DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-1022-25**	**Applicant:**	**Racquet Space**
Proposal:	Proposed padel & pickleball centre with associated parking		
Location:	Land Off Bourne Road Bourne Road Spalding		
Terminal Date:	13th March 2026		

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
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
09	Promoting a Stronger Visitor Economy
15	Vernatts Sustainable Urban Extension
24	The Retail Hierarchy
28	The Natural Environment
29	The Historic 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 6 - Building a strong, competitive economy
Section 7 - Ensuring the vitality of town centres
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
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	1	0	0	6
RESIDENTS	3	1	1	3

CASE OFFICER ASSESSMENT

Site Description

The application site lies to the north of Bourne Road, between Spalding and Pode Hole. The site lies within the countryside and outside of the settlement boundary of Spalding, and lies within Flood Zone 3.

The land is currently used for agriculture and doe snot comprise built form. On the opposite site of the road is a ribbon development of houses. The land is generally flat and is approximately 1.5m lower than Bourne Road.

A hedgerow lies along its front boundary.

To the east, detached from the application site by way of a field, is land allocated for a school, north of which is land allocated for residential development (Mon008); and to the west an approximate alignment for the Spalding West Relief Road is shown on the local plan.

Proposal

The proposal seeks full planning permission for the erection of a padel and pickleball centre.

The proposed building and car parking would sit towards the front of the site, which is the southern, part of an inverted L shape site. To the north/rear would be an area where half of the site is left as grass and half is to be a BNG wildflower area and surface water attenuation basin.

The building proposed would comprise cladding in modern metal sheeting, with a two-tone grey finish and would be of a sizeable construction, comprising a 114m wide, 29m deep and 11.7m high building.

To the front of the building there would be a 77 space car park, 4 spaces of which would be for people with disabilities. Four cycle hoops would be provided for 8 cycles.

The hardstanding would be a permeable surface. Service vehicles would utilise a track to the side of the building to access the rear where there would be a package treatment plant, a surface water attenuation pond and an area of biodiversity net gain.

The boundaries of the site would be delineated with a post and rail fence and tree planting. The existing hedge to the Bourne Road frontage will be retained.

It is proposed that the premises will be open from 7am to 11pm, 7 days a week.

In addition to the plans, the application submission includes:
- a flood risk assessment
- biodiversity metric
- a habitat plan pre and post development
- a planning design and access statement.

Subsequent information received includes:
- an archaeological evaluation
- a drainage strategy
- an amended habitat plan.

The Planning Design and Access Statement summarises the proposal and what the applicants see as the proposed benefits. In summary this states:

Proposed new Padel and Pickleball centre:

- Eastern half containing 4 Padel courts, each measuring 20 x 10 metres.
- Western half containing 4 pickleball courts, each measuring 6.1 x 13.4 metres.
- Middle space consists of changing rooms, toilets, a cafe, a sports equipment shop, a reception, a social hub, and main entrance.
- An area for biodiversity to the rear.

Padel is growing sport - number of courts grown to 1000 across 300 venues.

Pickleball has had a 65% year-on-year rise in membership, with roughly 40,000-50,000 players in England, and attracts all age groups.

There are currently no dedicated indoor Padel or Pickleball facilities within Spalding which has a population of between 31,000 and 37,000 residents, and South Holland having a population of 98,000.

Aim is for the venue to become a premier sports venue for the whole of the east of the country; attracting locals for recreational play with visitors from all over the country joining them for tournament and competitive play.

The proposal improves public health, reduces inactivity and supports local social infrastructure. It aligns with the council's goals around community resilience, health promotion, and economic uplift.

10 full-time staff positions year round will be created, plus seasonal work for school camps and expanded programming.

School partnerships and afterschool clubs.

- Accessible offering for older adults and disabled participants.
- Disability friendly coaching and inclusive access.
- Social events and mixed aged sessions - for example, weekend open play and "match social" evenings. Summer camps, beginner and women's programmes designed to boost local participation across all age groups.
- Support is given from the Lawn Tennis Association (LTA) and Pickleball England.

A maximum of 32 people can play at any one time. Most likely be up to 60 people on site.

Planning History

Application Site

No site history.

Adjacent Sites

H16-0584-25 - Hybrid application: Full planning application for the erection of 160 dwellings and outline planning application for the erection of up to 274 dwellings. - Undetermined.

This site lies within the land allocated for Housing under MON008 in the SELLP.

No application has yet been received for development on the site allocated to the east, for a school.

Consultation Responses Received

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

SHDC Environmental Protection Officer

No comment.

BNG and Ecology

There has been sufficient evidence provided for this BNG application and we are confident that 10% net gain can be achieved onsite for this application.

An Updated Statutory Metric, a BNG plan and HMMP will be required pre-commencement.
Documents reviewed:

Request a condition requiring that: Works should not be carried out in the main nesting season (March 1st - August 1st). If not possible then a suitably qualified ecologist must perform a breeding bird survey of the site prior to any works beginning onsite. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off for clearance work to continue.

BNG Comments:
Overall, the biodiversity assessment and metric calculations appear rigorous, and we are confident that a 10% gain can be achieved for both habitat areas and hedgerow units for this site. However, we will require an updated metric to be provided pre-commencement reflecting the alterations made to the proposed site habitat creation.

A Biodiversity Gain Plan and HMMP will be required for this application pre-commencement due to the complexity of creating a medium distinctiveness, moderate condition habitat.

