

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-1104-21 **Applicant:** Weston Parish Council
Proposal: Details of structures & play equipment (Condition 2 of H22-0179-07)
Location: Former School Playing Field St Johns Road Weston Hills
Terminal Date: 28th December 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
30	Pollution
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2021

Section 8 - Promoting healthy and safe communities
Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
RESIDENTS	1	2	0	1

CASE OFFICER ASSESSMENT

Proposal

Permission was granted in 2007 for the change of use of a former school playing field to a public playing field (ref. H22-0179-07). Condition 2 of that permission requires that "Details of any buildings, structures and play equipment to be constructed or installed upon the site shall be submitted to the Local Planning Authority for approval prior to construction or installation."

Weston Parish Council are now seeking permission for the installation of a basketball hoop, swings and a steel goal.

Site Description

Site is a grassed (but partly tarmacked) playing field adjoining residential properties (north and south), a children's nursery (east) and agricultural land (west).

History

Consultation Responses

SHDC Environmental Protection - No objection.

Public (1 no. objection, summarised) - Concern re increase in members of the public accessing the site and associated noise and potential for anti-social behaviour.

Public (3 comments in support/of no objection, summarised) -
- Essential for children of village who have no facilities for communal play

Planning Considerations

Policy 32 of the South East Lincolnshire Local Plan (2019) promotes environments which encourage community use and are accessible to all sections of the community. Section 8 of the National Planning Policy Framework (2021) states that decisions should aim to achieve healthy, inclusive and safe places which promote social interaction and enable and support healthy lifestyles.

Whilst the concern regarding the potential for an increase in members of the public accessing the site and associated noise and anti-social behaviour is understood, and it is accepted that nearby residents would likely suffer some disturbance associated with use of the play equipment, the Council's Environmental Protection team have raised no objection to the proposed installation of play equipment on noise grounds. This would therefore not be a justifiable reason for refusal and is a matter which is considered to be outweighed by the community benefits of the proposal.

Anti-social behaviour would be a matter for the Police and/or relevant Council department.

On the basis of the above, the proposal is considered to satisfactorily comply with Policies 2 and 3 of the Local Plan on amenity grounds and is in accordance with the Plan's provisions and national guidance in regard to community facilities.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse

impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above into account, it is considered that Condition 2 of H22-0179-07 can be discharged.