

## **Officers Report**

### **Planning Application No: 143099**

**PROPOSAL:** Planning application for change of use from a sports pavilion to therapy centre.

**LOCATION:** South Kelsey Cricket Club Caistor Road Holton Le Moor Market Rasen LN7 6AH

**WARD:** Wold View

**TARGET DECISION DATE:** 1/10/2021

**DEVELOPMENT TYPE:** Major - Other

**CASE OFFICER:** Martin Evans

**RECOMMENDED DECISION:** Grant planning permission subject to conditions.

---

This application is reported to planning committee because the loss of the cricket facilities and the gain of a therapy centre are considered to be finely balanced.

---

#### **Description:**

Planning permission is sought to change the use of a disused cricket pavilion, cricket pitch and an area of woodland into a therapy centre. Three car parking space would be provided near a hay barn to the north of the site with a woodland walk leading to the building.

The proposal would be to provide indoor and outdoor counselling/therapy services to children, young people and adults in a private therapeutic setting to improve mental health and wellbeing within a rural community.

The pavilion and pitch ceased to be used for cricket purposes in 2014 and has since declined to its current unkempt state including a scrubland character to the former cricket pitch. The site is adjacent to the Holton le Moor railway level crossing and the Hope Tavern public house. The site is within an area of great landscape value within the countryside.

#### **Relevant history:**

None.

#### **Representations:**

## **Residents**

Letters of support have been received from residents of:

21 Kelsway Caistor Market Rasen  
5 Teal Close Caistor Market Rasen  
59 North Kelsey Road Caistor Market Rasen  
6 Marris Way Caistor  
Kiwi 14 Newbolt Close Caistor  
The Mill Wheel Gainsborough Road Middle Rasen  
The Vault 2 Bank Lane Caistor  
25 Nettleton Road Caistor  
The Hall Gatehouse Road Holton Le Moor  
14 Caddle Road Keelby  
14 Rawlinson Avenue Caistor  
15A Wragby Road Riddings Scunthorpe  
57 Axholme Drive Epworth  
12 Windsor Drive Caistor  
5 Canada Lane Caistor  
Plantation Lodge Holton Road Nettleton

They are summarised below:

- It would enhance the lives, wellbeing and mental health of children and adults in need of extra support
- It is a good idea
- It integrates with the rural environment
- The service is much needed in the current situation
- It reuses a brownfield site
- A good location in a countryside location for the users
- A much needed service
- It would make a big difference to the area
- It will bring income and employment to the area
- The cricket pavilion does not get used and is being left to degrade
- There is nothing like it in the area
- We need to improve mental health
- I would use this service for my daughter
- Other sites run by the applicant are excellent

General observations have been received from residents of Beck House, West Street North Kelsey Market Rasen (summary):

- Queries if this is the right location for the proposal because whilst idyllic a sports pitch would be lost and sport is good for wellbeing and is community based. There is no increase in facilities for mental health and wellbeing as it replaces one with another. A combination of both would be better.
- Notes support letters are distance from the proposal, whether they know where the site is, whether it is a suitable location, and whether they support the proposal in this location.
- The proposal is a paid for service, not free. There may have been less support if people has known this. Have other mental health organisations been consulted?

- The report does not address the loss of cricket pitch facilities.
- It is unclear whether the landowner is agreeable to the proposal. Ownership is unclear.
- The proposal is not costed. Does the Council need to know if the proposal is financially sustainable?
- Sport England policy should be supported.

**WLDC Environmental Protection:**

No comment.

**LCC Highways:**

8/7/2021: "The application proposes access to the site from the A46 at a point north of the Hope Tavern. Please can you request that the Applicant demonstrates the location of this on a drawing along with the area allocated for the parking of vehicles."

1/9/2021: Requests any permission given shall include conditions requiring the development is served only by the access to the north of the Hope Tavern; and there shall be no vehicular access via the access to the south of the Hope Tavern. There are no changes to existing drainage arrangements therefore the LLFA considers the proposal would not increase flood risk in the area.

**Network Rail:**

No observations.

**Sport England:**

13/7/2021: Objects.

