

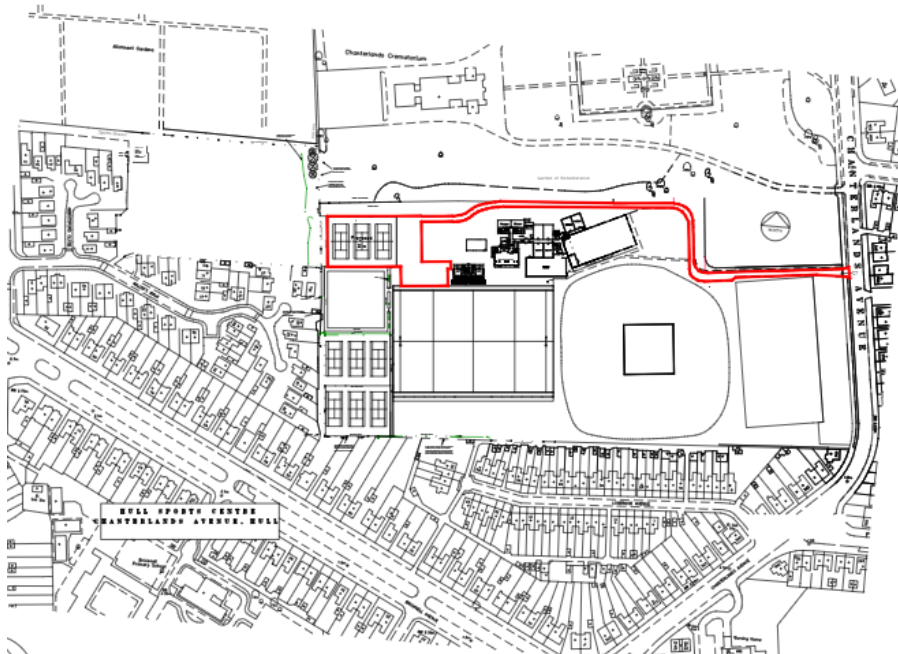
25/00046/FULL

Hull Sports Centre, Chanterlands Avenue, Kingston Upon Hull, HU5 4EF,

Erection of single storey building to provide new daycare centre with associated new and reconfiguration of existing car parking.

Platform (Hull)

Recommendation: The application is recommended for refusal.



Reason as to why the case is at committee:

Committee request from Councillor Peter North on the basis that both the Lawn Tennis Association (LTA) and Sport England have objected.

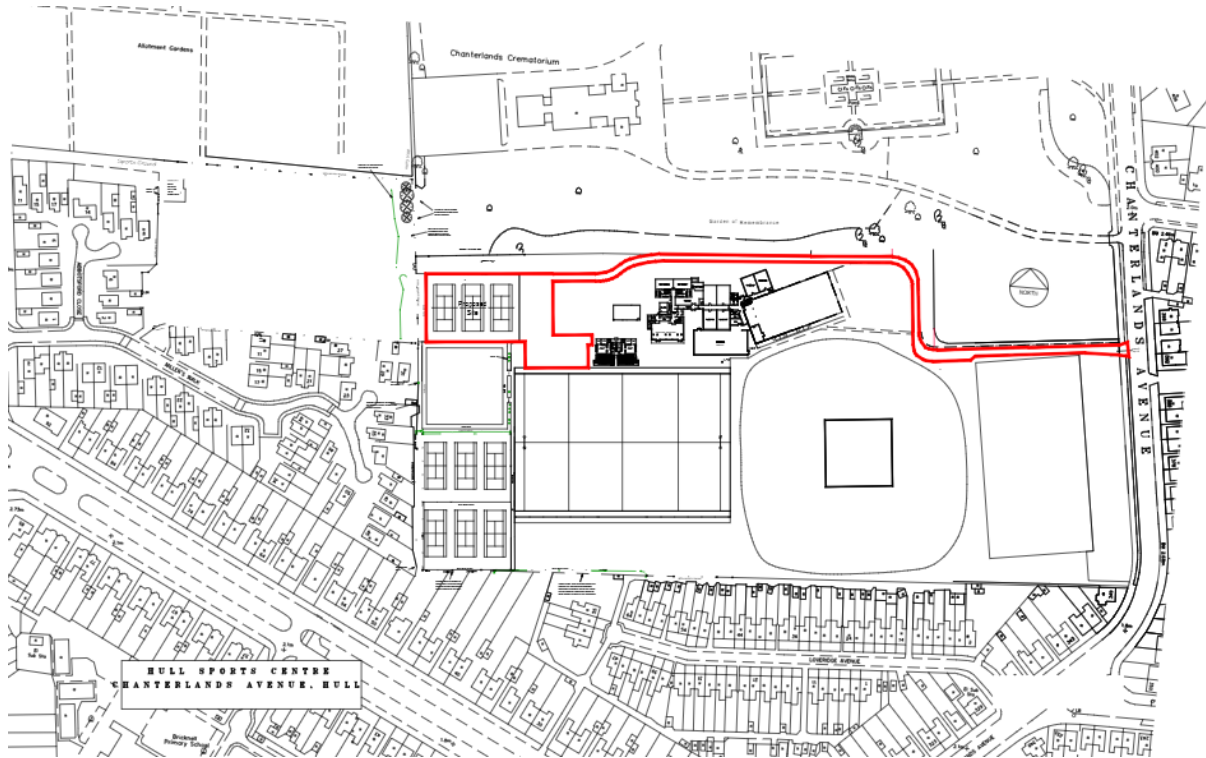
A Planning Committee site visit is to take place