Welland and Deepings Internal Drainage Board

In response to the Drainage Strategy the IDB have stated that they accept that a surface water discharge from the site being restricted to the Greenfield run-off rate is impractical given the total proposed impermeable area of 0.373 ha, however, the currently proposed discharge of a total flow rate of five litres/second is too high.

A revised drainage strategy should be investigated to reduce the proposed surface water discharge from site down to as close to the Board's accepted Greenfield run-off rate of 1.4 litres/second/hectare as practically possible.

LCC Highways and SUDS

Initial response requesting further information in relation to daily movements, whether there would be other attractions/events above the daily hiring of the courts, plus a justification statement relating to the number of parking spaces.

They also required a plan showing a dedicated pedestrian access into the site from the public

highway with a connecting tactile crossing point, visibility splays, swept path detail, Cycle stands, dimensions of the parking spaces and clearance for reversing should be detailed on the proposed block plan.

Further to reviewing the amended Transport Statement, Highways are now content with these aspects of the proposal.

They note that the site is west of the site allocated for a school and close to where The Spalding Western Relief Road section 2 & 3 intersect with Bourne Road. A contribution of £6,844 is required towards the Spalding Western Relief Road via a Section 106 Agreement.

LCC Archaeology

An archaeological evaluation was undertaken in December 2025. A report detailing the results has been submitted, which confirms that no archaeological remains of significance were identified. Consequently, no further archaeological input is required for this application. It is therefore not necessary to consult us again unless there are material changes to the proposals.

Lincolnshire Wildlife Trust

The Trust has no substantive comments or recommendations on the proposal.

Environment Agency

No objection to the proposed development.

The site has a future hazard classification of 'Danger for Some' (includes children, the elderly and the infirm) and could experience flood depths of up to 0.5m arising from a breach in the defences during a flood that has a 0.5% tidal/1% fluvial chance of occurring in any one year up to 2115.

We support the recommendation of the FRA that the finished floor levels are raised 0.5m above the existing ground level and recommend that this measure is implemented.

Sport England

Standard response sent directing the LPA to the Pitch Strategy or Built Sports Facility Strategy, that development should be designed in accordance with design guidance notes produced by Sport England. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity. Central Government wishes to see the availability of sports facilities to the wider community when they're not being utilised by the main user, as they see schools being at the heart of local communities.

Pedals

Proposed site plan revision B mentions cycle storage for eight bicycles, but it is not clear how these will be accommodated. If permission is granted, please require full details of the location and design (including protection from adverse weather) of the cycle storage to be submitted and approved before development begins, and implemented before the development is brought into use.

Arqiva

No Observations.

Arqiva is responsible for providing the transmission network for the BBC & ITV along with the majority of the UK's radio companies and is responsible for ensuring the integrity of ReBroadcast Links.

Anglian Water

The proposed method of foul water disposal and surface water management does not relate to Anglian Water operated assets. The LPA should seek the advice of the Environment Agency if the drainage system directly or indirectly involves the discharge of treated water into a watercourse.

Lincolnshire Police

Recommend a range of actions to prevent against crime including CCTV systems, intruder alarms, ground floor windows that conform to security standards, lighting that supports formal and informal surveillance and secure fencing, a wall or hedge to protected against access to restricted areas.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, 6 letters of representation have been received.
Four of the representations object or raise concerns to the proposal on the following grounds.

These can be summarised as follows:

Use of Agricultural Land

·Loss of productive crop growing land.
·Questionable need to use farmland when alternative sites exist.
·Site sits opposite a residential area, raising suitability concerns.
·Proposed building described as utilitarian, industrial, and inappropriate for rural surroundings.
·Development lies outside Spalding's development limits.

Traffic, Access, and Highway Safety

·A151 already heavily trafficked; development will increase vehicle movements.
·No clear projected traffic volume provided despite potential for 60 people on site at once.
·Increased traffic entering/exiting the site poses safety risks.
·Potential overspill parking on Bourne Road creating further hazards.
·Narrow, unsafe footpath with lorries passing dangerously close.
·Previous cyclist fatality on this stretch of road highlights existing dangers.
·No pedestrian crossing to access the site safely.
·40 mph speed limit frequently ignored by a large proportion of drivers.
·Increased traffic and accelerating vehicles make it harder for residents to enter/exit driveways.

Noise and Disturbance

·Acoustic report considered inconclusive and lacking detail.
·Report acknowledges audible noise and notes unsuitability near over 55s housing.
·Noise expected from balls hitting walls inside a metal structure.
·Current area is peaceful, especially evenings and weekends; development would disrupt this.
·Additional noise from increased traffic, accelerating vehicles, and social activity.
·Increased footfall reduces privacy and raises security concerns.

Residential Amenity and Local Character

·Development positioned directly in front of homes, harming outlook and privacy.
·Area defined as residential; commercial uses located further west.
·Building height (8m) exceeds typical two storey homes.
·Industrial/warehouse like appearance not in keeping with rural character.
·Proposed tree planting and 1.2m picket fence insufficient to screen the structure.
·Ribbon development on Bourne Road is peaceful; noise travels easily across open fields.
·Facility aims to become a premier sports venue, increasing intensity of use.

Light Pollution

·Likely need for floodlighting causing intrusive light levels.
·Long opening hours (until 11pm) increase evening disturbance.

Pedestrian and Cyclist Safety

·Claims of walkability/cycle access disputed due to unsafe footpaths.
·Fast moving traffic and lorries create hazardous conditions.
·No safe crossing point for pedestrians or cyclists.

