any land adjacent to the site is used for a purpose within Part C of the Schedule to the Use Classes Order (residential purposes), if any part of the proposed development is within 5 metres of the boundary of the curtilage of that residential land;
(c) if, as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used;
(d) if the height of any new building erected would exceed 5 metres exceed: (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or (ii) in all other cases, 6 metres;
(da) if the height of any rooftop structure would exceed 1.5 metres;
(e) if the height of the building as extended or altered would exceed: (i) if within 10 metres of a boundary of the curtilage of the premises, the lesser of the height of the building being extended or altered or 5 metres; or (ii) in all other cases, the height of the building being extended or altered;
(f) if the development would be within the curtilage of a listed building; or
(g) unless: (i) in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education; (ii) in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services; (iii) in the case of prison buildings -
(aa) the predominant use of the existing buildings on the premises is for the confinement of prisoners in closed conditions;
(bb) the buildings are located on a site with a closed perimeter; and
(cc) the development does not involve the erection, extension or alteration of any building beyond the perimeter as it stood on 21st April 2021.

Further, when development under Class M is permitted, Paragraph M.2 sets out that development is permitted subject to a number of conditions. This includes a condition that:

(f) where proposed development under Class M relates to the erection, extension or alteration of a university building, development is permitted subject to the condition that before beginning the development the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:
(i) transport and highways impacts of the proposed development;
(ii) the design and external appearance of the erection, extension or alteration; or
(iii) the impact of the development on heritage and archaeology;

(g) an application required under paragraph (f) is to be made and determined in accordance with paragraph M.2A (procedure for applications for prior approval under Class M);
(h) development approved pursuant to an application under paragraph (f) is permitted subject to the condition that it is completed within a period of three years starting with the prior approval date.

Evaluation

When assessed against the criteria detailed above, the following can be concluded:

a) The proposed footprint, as a cumulative footprint, would not exceed either 25% of the cumulative footprint of the school, college, university, prison or hospital buildings as it was on 21st April 2021; or exceed 250 square metres.

b) & ba) The proposed building is to be located within close proximity to the existing car parking provision, being sited to the north of the football pitches. The development lies within a distance in excess of 5 metres from a boundary.

c) The site lies immeidtaely next to a football pitch, with the site as a whole providing facilities in relation to Holbeach United in the capacity of a Community Sports Academy. Notwithstanding this, the land in which the proposed building would be sited was not previously a playing field within the means or timeframe's detailed within point c.

d) The propsoed development would have a maximum height of 3 metres and therefore comfortably falls within the 5 or 6 metre height limits.

da) The proposal does not comprise a rooftop structure.

e) The proposal comprises the erection of a new classroom building and does not extend or alter an existing built form. Nonetheless, the heights meet the requirements as per point d.

f) The site does not comprise a listed building and the proposal does not lie within the curtilage of a listed building.

g) The buildings purpose is to provide a further classroom block, with ancillary needs and as such, comprises a predominant use for education; similar to that of the exisitng use of the site.

The conditions detailed under M.2 must also be complied with, with the propsoal not illustrating that the development would fail to do so. Overall, the propsoal accords with the requirements of Schedule 2, Part 7, Class M of the Town and Country Planning (General Permitted Development) Order (as amended).

The building is not considered to result in a marked rise in people utilizing the site, solely providing additional classroom accommodation etc. The build itself is considered to be suitable and not cause an unacceptable impact upon the character of the area, subject to conditions.

The application ahs been accompanied by an archeological evaluation, in which the Historic Environment Officer has raised no objections. As such, the three 'prior approval matters' (transport/highways, design and impact on heritage/archaeology), subject to conditions, is are acceptable.

Conclusion

The proposal constitutes permitted development and complies with the relevant conditions under Schedule 2, Part 7, Class M of The Town and Country Planning (General Permitted Development) Order, 2015. Details not required.

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.