*"It is understood that the site forms part of, or constitutes land last used as playing field as defined in The Town and Country Planning Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595).*

*However, as the playing field has not been used for at least five years, the consultation with Sport England is not a statutory requirement.*

*Notwithstanding the non-statutory nature of the consultation, Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and against its own playing fields policy, which states:*

*'Sport England's will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:*

- *all or any part of a playing field, or*
- *land which has been used as a playing field and remains undeveloped, or*
- *land allocated for use as a playing field*

*unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'*

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport#playing_fields_policy)

*Sport England' applies its policy to any land in use as playing field or last used as playing field and which remains undeveloped, irrespective of whether that use ceased more than five years ago. Lack of use should not be seen as necessarily indicating an absence of need for playing fields in the locality. Such land can retain the potential to provide playing pitches to meet current or future needs.*

### **The Proposal and Impact on Playing Field**

*The applicant advises that cricket use ceased at the site around 2014, aerial imagery and the England and Wales Cricket Board confirm this position. The Central Lincolnshire Playing Pitch Assessment from 2013 does not apparently reference this site as Lysaghts Sports Ground but it is understood that the site was used by South Kelsey CC (confirmed by the applicant), who are referenced. The assessment concludes that all existing cricket pitches should be retained. The proposal is described as a change of use from a sports pavilion to therapy centre, the application site boundary includes the cricket field area and the adjacent woodland which would be utilised as part of the therapy on offer. The Change of Use therefore appears to relate to the whole application site.*

*The proposal therefore results in the pavilion building being unable to be used for sports purposes.*

### **Assessment against Sport England Policy**

*Whilst there is no up to date and Robust playing field evidence for West Lindsey this development would appear to further reduce the potential for cricket to return or other sports to commence at the site. In addition there is no evidence to confirm that this site is surplus to sports requirements (not just cricket) in the area.*

*The England and Wales Cricket Board advise;*

- *Not sure that it is economically viable for cricket to return to the site, as the pavilion and ground will need significant investment to bring it back into play.*
- *It is likely that most of the cricket demand was and now is being met at either Caistor CC or Market Rasen CC. But without an up to date Playing Pitch Strategy the current picture or any future demand issues are not fully understood.*

*The proposal would result in the loss of all the playing field use at the site, the conversion of the pavilion would make it difficult for sport to return to the site. It is necessary therefore to show how the proposals meets our policy and NPPF para 97, provide mitigation for the loss , or provide evidence that the site is surplus to requirements in terms of playing field use.*

*This information has not been provided to a satisfactory level of detail, the proposal does not therefore meet any of the exceptions to our policy. No mitigation for the loss is indicted and there is no up to date evidence to confirm that the site is surplus to playing field requirements in the district.*

### **Conclusion**

*In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF."*

20/7/2021: Confirmed any reference to NPPF paragraph 97 should be paragraph 99 due to the latest version of the NPPF having been issued.

21/9/2021: in response to the applicants additional justification:

*"The submitted information includes discussions with former members of the South Kelsey Cricket Club which does confirm that the site has not been used for formal cricket since 2014.*

*The applicants agent has, as far as they have been able, provided evidence around local cricket which indicates that the site is not currently required for cricket.*

*We have re-consulted the England and Wales Cricket Board, the ECB advise;*

*Our position regarding economic viability doesn't change but our concern regarding future demand remains and is perhaps strengthened by the response from Caistor Town CC with the thought of future growth and teams looking for grounds locally.*

*The Caistor Cricket Club response confirms our concern, whilst the submitted review seeks a balanced view of the significance of the loss to cricket, it is not sufficient to conclude that there is an excess of playing field provision in the catchment. Therefore without a full and detailed strategic assessment of all playing field demand, supply and future needs (not just cricket) which meets the requirements of our policy and paragraph 98 of NPPF 2021 the site cannot be considered as surplus.*

*As advised there is no up to date and robust playing field evidence for West Lindsey, there is not sufficient strategic evidence to confirm that this site is surplus to sports requirements (not just cricket) in the area. The proposal would result in the loss of all the playing field use at the site, the conversion of the pavilion would make it difficult for sport to return to the site.*

*The proposal does not therefore meet any of the exceptions to our policy. No mitigation for the loss is indicated.*

#### *Conclusion*

*In light of the above, Sport England maintains our objection to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF."*

### **Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

#### Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

Relevant policies of the CLLP include:

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP5: Delivering Prosperity and Jobs

Policy LP9: Health and Wellbeing

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP15: Community Facilities

Policy LP17: Landscape, Townscape and Views

Policy LP24: Creation of New Open Space, Sports and Recreation Facilities

Policy LP26: Design and Amenity

Policy LP55: Development in the Countryside

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

<https://www.lincolnshire.gov.uk/planning/minerals-waste>

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

#### National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

<https://www.gov.uk/guidance/national-planning-policy-framework>

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in July 2021. Paragraph 219 states:

*"However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

- **National Planning Practice Guidance**
- **National Design Guide**

<https://www.gov.uk/government/collections/planning-practice-guidance>

#### Draft Local Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

*(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Draft Central Lincolnshire Local Plan**

<https://central-lincs.inconsult.uk/CLLP.Draft.Local.Plan/consultationHome>

The first consultation on the draft Central Lincolnshire Local Plan closed on 24th August 2021. The plan is at an early stage of preparation; consultation responses are yet to be published and considered; and Framework consistency has not yet been tested. Very little weight is given to relevant policies it contains.