Drainage and Flood Risk

·Large building footprint reduces permeable ground.
·Increased risk of flooding to Bourne Road properties.
·Local drainage systems already sensitive; similar infilling has caused issues elsewhere.

Suitability of the Site for a Sports/Social Venue

·Social hub with long opening hours incompatible with quiet residential setting.
·Other sites rejected for being too close to homes, yet this site is also near housing.
·Location considered wholly unsuitable for a large, busy recreational facility.

A letter was also received objecting to the proposal, but setting out that there are a lack of amenities and spaces for community engagement and youth development in the area. The writer suggests a skatepark is needed, a local restaurant or pub for adults to strengthen community spirit and a community centre/youth club.

A further letter was received in support of the proposal stating that a variety of choice of sports in the area is good.

Key Planning Considerations

The main issues and considerations in this case are:
- Principle of Development and Sustainability
- Land Use - the Spalding Western Relief Road
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage
- Heritage Considerations
- Biodiversity Net Gain and Ecology.

Evaluation

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development and Sustainability

Policy Context

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment.

Policy 1 of the South East Lincolnshire Local Plan (2019) directs new development to be located within existing settlements in accordance with the spatial strategy. Policy 1 expresses the 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 in respect of sustainable development 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.

Policy 1 states that "the rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside". The site is located outside of any settlement limits, as defined within the South East Lincolnshire Local Plan (2019). It is therefore regarded as being within the countryside in policy terms. As such, the application site falls to be assessed as a 'Countryside' location, as detailed by this spatial policy, which is considered to be the least sustainable location for development in the hierarchy

Part D of Policy 1 sets out that development within the countryside is limited to that where it "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".

The supporting text to Policy 1 states that "Agriculture and forestry are clearly uses which must function in the Countryside but other uses which may diversify from agriculture and forestry, e.g. recreation and tourism, can
meet the broad sustainable objectives of the Local Plan. Similarly, other assets such as waterways and access to the coastal areas may offer opportunities to expand the opportunities the area can offer visitors (See Policy 9: Promoting a Stronger Visitor Economy)". This goes on to address other potentially suitable proposals in this regard in respect of housing, outlining that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)".

Policy 9 of the South East Lincolnshire Local Plan (2019) (Promoting a Stronger Visitor Economy) supports proposals for tourism and visitor development within the boundaries of existing settlements. Outside these settlements, small-scale development to support the visitor economy will be supported provided that proposals do not conflict with neighbouring land uses; are in keeping with the character of the locality; and demonstrate a functional link with an existing rural attraction or farm enterprise. Policy 9 states that: "Larger developments will only be supported outside settlement boundaries in exceptional circumstances, for instance to proportionally support or enhance the enjoyment of an established visitor attraction where this cannot reasonably be achieved from a town or village location."

Policy 24 of the South East Lincolnshire Local Plan (2019) (The Retail Hierarchy) directs retail and 'other main town centre uses' to be located in accordance with stated hierarchy of which the Sub-Regional Centres of Boston and Spalding (as defined by the Town Centre Boundaries) are the locational focus. Main town centre uses are described as offices, leisure, entertainment, arts, culture and tourism development, and intensive sport and recreation uses; being consistent with the NPPF which itself details leisure and intensive sport and recreation uses as being 'town centre uses'.

Section 7 of the NPPF relates to 'Ensuring the vitality of town centres'. This states that in determining planning applications local planning authorities should apply the sequential test for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. It states that only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

The NPPF continues to state that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre, and that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

The NPPF also states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace

threshold (if there is no locally set threshold, the default threshold is 2,500m2 of gross floorspace). This should include assessment of: a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

The proposed scheme is 3306sqm. No impact assessment has been submitted as part of the application.

Policy 32 of the South East Lincolnshire Local Plan (2019) relates to 'Community, Health and Well-being'. This policy states that "the development of new community facilities will be supported, provided that they are located so as to be:
1. as close as possible to the community they will serve;
2. readily accessible by public transport, on foot, and by bicycle;
3. compatible with nearby uses and the character and appearance of the neighbourhood; and
4. located and designed to enable (where possible) shared use with other services/facilities."

Assessment

Policy 1(D), as described above, outlines that development in the Countryside would either have to necessitate the chosen location, or provide suitable benefits to the area. This assessment of need is in part informed by an assessment against the relevant provisions of the Local Plan for the specific development type. In this instance, Policies 9, 24 and 32 would be the supplementary policies to inform an assessment of need. These policies are interlinked, and repeatedly cross over one another.

Turning to Policy 9, the proposal does not seek to offer a 'small scale visitor attraction', and even if it were, it fails to adequately comply with the requirements of Policy 9 in that the proposal would conflict with neighbouring land uses and the character of the locality - which is essentially rural and is further expanded upon within the report below. On that basis, the proposal ought to be assessed as a large scale development, the policy constraints associated with this being previously outlined in this report. The proposal would not support or enhance the enjoyment of an established visitor attraction, creating a new facility, unrelated to any existing offerings. On that basis, the requirements of Policy 9, with respect to larger developments, have not been met.

The proposal represents a new, standalone development outside of the settlement boundaries outlined in Policy 1. No functional link to an existing rural attraction or enterprise would be present in this instance. Moreover, the distance to, and lack of sustainable connectivity directly to the proposed site, further emphasises its separation and unsuitable location.