RECOMMENDATION

The application be **REFUSED** for the following reason:

1. The proposed development would result in the loss of open space, playing fields and tennis courts without suitable replacement in terms of quantity and quality, or an assessment to show they are surplus to requirements, contrary to policy 42 of the Local Plan, SPD Note 11 Open Space and guidance contained in the NPPF.

SITE





The site comprises land in the north western corner of Hull Sports Centre, which is located on and accessed from the west side of Chanterlands Avenue via a private access road which runs along the northern boundary of the site.

The application site is currently occupied by 3 flood lit all weather tennis courts, and an area of hardstanding which is used for car parking for the different uses within Hull Sports Centre, but which primarily serves the bowls club and Hull RUFC on match days.

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Google Images

The area occupied by the tennis courts are designated as Open Space (no. 130) on the local plan proposals map.



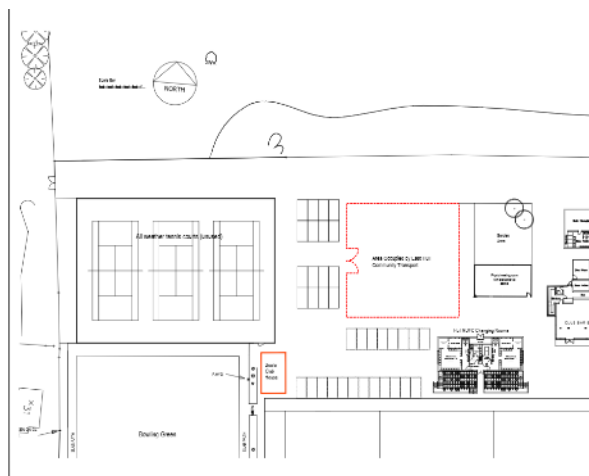
To the north of the site is Chanterlands Crematorium. To the west of the site are playing fields (Open Space no. 131 – Kenilworth Avenue). To the south west are houses on Miller's Walk. To the south is the bowling green and the rugby pitch, both of which also form part of Open Space no. 130.

To the east of the site is an area of land occupied by East Hull Community Transport, and the spectator stand and changing rooms for the rugby pitches. Beyond this are further buildings which are in various uses including, the Clubhouse, offices, a gym, and a dog day school/park, the rugby training pitches and associated car parking.

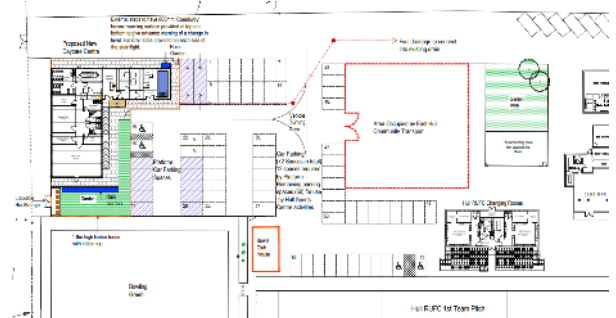
PROPOSAL

Erection of single storey building to provide new daycare centre with associated new and reconfiguration of existing car parking.

The proposed new day care centre would comprise an L-Shaped building providing approx. 375 sq m of new accommodation.

