DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0913-20**	**Applicant:**	**Spalding RFC**
Proposal:	Change of use of agricultural land to sports pitches for Spalding Rugby Club to include car park and temporary structure for use as changing rooms, kitchen and clubhouse facilities - approved under H16-0435-13. Removal of Condition 4 to allow temporary structures to remain on site.		
Location:	Spalding Sports Club Drain Bank North Cowbit		
Terminal Date:	9th December 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Paragraph 127 of Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Section 73 of the Town and Country Planning Act 1990 allows the variation or removal of conditions associated with a planning permission.

Under such section, this planning application seeks the removal of Condition 4 of H16-0435-13 to allow temporary structures to remain on site at Spalding Sports Club, Drain Bank North, Cowbit.

Permission was originally granted under H16-0435-13 for change of use of agricultural land to pitches for Spalding Rugby Club to include car park and temporary structure for use as changing rooms, kitchen and clubhouse facilities.

Site Description

The site amounts to 13.47 hectares and hosts the playing fields for Spalding Rugby Club and ancillary development. There is no boundary treatment which means open views are considerable from any vantage point. A traveller site is found approximately 80 metres to the north, Drain Bank North runs 90 metres to east and A16 240 metres to south. Apple Green fuel station and public house Tulip Queen are further away to west, approximately 600 metres.

The club house, toilet block and cloakrooms are located on the northern-east corner of the site. A range of rugby pitches are found across the remainder of land.

History

H16-0435-13 - Change of use of agricultural land to pitches for Spalding Rugby Club to include car park and temporary structure for use as changing rooms, kitchen and clubhouse facilities - Approved

H16-0669-17 - Details of Conditions 3, 5, 6 & 10 of H16-0435-13 - Approved

H16-1265-18 - Joining corridor between main clubhouse and toilet facilities incorporating beer cellar and porch to front elevation - Approved

Consultation Responses

None.

Planning Considerations

Principle of development

The site lies on the countryside as set out in the Policies Map of South East Lincolnshire Local Plan, 2019.

Policy 1 of SELLP (2019) is aimed to set out the local spatial strategy on the basis of a settlement hierarchy which indicates from most to least sustainable the locations to steer new development. Countryside is the least preferable location for new development.

This policy states that "in the Countryside development will be permitted 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".

A Planning Statement accompanies this application. It is mentioned the role of the rugby club as a valuable facility in the local community. There have been a number of local school tournaments held on the site as well as a 150 strong mini and junior section in the club. With the support of Sport England, the RFU, and many local businesses the club and facilities provide a great venue for both indoor and outdoor uses now and in to the future.

The document justifies that the continued use of the temporary buildings would allow the sustainability of the rugby club as an institution. Otherwise, the club would simply not be able to function and provide this popular facility.

Policy 32 of SELLP, 2019 and Paragraph 97 and 98 of NPPF, 2019 set out the policy framework to assess the adequacy of new development for open spaces and recreation. Sport buildings and land should be compatible with nearby uses and the character and appearance of the neighbourhood; and protect public rights of way and access, among other considerations. It is not anticipated that the sought retention of the existing buildings will conflict with these policy requirements.

In view of the above, the principle of retaining the temporary units is acceptable unless planning material considerations indicated otherwise in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The key material considerations are addressed below.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and 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, among other considerations.

Likewise, Policy 2 of SELLP, 2019 goes on to say that considerations shall be met about size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. In this regard, Policy 3 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The temporary structures subject to this application are portacabins. The largest one hosts the club house for socialising comprising bar, seating area and food service. To the north-east, there is a link to join the club house with the toilets which are also modular buildings. To the rear, there are further outbuildings of similar appearance used as changing rooms. They are excluded for the consideration of this application since they were a subsequent addition after permission H16-0435-13.

The modular buildings are in good condition. The development is by no means an eyesore at such rural location. The wider context of the site is characterised by open fields with some development that has been established over the last years. From the nearest to the furthest, the travellers site to the north, a derelict portacabin and industrial container approximately 300 metres to the south-east, and Apple Green fuel station and public house Tulip Queen approximately 600 metres to the west. Therefore, the siting of the portacabin on a permanent basis is not significantly detrimental upon the character of the area.

Conclusion

The cumulative impact of retaining the above-mentioned buildings will not be significantly harmful upon the character of the area by reason of visual amenity. Having also regard to the extent which the temporary structures contribute to meet the functional needs of the rugby club, it is considered that the retention of the modular buildings is acceptable at such location.

In summary, the proposal is considered to comply with Policies 1, 2, 3 and 32 of the South East Lincolnshire Local Plan (SELLP), 2019; and Paragraph 97, 98 and 127 of the National Planning Policy Framework (NPFF), 2019.

It is accordingly recommended to approve this planning application via 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.