Under the provisions of Policy 32 of the South East Lincolnshire Local Plan (2019) proposals for new community facilities should be located close to the community they will serve and should be readily accessible by sustainable means of transport. The location cannot be said to have been designed to be as close as possible to the community it would serve. It is accepted that it is likely that nearby residents and residents of Spalding will use the facility; however, the application submission states that the aim is for the venue to become a premier sports venue for the whole of the east of the country; attracting locals for recreational play with visitors from all over the country joining them for tournament and competitive play. This is the main reason the proposal is for a building of the scale that it is.

In terms of providing a sequential test, necessitated under Policy 24 and Section 7 of the NPPF, the NPPF suggests that applicants (and local authorities) should be flexible on issues such as format and scale. The applicants have limited their search to areas in and around Spalding and have a clear set of requirements for the building that they wish to provide. Given the aspirations for the venue to cater for a much wider area than Spalding, consideration ought to be given to a wider area of search.

The Planning, Design and Access Statement provides a site search sequential test to identify what the applicants describe as any reasonably available sites within the settlement boundary.

It states:
Bespoke design requiring minimum eaves height: 8m for Padel, 6m for Pickleball; large, unsubdivided internal space; floor area exceeding 3,000 sqm.

Only identified town centre area site in Spalding was the Old Drill Hall, Haverfield Road, but had insufficient height and floor area, Noise impacts would be problematic in a quiet area.
Undeveloped site on Pinchbeck Road (near A151) - Awkward shape, too small for the building, servicing, or biodiversity net gain, adjacent over 55s housing would be adversely affected.
No other suitable or available sites within the settlement boundary were found.
Enterprise Park (former Peck's premises) in Pinchbeck Employment Area - unusual shape, insufficient internal height, would require major internal alterations.
Wardentree Lane undeveloped land - large enough, but allocated as Main Employment Area under Local Plan Policy 7, Reserved for B1/B2/B8 uses, making leisure development contrary to policy, issues of principle equal to or greater than those of the countryside site.
Wardentree Lane Warehouse and Office Buildings - within an allocated employment area (the implications of LP Policy 7), property is too large and too expensive being over twice the budget available for the Bourne Road site.

The Planning, Design and Access Statement listed benefits of the proposed site as.

Located near the western edge of Spalding, an area of existing and planned residential growth.
Adjacent to housing allocation Mon008 (434 dwellings), with development expected to begin soon.
Land to the south allocated for a new school, increasing future demand and mutual benefits for sports provision.
Close to the route of the Spalding Western Relief Road, confirmed as accurate by the County Council.
Within walking distance of a large and expanding residential population.

Whilst the sequential test provided within the submission regularly references the need for height and the need for specific scale, stating amongst other matters that "an undeveloped site for sale on the Pinchbeck Road close to the
junction with the A151 (West Elloe Avenue)" was discounted as a result of the sites 'awkward shape' and it not being "large enough to accommodate the building"; the submission does not detail, or demonstrate the specific need for the facility to be of such a significant scale, as to limit this search in the first instance.

In any case, as referenced above, the search has been limited to Spalding and Pinchbeck specifically. Whilst Spalding is the sub-regional centre, the submission does not adequately demonstrate the need for the proposed development to be sited solely within this settlement. The submission is clear in that it seeks a facility that is "the first to offer dedicated Pickleball courts, attracting locals for recreational play with visitors from **all over the country** joining them for tournament and competitive play", whilst also referring to the facility as serving the 'East of England'. As such, justification as to the reduction in search area to this settlement only has not been adequately demonstrated, particularly given the expansive geographical area in which the submission suggests the proposal would seek to serve.

Beyond this, undeveloped land off Wardentree Lane, Pinchbeck, which was for sale, which the submission advises "would be large enough to accommodate the development of the proposed sports facility" was discounted given its allocation as a "Proposed Main Employment Area in the Local Plan and is covered by Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio". The supporting statement details in this regard that " Policy 7 states that such sites are reserved for main employment in "..Classes B1, B2 and B8". The development of employment land identified in the local plan is, therefore, considered to raise particular issues of principle
which are at least the same as or possibly greater than those associated with the chosen countryside location".

The Local Planning Authority acknowledges the matters raised; however, would suggest that even in such an instance whereby a conflict had existed in this regard, the conflict identified in this case, whereby the proposal is in direct conflict with Policy 1 and the spatial strategy of the Local Plan, in addition to the clearly identified harm identified to the character of the area given its countryside location as expanded upon further below, exceeds the potential harm identified as a result of the potential conflict of Policy 7. Furthermore, it is also worth noting that the use classes identified within Policy 7, in part, have been superseded by the most recent revision of the Use Class Order; for instance Class B1 no longer exists and has been superseded in most instances by Class E. It could be argued that there is a link between the uses permitted under Policy 7, which have now been superseded, and those now outlined under Class E of the Use Class Order. In addition, the area comprising Wardentree Lane is already subject to sporting or fitness related activity, with uses such as gyms being present within the area. This existing presence of sports facilities in this area

demonstrates an acceptability, both functionally and character-wise.

Other buildings have been discounted in light of 'creation of some noise' which "also present problems in terms of the compatibility with existing uses". This has not been quantified further; however, the proposed development is considered to comprise a 'town centre use' as detailed within the applicants submission. Such uses, as defined by the NPPF can include leisure and intensive sport, in addition to other uses such as casinos and nightclubs, and as such, the detail is insufficient as to claim an overarching statement that the noise generated would be incompatible for a town centre location.