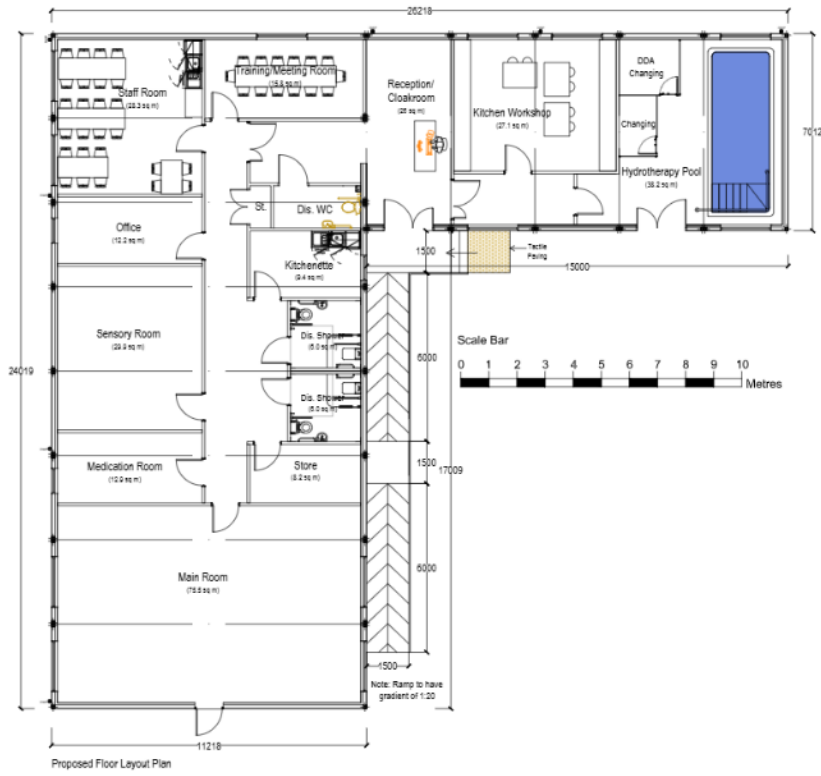


Existing site plan

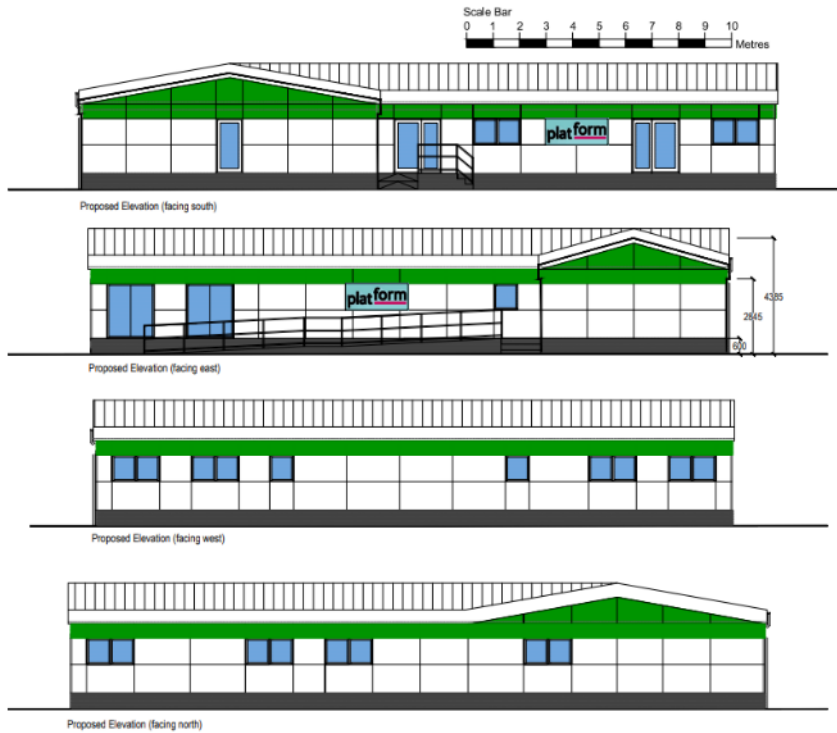


Proposed Site Plan:

Proposed floor plans:

