

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-1088-23 **Applicant:** Sutton Bridge Parish Council

Proposal: Proposed sports pavilion/leisure centre

Location: The Curlew Centre 51 Bridge Road Sutton Bridge

Terminal Date: 20th May 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 8 - Promoting healthy and safe communities
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SHDC INTERNAL	0	0	2	2
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	4

CASE OFFICER ASSESSMENT

Proposal

This is an outline planning application with all matters reserved for the erection of a Sports Pavilion to be sited within the existing fields associated with the Curlew Centre.

Site Description

This area of Memorial Park is located within allocated recreational open space as well as within flood zone 3 in accordance with Environment Agencies Mapping Systems.

The proposal is to site the new pavilion close to existing playing pitches. There is a TPO in the area and the application site is located away from the root protection area. The Curlew Centre is accessed from Bridge Road, car parking exists to both the front and rear of the building. A play area is located to the east of the Memorial Park.

The proposed site for the pavilion is located away from the existing playing pitches.

History

H18-0055-12 - Part use of first floor accommodation (Rooms B, C, D and E) as either office space for business use (Class B1) or for a purpose ancillary to the community centre. Approved 02-04-12
H18-0793-10 - Proposed multi-use community centre. Approved 10-11-10
H18-0671-09 - Proposed multi-use community centre. Approved 07-06-10
H18-0098-12 - Removal of Condition 5 of H18-0793-10 relating to erection of timber fencing. Approved 10-04-12

Consultation Responses

Environment Agency

The development shall be carried out in accordance with the submitted flood risk assessment undertaken by S M Hemmings and the following mitigation measures it details:

- Finished floor levels shall be set minimum 500mm above the existing ground level.
- Flood resilience and resistance measures shall be incorporated into the proposed development as stated

These mitigation measures shall be fully implemented prior to occupation and subsequently shall be retained and maintained thereafter throughout the lifetime of the development.

Sport England

In light of the above, the proposal would meet exception E2 of Sport England's Playing Fields Policy and the requirements of Paragraph 103 of the NPPF in that the amended siting of the building proposed does not affect the quantity or quality of playing pitches or otherwise adversely affect the use of the playing field. Mechanisms are proposed to ensure that the resultant building would only

provide ancillary facilities which support the principal use of the site as a playing field. Therefore, Sport England wishes to remove its objection and so has no objection to this amended proposal which does meet exception 2 in Sport England's Playing Fields Policy and paragraph 103 of the NPPF provided the following planning condition is attached to any permission granted: Condition: The building hereby approved shall only contain ancillary facilities which are connected to the wider operation of the playing field known as Sutton Bridge Memorial Park

Tree Officer

The officer gives advice on the application site and proximity to trees as well as design of the building and protection measures during construction.

Conservation Officer

I wish to raise no objections to this outline proposal. Sutton Bridge does not currently host a conservation area, and whilst the site is within relatively close proximity to the grade II listed St Matthew's Church, a single-storey proposal, as suggested in the indicative drawings, on such an open and wide plot would be unlikely to bear any materially harmful effect upon the appreciation of that designated heritage asset

Environmental Protection

No observations

Highways

No Objections Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Representations

A letter of objection has been received expressing concerns in relation to the intensification of the use of the field should this application be approved. The objector expresses concerns in relation 'unwanted visitors' continuing through gaps in the hedges between the trees.

Officer Response: Whilst the intensification of the use is a material planning concern, trespassing is not. The circumstances for the objector are not ideal and hopefully improvement will occur. However, this application is ancillary to the existing use of the playing fields.

Other representations have been received and they relate to the following material planning considerations:

- Impact on Trees
- Construction hours
- Development should meet zero carbon building controls
- Trespassing through the Memorial Park

Planning Considerations

Determining Development Proposals (Legislative and Policy Framework)

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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 Southeast 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 for the proposal subject to this advice, are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated July 2021)

are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

The South East Lincolnshire Local Plan 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; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire until 2036. Policy 1 (Spatial Strategy) expresses the sustainable framework 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.

The application site is located within a main service centre of Sutton Bridge as identified by Policies Map inset 9 of the SELLP. Of these areas policy 1 (point 2) states:

Within the settlement boundaries of the Main Service Centres (as shown on the Inset Maps) development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

Therefore the proposal to erect a new sports pavilion that would be ancillary to existing sports functions of the site is considered to align with the overarching spatial strategy set out by policy 1 of the SELLP.

