DECISION DELEGATED TO HEAD OF PLANNING
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Application No:	**H16-0762-25**	**Applicant:**	**South Lincolnshire Academies Trust**
Proposal:	Extension of Outdoor Netball Courts and Installation of New Fencing		
Location:	Spalding Academy School Neville Avenue Spalding		
Terminal Date:	6th October 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
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND	0	0	0	1

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	3

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the extension of outdoor netball courts and the installation of 2.4m high powder-coated steel fencing around the new court. An area approximately 250m to the south of the proposed court is proposed to feature an area of tree planting to provide a net gain in biodiversity. According to the application form, the proposal is partly retrospective as the works started on 14 July 2025.

Site Description

The application site comprises land to the south-east of two netball courts, within the grounds of Spalding Academy School. There is a thick tree blet to the east of the site, beyond which there are residential dwellings on Birch Grove. The site is not highly visible from public view points due to its location within the school grounds and the tree belt that screens views of the site.

The site is within the settlement boundary of Spalding, 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

H16-0495-16: (Full Application) Proposed installation of new and replacement of fences and gates to the boundaries and within the site - approved 12 July 2016

H16-1052-20: (Full Application) Proposed single storey PE changing room block - approved 12 January 2021

H16-0717-21: (Discharge of Conditions) Details of brick (Condition 3 of H16-1052-20) - approved 26 August 2021

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.

South Holland Internal Drainage Board: The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the eastern site boundary. 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 Maintained watercourse

(A05 Exeter Drain - North DRN192P0505) adjacent to the western 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). The Board recommends that adequate space (3-5 metres) is left flat and free from obstruction adjacent to the riparian watercourse in order to enable maintenance by future riparian owners or a designated maintenance company/contractor. Whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the aforementioned Board Maintained 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.

Sport England: It is understood that the site forms part of, or constitutes a playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement. The proposal involves the loss of approximately 600sq.m of playing field at their northern edge. The proposal relates to the construction of a new netball court on the existing playing field. The netball will be marked out for games court use to meet Sport England/NGB specifications and represents a qualitative improvement on existing hard court provision at this site. In addition, the facility does not impact on any existing sports pitches or the potential to site additional sports pitches in the future. Consequently, Sport England are of the view that the proposal meets exception 5 of our playing fields policy. Further to the above assessment, Sport England does not wish to raise an objection to this application.

Lincolnshire County Council - Historic Environment: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Lincolnshire County Council - Highways and SUDS: No objections. 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.

Environmental Protection - Contamination: No comments regarding land contamination.

Environmental Protection - Noise: Due to the impact nature of Netball as a usage, there may be raised noise disturbance to the rear of properties at the end of Birch Grove, particularly 25 & 27. provide details of suitable noise mitigation measures to protect the amenity of these properties.

Ecology Officer: Overall, the biodiversity assessment and metric calculations appear rigorous, and we can have confidence in their conclusions. In this case the metric indicates that 10% mandatory net gain can be achieved on-site with a predicted overall gain of 10.31% in Habitat (increase of 0.0586 units). We request that more detailed habitat maps for both baseline and post-development habitats are provided pre-commencement to be in line with ukhabs classification schemes. We will also a require a BNG Plan to be provided pre commencement to be in line with mandatory BNG documentation for development. There has been sufficient evidence provided to determine this application and we are confident that mandatory 10% net gain can be achieved on site.

Cllr R A Gibson: No response received.

Cllr G P Scalese: 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, no letters of representation have been received.

Key Planning Considerations

Development Plan

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 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 Spalding, within the grounds of Spalding Academy School. The proposal is for an additional netball court, thereby adding to the facilities that are available for sports and recreation within the school. Policy 32 of the Local Plan also encourages the retention and provision of recreational and community facilities.

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 an additional netball court on land to the south of two netball courts. This would result in the loss of approximately 600sqm of playing field, however, the proposed net ball court would provide a "qualitative improvement", as set out by Sport England. The proposed netball court would not impact any existing sports pitches and, therefore, would not undermine the use of existing pitches. As such, it is considered that the development would accord with parts b and c of Paragraph 104.

As such, it is considered that the proposed development would be compatible with nearby uses and the character and appearance of the area. The proposed netball court would provide additional sports facilities within the school, thereby potentially supporting the health and wellbeing of pupils. Therefore, the proposed development accords with the aims of Policy 32 of the Local Plan and Paragraph 104 of the NPPF.

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 a netball court on land to the south of two existing netball courts. The court is proposed to feature tarmacadam surfacing and 2.4m high steel mesh fencing around the perimeter of the court. The area is not highly visible from public viewpoints as the site is within the grounds of the school and the existing tree belt to the east of the site screens views of the site. The area approximately 250m to the south of the proposed court is proposed to feature tree planting and this area is also largely screened from view along the nearest public viewpoints.

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 proposed netball court would be located next to two existing netball court and within the grounds of a school. It is not expected that this would result in an adverse impact on the amenity of the nearest dwellings which are located to the east of the site on Birch Grove.

Whilst the council's environmental protection team have requested further details of mitigation measures to control potential noise from the proposed netball court, this is not considered to be necessary in this case. The proposed court would be located next to two existing netball courts and the site is located within the grounds of Spalding Academy. There are various sports pitches located to the south of the site and it is not expected that the additional court would lead to a significant increase in noise or disturbance to the nearest dwellings which are located to the east of the site on Birch Grove. The additional court would only be used during school hours and as such, these hours would not extend late into the evening. No objections have been received from nearby dwellings which have been consulted during the determination of the application.

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 proposal would not result in an increased need for car parking. Lincolnshire County Council's Highways Team have not raised any objections or queries with the proposals. Therefore, the development would have an acceptable impact in terms of highway safety in accordance 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.

The NPPF requires a sequential risk-based approach to be undertaken to individual applications in areas known to be at risk now or in the future from any form of flooding (Paragraph 173). In this case, the school grounds and the wider area are also within Flood Zone 3. Therefore, it is not considered practical or reasonable to expect the netball court to be located on land within a lower risk flood zone. As such, the development passes the sequential test.

The development is not required to pass the exception test in this case as the proposal is for a use that is identified as 'Water Compatible' by Annex 3 of the NPPF.

No foul water drainage is proposed and surface water is proposed to be discharged via a soakaway, which is a sustainable means of drainage.

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 Biodiversity Net Gain Assessment which sets out that a net gain of 10.31% can be achieved through planting on land to the south of the netball court. Further details can be secured via planning conditions which have been agreed with the applicant's agent.

As such, the proposal biodiversity measures are considered to be suitable in this case.

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 development hereby proposed does not materially harm the character or appearance of the locality or the amenity of nearby residents. The proposal would have an acceptable impact in terms of highway safety, flood risk and the provision of a net gain in biodiversity. The proposal accords with the Local Plan and the NPPF 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 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.