Notwithstanding these matters, returning to the initial matter in regard to the sequential test, the most prominent matter in this regard is that the proposal limits the search to Spalding and its immediate settlement of Pinchbeck, when carrying out the sequential test. Given the aforementioned, and the lack of justification for this limited search area, there is no demonstrable evidence to suggest that alternative, more appropriate locations are not available within the wider area.

Beyond this. the site site is not well connected to Spalding town centre. Whilst some buses may travel along this route, this would not be sufficiently regular or timely in relation to the proposed use. The site is likely too far for people to realistically be expected to travel on foot and this is less likely when it is dark due to the lack of street lighting in this location, particularly given the absence of a footpath along this northern side of Bourne Road. The lack of lighting would also disadvantage cyclists. There is no dedicated cycle path and it is noted that the application only provides for 4 cycle hoops (8 cycles).

Furthermore, the proposed use is not compatible with any nearby uses. There is the future potential that it could be compatible with and be shared by a new school; however, no application has been submitted for this and there is no indication that this is likely to come forth in the near future.

Consequently it is considered that the proposal represents unsustainable development in the countryside, with insufficient links to the population it would serve and the proposed benefits of the scheme could be realised elsewhere and do not outweigh the principle objection to the proposal.

The proposal fails to adequately demonstrate that the proposed use, in this application, cannot be accommodated in more appropriate town centre, edge of centre or in settlement locations, which are more sustainable locations for such uses. The absence of an adequately acceptable sequential test or impact assessment, whereby the submission fails to adequately demonstrate the suitability of the site, means that the proposal has not been justified in locational terms, and as such the proposal is situated within an unsustainable location, that is not considered to be sequentially preferable.

On this basis, the proposal is considered contrary to Policies 9, 24 and 32 of the Development Plan. The case presented by the Applicant is not considered to wholly demonstrate need for a countryside location. As such, the proposal is not considered to necessitate a countryside location for the purposes of Policy 1.

In looking at the criteria set out in the policies referred to above, it is accepted that in terms of the criteria set out under Policy 1 (D) there could be some economic benefit as a result of the proposed development, by way of employing staff, and there would be some community benefit arising from the development. It is considered that any such benefits that would arise from this development; namely employment and the provision of an additional sports facility, would not be isolated to this development site specifically. These such benefits would apply to development of this scale/nature irrespective of the location.

Given the location of the site, the lack of a clear functional necessity for the development to be located on the site, the lack of an adequately acceptable sequential test, and the lack of functional link with an existing rural attraction, the proposed development comprises unwarranted and unsustainable development in the countryside.

As such, the proposal is at conflict with the spatial strategy outlined in Policy 1, and is contrary to policies 9, 24, and 32 of the South East Lincolnshire Local Plan (2019) and Section 7 of the National Planning Policy Framework (December 2024).

Land Use - The Spalding Western Relief Road

The site lies on land identified as a potential route for the Spalding Western Relief Road (SWRR). The applicants have provided some information to indicate that the route has now been identified and does not impinge of the application site.

Further enquiries about the certainty in relation to this route have not provided further clarity. Planning permission does not yet appear to have been sought or granted, and the advisory webpage still shows a potential eastern and western alignment for the route. The western alignment would appear to cross the site.

As such, it could been seen as premature to make a decision that could undermine the future delivery of the SWRR. It is noted that LCC have not objected to the proposal on this basis, but do seek a contribution of £6,844 is required towards the Spalding Western Relief Road via a Section 106 Agreement.

The applicants responded to this request to point out the proposal does not fall within one of the Phases of development set out in Policy 15 of the South East Lincolnshire Local Plan and it is not within the designated area of the Sustainable Urban Extension (SUE). The criteria in the policy indicates that a contribution is required if the proposal falls within the designated area and not because the development is close to the relief road. Nevertheless the applicants would be happy to discuss the need for a contribution.

It is noted that Policy 6 'Developer Contributions' requires developments of a floorspace of more than 1000sqm to mitigate their impacts upon infrastructure. Developer contributions will only be sought when they meet the tests set out in para 56 of the NPPF. Developers will either make direct provision or will contribute towards the provision of local and strategic infrastructure and services required by the development, either alone or cumulatively with other developments.

Contributions will be determined having regard to: · the identified needs generated by the proposed development; · the viability of the proposed development; and · the priorities attached to meeting individual local and strategic infrastructure and service requirements.

Paragraph 58 of the NPPF states that Planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

The site and development is not listed in any of the phases because it is not development that is proposed by the local plan as part of the Vernatts Sustainable Urban Extension. There is a question over whether such developments, which come forward but are not on allocated land, ought to be exempt from such provision when other development would not be.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping.

This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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 the South East Lincolnshire Local Plan (2019) 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.

Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), in that 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.

These policies accord with the provisions of the National Planning Policy Framework (December 2024) and require 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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The parcel of land subject to this development proposal, when considering the existing character and built form of the area, is evidently divided from existing built development. The site comprises agricultural land which is extensively separated from the existing built form to the east, with vast agricultural land extending from the application site to the cross road junction of Monks House Lane. Likewise, the site is situated as to have expansive agricultural land to the west. Opposite the site lies a linear form of residential properties, which themselves are divided from the application site via the highway of Bourne Road.

This gives the site a clear rural position and character, distant from other buildings and built form, whilst also resulting in a somewhat solitary built form to the northern side of Bourne Road. In regard to locational and policy terms, the site comprises a countryside location.