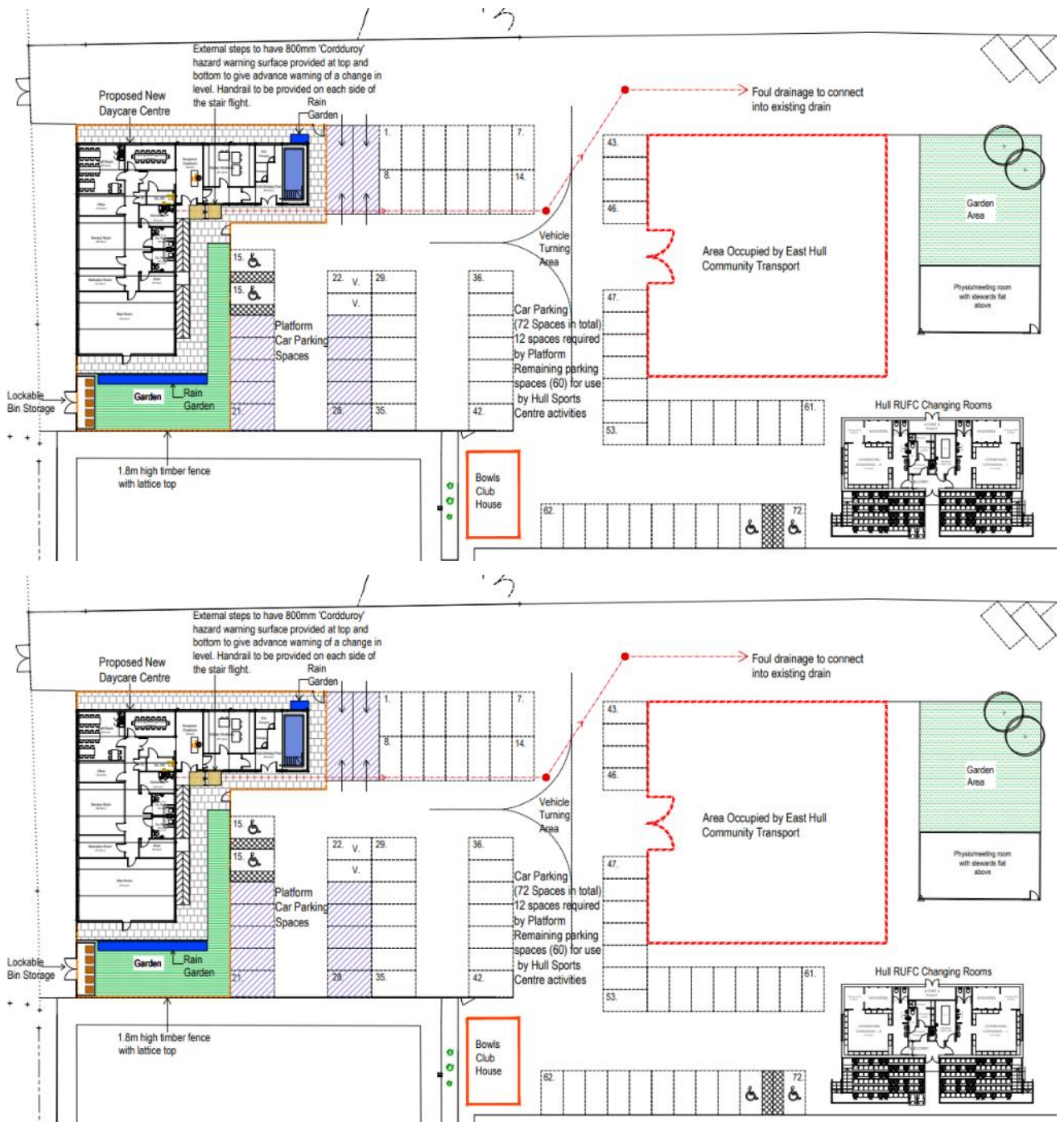


Proposed elevations:



There would be a garden on the east and south sides of the building enclosed by a new 1.8m high timber fence with lattice top and then car parking further beyond this to the east.

At present the existing area used for car parking is not formally laid out but provides approx. 36 spaces. This proposal would see approx. 72 formal car parking spaces designated, with 12 car parking spaces for use by the applicants (Platform), which includes 2 disabled spaces, plus 2 designated minibus spaces and 2 visitor spaces. The remaining 58 car parking spaces (which includes 2 disabled spaces) would be for use by Hull Sports Centre activities.