There is no neighbourhood plan for the area.

#### **Main issues**

- Principle
- Highway and railway safety

- Other

## **Assessment:**

### **Principle**

The existing use is considered to be within use class F2(c) areas or places for outdoor sport or recreation and the proposed use is within use class E(e) provision of medical or health services.

The site is not within an area that meets the Policy LP2 definition of a hamlet and is considered to be in the countryside where tier 8 of Policy LP2 permits:

#### **“8. Countryside**

Unless allowed by:

a. policy in any of the levels 1-7 above; or  
b. any other policy in the Local Plan (such as LP4, LP5, LP7 and LP57), development will be regarded as being in the countryside and as such restricted to:

- that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;
- renewable energy generation;
- proposals falling under policy LP55; and
- to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.”

Other relevant policies are considered below. The proposal does not meet the other noted exemptions to this policy of rural restraint.

The proposal would generate employment as noted in the application form. The relevant section of Policy LP5 states:

#### **“Other Employment Proposals**

Other employment proposals in locations not covered by SES, ESUE, EEA and LES categories above will be supported, provided:

- there is a clear demonstration that there are no suitable or appropriate sites or buildings within allocated sites or within the built up area of the existing settlement;
- the scale of the proposal is commensurate with the scale and character of the existing settlement;
- there is no significant adverse impact on the character and appearance of the area, and/or the amenity of neighbouring occupiers;
- there are no significant adverse impacts on the local highway network;
- there is no significant adverse impact on the viability of delivering any allocated employment site; and
- the proposals maximise opportunities for modal shift away from the private car.”



It is considered unlikely that a building with this amount of land would become available within an allocated site or an existing settlement. The scale is appropriate to the area. There are no harmful character or amenity impacts. No harm to the highway network would arise. There is negligible impact on delivery of allocated sites. The site is well served by the bus stops near the Hope Tavern which provide the number 53 bus from Lincoln to Grimsby, (which also links the site to Caistor and Market Rasen) hourly bus service as an alternative to car travel. The proposal complies with Policy LP5.

Policy LP9 states:

“Proposals for new health care facilities

Proposals for new health care facilities should relate well to public transport services, walking and cycling routes and be easily accessible to all sectors of the community. Proposals which utilise opportunities for the multi-use and co-location of health facilities with other services and facilities, and thus co-ordinate local care and provide convenience for the community, will be particularly supported.”

The good bus service linking the site to the two largest nearby settlements of Caistor and Market Rasen are considered to make this site accessible to all sectors of the community. Walking and cycling are considered unlikely because of the high speed and busy nature of the A46 for such journeys and the distances involved. The proposal complies with Policy LP9.

Policy LP15 protects community facilities including those that provide for health and wellbeing, recreational and leisure needs of the community. This is considered to include the cricket facilities on the site and the proposed therapy centre. LP15 states:

“The loss, via redevelopment, of an existing community facility to provide an alternative land use which is not that of a community facility will only be permitted if it is demonstrated that:

- a. The facility is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility; or
- b. The service provided by the facility is met by alternative provision that exists within reasonable proximity: what is deemed as reasonable proximity will depend on the nature of the facility and its associated catchment area; or
- c. The proposal includes the provision of a new community facility of similar nature and of a similar or greater size in a suitable on or offsite location.”

The proposal entails a change of use from one community facility to another therefore the criteria do not apply.

Policy LP55 states:

“Part E: Non-residential development in the countryside

Proposals for non-residential developments will be supported provided that:

- a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;

- b. The location of the enterprise is suitable in terms of accessibility;
- c. The location of the enterprise would not result in conflict with neighbouring uses; and
- d. The development is of a size and scale commensurate with the proposed use and with the rural character of the location.”

The modest job creation would assist the rural economy and is justified by means of proximity to the open space and woodland the proposed use would benefit from. Accessibility is suitable. There is no conflict with neighbouring uses. The scale is commensurate with the use and rural character of the location.

Policy LP24 relates to the creation of new open space, sports and recreational facilities rather than the loss of existing sports facilities.