Furthermore, it is appreciated that land to the east is subject to an allocation within the South East Lincolnshire Local Plan, in the form of an allocated school (located to the east and fronting onto Bourne Road) and a housing allocation (located to the north of the aforementioned school, fronting onto Monks House Lane, but detached from Bourne Road), as set out on the submitted context plan (1648-1_FP_SP103 Rev A). Notwithstanding this, the application site would retain an element of segregation and divide from these allocations, by virtue of a retained agricultural field/land which would lie immediate east of the application site. This would therefore result in the site still reading as a separate parcel of land, and segregated from any potential future development.

It should be noted in this regard, that an ongoing application is under consideration in relation to the allocated site in respect of the housing development; however, this remains undetermined. Furthermore, no formal proposal has been put forward in relation to the allocated school site.

To this end, the proposal would not seamlessly integrate into to the built form, character or context of the area and may be read to be more visually independent. In this regard, it can be viewed that the site as existing, in respect of both the policy context and physical context, comprises a rural character and does not constitute a site that is of a 'settlement' characteristic.

Paragraph 2.4.16 of the introduction to the SELLP, which broadly paraphrases the commentary found with Natural England's National Character Area Profile of the Fens, states that: "Although the landscape of South East Lincolnshire has a very flat and rural character, it is shaped and dominated by agricultural and horticultural activity. This means that extensive views and large open skies are common vistas, where vertical structures like churches, pylons and wind turbines draw the eye, defining man's historical and modern day influence on the area. Field hedgerows and wooded areas are limited to lining roads or around settlements. The open and flat landscape of the area also means that it is sensitive to development".

The National Character Area for the Fens, which South Holland falls within, describes the region as "Expansive, flat, open, low-lying wetland landscape influenced by the Wash estuary, and offering extensive vistas to level horizons and huge skies throughout, provides a sense of rural remoteness and tranquillity. "

To this end, the landscape of South Holland is sensitive to intrusion beyond clearly defined areas of

development, as such expansion would break from the established sense of place. As outlined above, the proposal does not immediately read as an appropriate furtherance of the built form of the area. Due to this, and the bulk and scale of the proposal, there would be a clear intrusion into the openness of this area; in turn, the proposal would conflict with the present character of the area.

Taking account of the design, scale and nature of the development in relation to its siting and the character of the area, the proposal is considered to be unacceptable. The proposal would be sited in a relatively rural position, distant from other buildings and within the open countryside.

It would be for a large-scale industrial style building of a design that is inconsistent with the residential properties opposite and the rural character of agricultural fields to the northern side of Bourne Road. Due to the sheer scale of the proposal, the development is considered to represent an unacceptable intrusion into the openness of the countryside, thereby harming the established character of the area. As such it would be an obtrusive and incongruous feature undermining the character of the area.

The proposal is considered to represent an incongruous form of development, at odds with the rural character of the area.

To this end, by reason of its location, size, scale, and design the development proposed would materially harm the character and appearance of the locality. As such, the proposal is considered to be contrary to Policies 2, 3 and 32 of the South East Lincolnshire Local Plan, 2019, and Section 12 of the National Planning Policy Framework, December 2024.

Impact on Residential Amenity

Paragraph 135 of the National Planning Policy Framework (December 2024) 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 South-East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

It is not expected that as a result of the development there would be an unacceptable level of adverse impact for residents of the area in respect of massing, loss of light or privacy or any likely increase in the potential for crime.

The submitted acoustic assessment report concluded that given the magnitude and character of the prevailing sound climate around the site (the road), the acoustic impact from the proposed new development is expected to be of negligible magnitude, and would have no discernible effect on nearby residential amenity. Nevertheless, certain measures to mitigate against noise were suggested, including internal music should only be played at background sound levels, no external music or speakers, acoustic absorption measure and windows/doors to be kept closed. These matters, and if necessary, hours of opening could be conditioned if permission were to be granted.

The adverse impact would be a change in the character of the area and increased activity, including comings and goings of vehicles, potentially late into the evening. This would cause some increase in traffic noise and the movement of headlights. Whilst this would result in a reduction in residential amenity, it would not be so much that would warrant a reason for refusal in itself.

On balance, in this regard, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises 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, following mitigation, would be severe, taking into account all

reasonable future scenarios".

In respect of highway matters, Policy 2 details 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 36 relates to vehicle and cycle parking stating that parking should be provided in accordance within the minimum standards in Appendix 6. There are no specific parking standards for this type of development, and as such the number should be assessed on a site by site basis.

Policy 36 further states that parking for employees and visitors should be integral to the design and form of all new development, and should ensure that for major non-residential development secure, covered, convenient storage for bicycles for employees should be provided close to an entrance to the building; changing and shower facilities should be provided where possible; secure, covered bicycle storage for visitors are located close to the main entrance to the building.

The policy also states that where more than 50 parking spaces are provided, at least one double electric vehicle charge point will be required (2 spaces).

Information was provided regarding Transport in the Design and Access Statement. A further Transport and Drainage statement was provided in response the LCC Highways and SUDS initial comments, as Local Highway and Lead Flood Authority.

The proposal seeks to gain access, via a newly formed access point along Bourne Road, formed via a tarmacked road. This would lead to hardstanding, which would be a permeable surface. Service vehicles would utilise a track to the side of the building to access the rear. It is noted that the access would be constructed to LLC specification.

In this regard, an objection has not been raised by Lincolnshire County Council with regard to the access to the site, or in relation to highway safety.

The amended site plan provides for 4 cycle hoops for both employees and visitors. These are not covered, but are located near to the entrance to the site. The amended plans shows 4 spaces with EV provision, dimensions of spaces, manoeuvring, a tactile crossing and visibility spays.

