DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0591-25**	**Applicant:**	**South Holland District Council**
Proposal:	Demolition of existing swimming pool building following the construction of a two storey extension including basement area to existing Castle Sports Complex building to provide new and upgrade indoor leisure and health related facilities including two new swimming pools, plant area and changing rooms. Reconfiguration of existing building to provide new and upgraded sports facilities and physical activity facilities and related supporting services. Provision of a new 3G artificial turf pitch (ATP), an Informal Outdoor Games Area (IOGA), other outdoor play areas, an informal running trail/track, a health and well being garden and an outdoor splash pad relating to the new swimming pool. The provision of supporting infrastructure including additional car parking and landscaped areas - Approved under H16-0462-24. Amendments to omit proposed parapet wall that features on the east and north elevations of the existing leisure centre building & omission of proposed canopy on the south elevation		
Location:	Castle Sports Complex Albion Street Spalding		
Terminal Date:	18th July 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Section 96 of the Town and Country Planning Act 1990 (as amended).

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is an application made under S96A of the Town & Country Planning Act 1990 (as amended) to amend a previously approved permission. Planning permission was achieved under H16-0462-24, for the following:

Demolition of existing swimming pool building following the construction of a two storey extension including basement area to existing Castle Sports Complex building to provide new and upgrade

indoor leisure and health related facilities including two new swimming pools, plant area and changing rooms. Reconfiguration of existing building to provide new and upgraded sports facilities and physical activity facilities and related supporting services. Provision of a new 3G artificial turf pitch (ATP), an Informal Outdoor Games Area (IOGA), other outdoor play areas, an informal running trail/track, a health and well being garden and an outdoor splash pad relating to the new swimming pool. The provision of supporting infrastructure including additional car parking and landscaped areas.

The applicant proposes the following amendments:

1. To omit the proposed parapet wall that features on the east and north elevations of the existing leisure centre building (Elevations C and D); and
2. The omission of the proposed canopy on the south elevation (Elevation A)

This would result in the following approved plans:

Proposed Elevations - 1 of 2 - (M00514-SBA-02-ZZ-DR-A-0136 Rev P03)
Proposed Elevations - 2 of 2 - (M00514-SBA-02-ZZ-DR-A-0137 Rev P03)
M00514-SBA-02-02-DR-A-0133 Rev P03 Proposed Roof Plan

being supersede and replaced by updated revisions

Proposed Elevations - 1 of 2 - (M00514-SBA-02-ZZ-DR-A-0136 Rev P04)
Proposed Elevations - 2 of 2 - (M00514-SBA-02-ZZ-DR-A-0137 Rev P04
Proposed General Arrangement Plan - Roof Level (M00514-SBA-02-RF-DR-A-0412 Rev P05)

Site Description

The application site extends across the existing Castle Sports Centre and surrounding playing fields in Spalding Centre, wrapping around the existing bowls club and green to the south east of the site. The application site is not within but abuts the Spalding conservation area boundary to the east, west and south. Surrounding land uses are predominantly residential to the west with Tulip Academy bordering the site to the north and some small-scale commercial to the south.

Access to the site is proposed as existing off Albion Street to the east of the site.

History

H16-0462-24 - Demolition of existing swimming pool building following the construction of a two storey extension including basement area to existing Castle Sports Complex building to provide new and upgrade indoor leisure and health related facilities including two new swimming pools, plant area and changing rooms. Reconfiguration of existing building to provide new and upgraded sports facilities and physical activity facilities and related supporting services. Provision of a new 3G artificial turf pitch (ATP), an Informal Outdoor Games Area (IOGA), other outdoor play areas, an informal running trail/track, a health and well being garden and an outdoor splash pad relating to the new swimming pool. The provision of supporting infrastructure including additional car parking and landscaped areas. Approved 17-01-25

Scope of Assessment for Non-material amendments

As an NMA is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.

The local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission.

In this instance there is one pending NMA (see planning history) and the Historic Environment Team have also been consulted.

Consultation Responses

Non-requested.

Planning Considerations

South Holland District Council Local Planning Authority sets out criteria for non-materials amendments. This is set out on the council webpages. It states:

Non-material amendment criteria

Each application will be considered on its merits. The proposed change may be a non-material amendment if:
1.There would be no change to the application site boundary and the proposal would be located within it (red line boundary)
2.The amendment would not conflict with development plan policies or other Government guidance
3.There would be no conflict with any conditions on the planning permission
4.The proposal would not make worse any concerns raised by third parties when the original planning permission was considered
5.The approved footprint/siting of the building will not be moved in any direction by more than 1 metre
6.The proposal would not result in an extension to development already approved
7.The height/volume of the building or extension would not be increased or significantly reduced
8.The amendments must not result in a fundamental change in the design of the building
9.The change does not amount to new works or elements which have not been considered by any environmental statement submitted with the original application
10.Amendments to windows/doors/openings must not have any overlooking impact on neighbouring properties
11.There would be no change to the description of development in respect of number of proposed units

These criteria are designed to prevent amendments being accepted that would have a harmful impact. If the above cannot be met:

·a Section 73 application or
·a new full application may be required.

Assessment

The proposal would include the following changes:

1. To omit the proposed parapet wall that features on the east and north elevations of the existing leisure centre building (Elevations C and D); and

2. The omission of the proposed canopy on the south elevation (Elevation A)

Changes to approved elevations C & D

The removal of the parapet on the northern & eastern elevations would have limited impact. Control of external materials are still retained. The building does not contain any plant on the roof.

On this basis the changes are considered to be non-material

Changes to approved elevation A and roof plan

The omission of the proposed canopy on the south elevation is minor and would have limited effect over what has already been approved. The roof plan shows that the canopy would be removed and teh limited impact this would have upon the overall scheme.

It is therefore considered that the changes proposed by this application are considered not to have a material effect upon the previously approved scheme. Control also still remains over the scheme of external materials.

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

Having regard to the effect of the change, together with previous changes made under section 96A it is considered that the proposals would not have a material effect upon planning permission or to materially affect the purpose of the conditions attached are therefore acceptable.