DECISION DELEGATED TO DEVELOPMENT MANAGER
DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-1092-20**	**Applicant:**	**Mr M Brittain**
Proposal:	Proposed Club Pavillion Building		
Location:	Spalding Squash And Tennis Club Holyrood Walk Spalding		
Terminal Date:	8th February 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework 2019

Section 12- Achieving well designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for a proposed club pavillion building within the grounds

of Spalding Tennis Club, Holyrood Walk, Spalding.

The proposal seeks to meet the requirements of the applicant for a facility which can be used by members socially and for parents when accompanying their children as a meeting point and point of shelter, especially in inclement weather. This would also attract more people to use the club, especially juniors, and create a social space for them.

Site Description

The site is situated within the settlement of Spalding and the Tennis Club is situated to the east of the Spalding Parish C of E Day School, sharing premises with Spalding Squash Club. There are residential properties to the north, east and south.

The tennis courts front on to Clay Lake, with the site entrance being situated to the east on Holyrood Walk. There is a large car park off Holyrood Walk, with the Squash Club building set back behind the car park. To the rear of the Squash Club building there is a grassed viewing area which opens up to the tennis courts, which cover approx. 0.34ha of the site.

History

No planning history relevant.

Consultation Responses

Steve Branson, Environmental Health Officer- No comment.

Local Highway and Lead Local Flood Authority- Do not wish to restrict the grant of permission.

Secretary of Spalding Squash Club- Concerns over proposed positioning of the pavillion building, closeness to the fire escape point.

Planning Considerations

Layout, Design, Size and Scale

Paragraph 127 of the 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 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 proposed pavillion measures approx. 9.3m by 4m with a maximum height of 3.5m. The pavillion will have an approx. 5m separation distance from the Squash Club building to the east and be approx. 4m away from the boundary to the south. Having regard to the dimensions of existing buildings in the vicinity and the size of the area it would sit within, the size of the pavillion is acceptable in terms of scale, mass and bulk.

The gable roof design will be formed to cover the proposed pavillion. The main builing on the site is a flat roof design, however there is a similar gable roof shed to the north of the boundary and there are also other gable roof design on residential properties in the area.

The proposed walls will be made of interlocking wall logs and a shingles roof finish. This is contrast to the surrounding building to the east, however it is deemed to improve the overall design and character of the area and is therefore considered acceptable.

Internally, the purpose of the development is to gain internal floor space where the Junior section of the club can use it as a social space before, during and after coaching sessions, as well as tournaments and school holiday camps. This will also provide the Tennis club with an ample space to shelter from rain in between matches. Overall, this will ensure good leisure and shelter provisions for the Tennis Cub who do not have a sheltered space currently.

Taking the above into account, the proposed pavillion building is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of layout, design, size and scale.

Impact upon Residential Amenity

The principal windows and doors on the proposed pavillion will be situated on the northern elevation. There will also be a single window to the west and east side elevations. The fenestrations will not overlook unacceptably to any residential plots as the property to the north is a bungalow, to the west are the tennis courts and to the east is the Squash Club building. Therefore it is not considered to have a material adverse impact upon residential amenity in terms of overlooking.

The separation distance between the proposed pavillion building and properties in the vicinity is sufficient large so as to not be overbearing or cause undue overshadowing.

The Environmental Protection Officer at the Council has no objections to the proposal on noise grounds.

The amended positioning of the proposed building now allows sufficient space for a fire escape for the current fire exit of a separation distance of approx. 5m to the rear of the Squash Club building. The owners of the Spalding Squash Club have confirmed that the new positioning is now better.

Taking the above into account, the proposed pavillion building is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019 in terms of residential amenity.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed pavillion building will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

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 recommendation is for a delegated approval.