Recreational Open Space

Policy 32 of the SELLP is concerned with 'Community, Health and Well-Being' and is relevant given that the application site is located within an allocated recreational open space. The policy (in part) states:

The redevelopment or change of use of an existing community facility will be permitted only if:

- 1. an assessment has been undertaken which has clearly shown that the facility is:*
 - a. surplus to requirements; or*
 - b. not economically viable; or*
 - c. unfit for purpose; and*
 - d. in the case of recreational open space, does not make an important contribution in amenity, visual or nature conservation terms; or*
- 2. the loss resulting from the proposed redevelopment or change of use will be replaced by equivalent or better provision (in terms of quantity and quality) in a suitable nearby location; or*
- 3. (in the case of sports facilities or recreational open space) the redevelopment or change of use is for alternative sports or recreational provision, the need for which clearly outweighs the loss.*

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*

The proposal is to erect a new pavilion close to the existing pavilion which is used by Sutton Bridge United FC, the existing building is in poor condition and fairly small, it is located close to the row of trees along the boundary. The proposal is located within the Memorial Ground playing fields but outside of the demarked playing pitches. The pavilion is required as an ancillary building to support the functioning of the playing pitches at the Memorial Ground.

Sport England have been consulted along with the FP and have no objections at this stage to the proposal subject to the attachment of a condition that the pavilion is to be ancillary to the wider use of the playing fields; this will be attached. The consultee will apply their relevant policy regarding the

pavilion building itself the detailed design stage.

It is therefore considered that subject to the attachment of such a planning condition that the proposal would accord with SELLP Policy 32.

Flood Risk & Drainage

Policy 4 sets out South Hollands approach to Flood Risk. The application site is located within FZ 3 in accordance with EA Planning Maps. The SFRA shows that application site is located in an area 'danger for all'. The applicant has provided an FRA undertaken by S M Hemmings . The use itself is acceptable given it is ancillary to the existing functioning of the fields.

The EA have been consulted and have stated that they have no objections to the development subject to any permission being linked to the resilience and resistance measures set out within the document. Also they require that finished floor levels shall be set at a minimum 500mm above existing ground level. These points will be conditioned as part of any approval.

Also it is likely that a surface water drainage strategy will need to be considered as part of the proposal, this is a principle matter and so relevant to apply to the outline. Furthermore, given the separation distance from the Curlew Centre consideration for the disposal of waste water will need consideration and will be conditioned.

Therefore subject to the aforementioned mitigation the proposal is considered to accord with SELLP Policy 4.

Highway Safety

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 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

The highway authority have been consulted and have stated that they have no objections on highway safety or parking grounds in relation to the proposed development. The proposal would utilise an existing access arrangement. Furthermore, sufficient existing parking is available for existing and future users of the facility.

The proposal then in respect of highway safety and parking provision would accord with policies 2, 3 and 36 of the South East Lincolnshire Local Plan as well as section 9 of the National Planning Policy Framework.

Ecology

SELLP Policy 28 is concerned with the Natural Environment, part 3 deals with addressing gaps within the ecological network and is relevant to the proposal.

Whilst the application was submitted prior to BNG being mandatory there is still a policy based requirement. A condition therefore will be applied that requires the applicant to provide bird/bat boxes within the external wall of the pavilion building, this is also in line with the tree officers recommendations.

The remaining comments from the tree officer are noted, however the application site is located a sufficient distance from those trees, following amendments. The officer makes recommendations as regards the roof structure and guttering and the applicant should consider the advice, these comments however will be especially relevant to the reserved matters stages where the consultee will again have an opportunity for input.

Therefore on the basis of the above and subject to any permission being linked to the document the

proposal would accord with SELLP Policy 28.

Other Matters

The assessment as regards character, design and amenity in relation to the physical effects of the development are reserved for the detailed design stage. In terms of the use, it is ancillary to the existing functioning of the existing playing fields, in so this is acceptable.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal is for an ancillary building to support the existing functions of the playing fields, Sport England have no objections subject to a condition requiring ensuring the building is ancillary. The EA also have no objections subject to condition relating to FFLs and the scheme adhering to the FRA.

On balance then the proposal for outline planning permission for the erection of a pavilion building is considered acceptable and in general accordance with the South East Lincolnshire Local Plan.

Conclusion

The proposal is recommended for approval subject to conditions discussed within the report.

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.