They indicate that the centre will operate solely as a venue to play Padel and Pickleball and no other "attractions" are proposed. They state that the 8 courts, if completely full with 8 doubles matches, will accommodate 32 players, and assuming a crossover with the next set of players and each player arrives singly by car, there will be 64 cars. Of the 10 full time staff, there will be 4/5 on site at any one time due to shift patterns. This demonstrates in their view that 75 spaces is adequate and would cater for an absolute maximum number of visitors to the centre. They further indicate that they wish the sport to be as inclusive as possible and whilst some spaces for people with disabilities has been provided further spaces can be provided if needed.

Notwithstanding the above, as referenced above, these matters were, in part, addressed within the further Transport and Drainage statement that was provided in response to the initial comments raised by the Local Highway and Lead Flood Authority.

Within this the applicant specifically detailed that "The building is not designed to hold competitions as there are no dedicated seating/viewing areas where spectators could be accommodated. There will undoubtedly be leagues taking place, but these simply involve people keeping score of matches won or lost and in themselves they
do not attract spectators".

However, this statement directly conflicts with that outlined within the submitted Design and Access Statement which outlined under paragraph 3.2 in regard to setting out the internal arrangements of the proposal that the internal layout comprised "a mezzanine over with seating for viewing the courts", which was further advanced under paragraph 6.2 which reads that "There will also be a small first floor mezzanine, partly over the ground floor facilities to allow for the viewing of games". In addition, the extent of the anticipated usage is also discussed expressing that the proposal would be "the first to offer dedicated Pickleball courts, attracting locals for recreational play with visitors

from all over the country joining them for tournament and competitive play", whilst also referring to the facility as serving the 'East of England'.

As such, the extent of parking and travel is somewhat unclear and the submission is, in part, contradictory.

Notwithstanding this, when viewed on balance, it is considered that the proposed access and parking provision is acceptable and that the proposal would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

Flooding Considerations

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".
Paragraph 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).

Paragraph 174 goes on to state that, "Within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the strategic flood risk assessment being the tool to demonstrate this.

Paragraph 175 details that "The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)".

If, following the application of the Sequential Test, 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 can be applied if appropriate.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These 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.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland 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 submitted Flood Risk Assessment expresses that "The present-day for the Residual Flood Hazard, Depth and Velocity... show that the site where the proposed development is to be located is within an area of hazard rating of between 0.75 - 1.25 (Danger for Most)" and comprises a depth of 0.25 - 0.5m.

The proposed development site is shown to be within Flood Zone 3 'High Probability' as detailed on the Environment Agency's Flood Zone Maps without defences, and as defined in Table 1 of NPPG. Applying the Flood Risk Vulnerability Classification in Table 2 of NPPG, the proposed leisure use for the site is classified as "Less Vulnerable". In this regard, the exception test need not apply.

Given this when considering mitigation, the site would be considered to be in cell E4 pf the South East Lincolnshire Standing Advice Matrix (major development / Less Vulnerable Use - Hazard Rating 0.75-1.25) which requires appropriate mitigation - the finished floor level of buildings should be above the predicted flood level.

The FRA proposes a number of mitigation measures in addition to having the FFL higher than 0.5m , including use of mineral fibre insulation, dealing service entries, having utility meters above predicted flood level and registration to receive advance warning of floods. The FRA concludes that the development would be safe for its users for its lifetime without increasing flood risk elsewhere.

It should be noted that the Environment Agency have no objection for the reasons stated in the consultee responses section above. Should permission be granted a condition could be imposed to say that finished floor levels are raised 0.5m above the existing ground level.

Notwithstanding this, there is a clear and evident need for the sequential test to be applied. As detailed above, the submitted Flood Risk Assessment sets out that the present-day for the Residual Flood Hazard and Depth with regard to the SFRA maps identifies the site as as being within an area of hazard rating of Danger for Most and comprises a depth of 0.25 - 0.5m.

The submitted Flood Risk Assessment, prepared by RM Associates, states that "A sequential test has been prepared by others for the site and for the purpose of this FRA it is deemed to have passed". The sequential test referenced here is the town-centre sequential test, which is a separate process to the flood risk sequential test. Passing of one does not indicate passing of the other and the two are functionally separate procedures.

As such, the submitted detail, including the submitted Site-Specific Flood Risk Assessment, fails to provide an assessment of any alternative sites, nor assesses the potential for alternative sites that may be at a lesser risk of flooding, or comprise a sequential preferable site in flood risk terms.

As set out above, the Local Planning Authority do not agree with the conclusions drawn within the town centre use sequential test, to which the Local Planning Authority presume this section of the FRA is referring too. It is considered that the proposal fails to adequately demonstrate that the proposed use, in this application, cannot be accommodated in more appropriate town centre, edge of centre or in settlement locations, which are more sustainable locations for such use, and as such, fails to demonstrate that the suitability of the site in that regard also.

It cannot be said that the site is sequentially preferable in flood risk terms, given that there are sites within the District wholly within Flood Zones 1 and 2. As such, in light of this consideration, in addition to the evident lack of specific assessment of alternative sites in respect of flood risk, the application is considered to fail the Sequential test. As the site is not allocated for development, there is no specific exclusion from undertaking a sequential test. Para 175 of the NPPF states that 'The sequential test should be used in areas known to be at risk now or in the future from any form of flooding'

Overall, when considering the development on balance, it is considered that the proposal fails the sequential. It is not considered that a suitable search for alternative land outside of, or with a lesser flood risk has been undertaken and as such, the proposal is contrary to Policy 4 of the South East Lincolnshire Local Plan (2019) and Section 14 National Planning Policy Framework (December 2024).