NPPF paragraph 99 is a significant material consideration. It states:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”

The Central Lincolnshire Playing Pitch Needs and Evidence - October 2015 Update, page 174, states:

“Several clubs are at or approaching capacity, including

- West Lindsey – Caistor, .....Market Rasen”

Page 175, Strategic Priorities, aims to ensure there are enough facilities stating:

“C1: In partnership with the Lincolnshire Cricket Board, ensure that the amount of cricket facilities available does not impact on the opportunities to grow participation in the sport. Many clubs are nearing capacity, particularly on a Saturday and Sunday afternoon. While overall there are sufficient facilities, it is important to ensure that particularly in areas of high growth, a shortage of facilities does not constrain existing or future participation. Facilities for use by these clubs should be sought through;

- Retaining existing cricket pitches
- the ongoing development of relationships between larger and smaller clubs. This has already proved successful, with many larger clubs

using facilities owned by smaller clubs. Use of facilities at other clubs provides an important source of income for smaller clubs and may support the overall sustainability of cricket across the area

- the development of school club links and the establishment of a relationship between schools and cricket clubs. Facilities at school sites can then be used by the cricket club as the club expands. Note improvements to the quality of facilities are likely to also be required (in line with recommendation (C3) use
- the provision of a new satellite ground for clubs at capacity where this represents a sustainable option for growth.”

Paragraph 11.117 of the document “Analysis of the balance of supply and demand demonstrates that there are enough pitches to meet demand at peak time. When including all school facilities, there are 14.1 pitches not used at peak times. When excluding schools (other than those that are of appropriate quality and are used) **there are just 8.1 surplus pitches.**”

The draft CLLP consultation library contains relevant evidence behind the draft plan. The sport and open space section contains many documents that informed the current adopted CLLP. The library contains a new document entitled Sports Needs Assessment specifically for West Lindsey. The application site is not considered in this document because it explicitly excludes “fallow” sites.

This document considers there to be a sufficient quantity of sports pitch provision for the current population in West Lindsey and this is without consideration of the application site. However, based upon future population projections there will be a need of a further 3.15 cricket pitches needed up to 2040. It should be noted that further and more detailed supply and demand work is required to identify the quality of the pitches. This would determine the current carrying capacity of each pitch. It states:

“To cater for future population growth consideration should be given to allow for slight increases across all sports and pitch types. This growth will most likely be required in the southern part of the district in the areas surrounding Nettleham and Welton, but western areas close to Gainsborough and areas close to Market Rasen and Caistor to the East. Specific areas of focus cannot be determined at this point but should be balanced with other increases in adjoining local authorities due to cross boundary needs.”

Sport England playing field policy states:

#### “THE PLAYING FIELDS POLICY

Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing

field and remains undeveloped, or  
• land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.”

The first exemption states:

“EXCEPTION 1

A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.”

Caistor Town Cricket Club copied WLDC into its response to the applicants consultation with them. CTCC state:

“Having consulted members of the cricket club management we are of the opinion that we should support the Sport England stance. Although at the present time there is no plans for using the cricket ground that may not be the case in the future. The Hundred competition has increased interest in cricket throughout the country and this may over the next few years develop into increased participation.

Locally in the Lincs League we are seeing new clubs wanting to join the league. We are also seeing clubs like Louth and Lindum wanting to field 3 teams in the league and this can really only be achieved by the third team playing at least some, or all their games, at another venue. So, It may well be that there could be demand for cricket to be replayed at the Holton-le-Moor site by somebody in the future. We simply do not know at this time and so we believe we should not support something that will mean the end of a cricket ground in the area.”

Market Rasen CC states: “I don't think it will affect cricket in our area. I know on behalf of Market Rasen we are able to provide cricket for many people in the area, so we don't have any issues with the proposed plans.”

The Sport England objections, including the concerns of the England and Wales Cricket Board; the comments of Caistor Town Cricket Club and Market Rasen Cricket Club are noted. Sport England has confirmed it is not a statutory consultee for the purposes of this application. Its comments are therefore a general material consideration.

The applicant provided a response to the initial objection of Sport England stating they have contacted local cricket clubs with either no response or no objection being raised; it considers SE exception 1 is met through the applicants robust assessment; provides a response to CLLP Policy LP24, and NPPF paragraphs 92, 93 and 99. The applicants case relating to NPPF

paragraph 99a states “We have canvassed the relevant local bodies about the need for the existing sporting facilities for local people. No interest has been expressed.”