Foul and Surface Water Drainage

Policy 2 of the SELLP requires sustainable development considerations to be met in relation to sustainable drainage stating that surface water to soakaways or other infiltration devices should be

considered before alternative methods are investigated.

Policy 4 seeks the use of Sustainable Drainage Systems for surface water and adequate foul water treatment and disposal for new developments.

Surface Water

The submitted drainage strategy recognises that the aim should be for the drainage strategy to deliver greenfield runoff rates as far as practical.

Infiltration not feasible for this site, therefore the SuDS strategy for the surface water drainage will be achieved using the provision of a surface water conveyance cleansing and attenuation. The site layout has been designed to utilise a scale to collect highway and domestic water, plus storm water - leading to an attenuation basin and eventual discharge into the existing ditch.

It can be seen from the response of the IDB that whilst it is accepted that greenfield run off rates are not likely to be reached the proposed discharge flow of 5 litres a second is considered too high and a revised drainage strategy should be investigated to as close to the Board's accepted greenfield run-off rate of 1.4 litres/second/hectare. They do not consider that this would be reason for refusal in itself but a condition should be imposed if permission were to be grant

Foul Water

The Strategy indicates that the applicant is looking to make a connection to the foul sewer in Monkshouse Court but wishes to keep the use of a wastewater treatment plan and connection into the watercourse open for discussion, in the event that the sewer connection cannot be made. I tis understood that the connection into the ditch will require an EA permit as a result of how much treated water will be discharged.

Heritage Considerations

Policy 29 of the SELLP 'the Historic Environment requires proposals that affect archaeological remains, whether known or potential, designated or non-designated, to take every reasonable step to protect and, where possible, enhance their significance.

As the site lies within an area of high archaeological potential the applicants approached LCC archaeology prior to submitting the application.

An evaluation was undertaken in December 2025. A report detailing the results has been submitted, which confirms that no archaeological remains of significance were identified.

The Country Archaeologist is content with the findings and as such, it is considered that the proposal is acceptable in this regard and is in accordance with Policy 29 of the South East Lincolnshire Local Plan (2019).

Biodiversity Net Gain and Ecology

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.
For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

The development in this instance is not exempt from the 10% Biodiversity Net Gain requirements.

Beyond this, Section 15 of the National Planning Policy Framework (December 2024) seeks to protect sites of biodiversity value, and minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures, including the need to incorporate features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 of the National Planning Policy Framework (December 2024) details that Local Planning Authorities should apply the following principles:

"a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".

Policy 28 of the South East Lincolnshire Local Plan (2019) seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

The applicants have provided sufficient evidence for the application and will be able to provide the 10 % net gain on site. This is to be in a location to the north of the building and to the west of the attenuation pond. Full details of what planting would take place has not been provided at this state, and would be a requirement of the mandatory condition.

The ecologist suggests that an updated metric should be provided pre-commencement should the proposal be considered favourably, reflecting the alterations made to the proposed site habitat created and that a Biodiversity Gain Plan and HMMP will be required pre-commencement due to the complexity of creating a medium distinctiveness, moderate condition habitat..

Given the access will need to breach the hedge to the front of the site, a condition should be imposed to prevent works being carried out in the main nesting season (March 1st - August 1st) and if this is not possible then a suitably qualified ecologist must perform a breeding bird survey of the site prior to any works beginning onsite. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off for clearance work to continue BNG Comments.

Overall, subject to appropriate and mandatory conditions, the proposal would accord with Policy 28 and Schedule 7A, as outlined above.

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.

Whilst there are some benefits to the scheme in terms of providing a facility for health and fitness, this does not outweigh the fact that it is inappropriate development outside of any defined settlement boundary undermining sustainable development principles.

Given the aspirations for the development to become a county-wide facility it is considered that the search area for alternative sites was unduly narrow, solely comprising Spalding and Pinchbeck, and as such the proposal does not meet the sequential test for town centre uses and flood risk.

The development proposed would also materially harm the character or appearance of the locality. As such the proposal is contrary to the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole, and any benefits would be notably outweighed by this evident policy conflict.

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 proposed development, given the location of the site, the lack of a clear functional necessity for the development to be located on the site, the lack of an adequately acceptable sequential test, and the lack of functional link with an existing rural attraction, comprises unwarranted and unsustainable development in the countryside. As such, the proposal is at conflict with the spatial strategy outlined in Policy 1, and is contrary to policies 9, 24, and 32 of the South East Lincolnshire Local Plan (2019) and Section 7 of the National Planning Policy Framework (December 2024).

By reason of its size, scale and design the development proposed would materially harm the character and appearance of the locality. As such the proposal is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole.

Furthermore, the proposed a sequential test demonstrating that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding has not been provided, nor has the specific need for this site been adequately demonstrated, in respect of the it's need for this development. Therefore, it cannot be said that the site is sequentially preferable in flood risk terms, given that there are sites within the District wholly within Flood Zones 1 and 2.

As such, the proposal is considered to fail to pass the sequential test, and is therefore contrary to the Provisions of Section 14 of the National Planning Policy Framework (December 2024), as well as Policy 4 of the South East Lincolnshire Local Plan, 2019.

Recommendation

It is recommended that the application be refused for the above reasons under delegated powers.