The above Playing Pitch Needs and Evidence document is several years old but it demonstrates there is a surplus. Sport England include the comments of the England and Wales Cricket Board noting “but our concern regarding future demand remains and is perhaps strengthened by the response from Caistor Town CC with the thought of future growth and teams looking for grounds locally”.

Whilst the cricket pitch would not be built on, the proposed change of use of the land would remove its lawful use as a cricket pitch, regardless of its current condition.

The existing pavilion is in poor condition. The pitch is in very poor condition. The site has been disused since 2014 based on available information. The site is not in a significant population centre being 8km north of Market Rasen and 4km south of Caistor although it is well served by road and bus links between the two.

Market Rasen and Caistor Cricket Clubs are both heavily constrained by their surroundings such that expansion onto adjacent sites is likely to be problematic. They are also at or near capacity as noted in the evidence document. The increased interest in cricket highlighted by CTCC and the related concerns regarding future demand expressed by the EWCB are noted.

Permitting the proposal would on the face of it be in conflict with Strategic Priority C1 which aims to ensure there are enough facilities by retaining existing cricket pitches and the provision of a new satellite ground for clubs at capacity where this represents a sustainable option for growth.

It is of note that since the Playing Pitch Needs and Evidence was first produced in 2013 and updated in October 2015, two apparently at or near capacity local cricket clubs have not taken on the application site as a satellite ground in the intervening 8 year period. On the contrary, South Kelsey cricket club has, in that time, vacated the site.

The proposal is considered to be in accordance with Policies LP2, LP5, LP9, LP15 and LP55 of the CLLP whereas the loss of the cricket facilities, considered in light of NPPF paragraph 99, associated Sport England policy and the responses of local cricket clubs is more finely balanced. The above information indicates the cricket facilities are surplus to current requirements.

In view of the above factors and the social and economic benefits associated with a therapy centre it is, on balance, recommended that the proposal is acceptable in principle.

## **Highway and railway safety**

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users. This is consistent with NPPF paragraph 110 requiring proposals ensure safe and suitable access to the site can be achieved for all users and paragraph 111 requiring 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 would be severe. The policy is therefore attributed full weight.

An additional drawing has been provided showing the route of the existing footpath through the woodland to the pavilion and the route of the vehicular access to the north of the Hope Tavern as requested by LCC Highways. The applicant confirms clients will be requested to access the site by the entrance north of the Hope Tavern and to use the parking area near the hay barn. The applicant confirms the access to the south of the Hope Tavern would not be used.

The conditions recommended by LCC Highways requiring the northern access as opposed to the southern access to the front of the Hope Tavern is used would be unenforceable because these junctions are used as through routes to other parts of the district. This was highlighted to LCC Highways and an alternative traffic management plan condition suggested to it but no response was received. The existing lawful use of the cricket pitch would generate vehicle movements using the southern access with substandard visibility.

In these circumstances, it is considered necessary to recommend a traffic management plan could be conditioned which requires the operator to inform all visitors to the site of the northern access and egress to be used, the designated parking area, walking route to the pavilion and that the access/egress to the south should not be used in the interests of highway safety. This would mitigate the risk to some degree.

Network Rail raise no concerns regarding safety of the adjacent railway line.

Highway and railway safety implications are acceptable.

## **Other**

Policy LP17 requires landscape and character impacts are of particular importance for such sites within an area of great landscape value. No external alterations are proposed to the building. Maintenance of the building and grounds would be beneficial to the character of the area.

The proposal is remote from residential dwellings therefore no undue harm to residential amenity would arise in accordance with Policy LP26.

## **Conclusion**

The proposal is considered to be in accordance with Policies LP2, LP5, LP9, LP15 and LP55 of the CLLP whereas the loss of the cricket facilities, considered in light of NPPF paragraph 99, associated Sport England policy and the responses of local cricket clubs is more finely balanced. The above information indicates the cricket facilities are surplus to current requirements.

In view of the above factors and the social and economic benefits associated with a therapy centre it is, on balance, recommended that the proposal is acceptable in principle. Highway and railway safety matters are acceptable. There are no other technical problems with the application. Therefore, it is recommended that planning permission is granted subject to conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. Development shall proceed in accordance with the following approved drawings:

Floor plan showing proposed usage

Site plan

Reason: For the sake of clarity and in the interests of proper planning.

3. Prior to the first use of the development, a traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. It shall contain details of how the site operator is to inform all visitors to the site of the need to use the vehicular access/egress to the north of the Hope Tavern, the designated parking area, walking route to the pavilion and that the access/egress to the south should not be used in the interests of highway safety. Operation of the site shall proceed in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

## **Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

## **Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report