PLANNING HISTORY

None directly relevant

REPRESENTATIONS

Local Plan - Open Space

As the proposed new single storey building to provide a daycare centre is to be located on part of a designated open space (Site 130 - Y.P.I. Recreation Centre, Chanterlands Avenue), and on land which, until quite recently, has been used as tennis courts, it is protected by Policy 42 (Existing open space protection).

The applicant has provided a simple assessment, which goes some way to show that these tennis courts are no longer in use and may no longer be needed citywide, however the assessment has not fully considered deficits in terms of outdoor sports facilities (which is the Local Plan open space category tennis courts are) as a whole or whether there is a potential to re-use the site to address deficits for all types of open space in the area.

However, while the Open Space Assessment does not show there is a surplus of outdoor sports facilities in the area around the site, it goes on to highlight the community benefits that this new building will have, and states that the new facilities within it, will significantly enhance the quality of life of service users and improve their physical and mental health, mobility, and emotional wellbeing.

So, while this development has not adhered to Local Plan Policy 42, Point 3, on balance, the potential wider community benefits of this proposal may make it acceptable.

Environmental Protection

No objection. Recommend conditions in relation to:

- Construction Management Plan
- Control of noise from site

Public Health

Object to the loss of any open space or sporting facilities within Hull.

In 2019 Hull City Council adopted a Whole Systems Approach to Healthy Weight, which includes the protection and enhancement of facilities that support and increase physical activity levels. Physical activity provides health benefits to the population of Hull, including reducing/preventing excess weight, reducing the risks of cardiovascular disease, diabetes, hypertension etc. However, it also recognises the need for this type of care facility.

If it can be demonstrated that there will be no loss of open space or sporting facilities, then Public Health will not object to this application.

Parks And Cemeteries

Consults expired 25.02.2025

Equality Officer

Have reviewed the amended plans and previous access comments, in relation to the ramps and steps to the main entrance and the accessible parking bays, have been addressed.

Flood Team

No objection.

In relation to SuDs, further details required regarding the connections for inlets and outlets, the type of raingarden (manufactured or lined), attenuation and storage layers and operation and maintenance details, including who will carry out. This can be conditioned.

Recycling Officer

As the site is commercial, it will be the responsibility of the owners to determine the size of waste receptacles required and collection frequency. In order to adhere to new waste strategy guidance, the site must have recycling and food waste collections. There is adequate space for the bins required for this.

Highways Development Control

No objections.

Based on the drawing provided the works will include a single storey day care centre, associated garden and 72 car parking spaces. Two of the spaces will be for disability parking. In total 14 car parking spaces and two minibus parking spaces will be allocated to the day care centre which is acceptable.

The day care centre is to open 9.00am to 4.00pm Monday to Friday and the car parking arrangements for the other uses within the Hull Sports Centre site would not impact the car parking requirements or operation of the Day Care Centre

Based on the additional detail provided it is clear that the existing and proposed car parking will more than accommodate the needs of the existing users of the site and the new day care centre which is acceptable.

The Environment Agency

No objection subject to a condition(s) that the development be carried out in accordance with the submitted FRA, which includes mitigation measures in relation to:

- minimum FFLs
- a water exclusion strategy
- flood resilience measures
- a flood warning and evacuation plan be produced.

Sport England

Object.

The proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years.

The proposed development results in the loss of three floodlit tennis courts.

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The submission does not propose that the tennis courts are replaced on this site or elsewhere and as a result the proposal would stand to be judged against playing field policy exception 1.

For playing field policy exception 1 to be met, a robust and up-to-date assessment must show, 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. An assessment should follow Sport England's latest Playing Pitch Strategy guidance or an alternative methodology acceptable to Sport England. In the first instance an applicant should refer to any up-to-date assessment developed and adopted by the relevant local authority, e.g. as part of a local authority playing pitch strategy. Where such an assessment does not already exist, an applicant will need to undertake their own assessment.

The Hull Playing Pitch Strategy is out of date, was not undertaken in accordance with recognised guidance, and in any event did not include tennis within its scope.

As such, there is no assessment as to the adequacy of tennis provision in Hull.

Sport England has engaged with the LTA as part of its consideration of this consultation. It responded to advise:

- The city of Hull has a population of approximately 270,000 residents.
- Within this population, there are only eight outdoor tennis courts, four of which are available on a pay-and-play basis, and an additional four indoor courts.
- Considering the population size, the demand for tennis in Hull is estimated at 54,000 people (20% of the total population). This demonstrates a significant under-provision of tennis facilities in the city.

As a result of the above analysis the LTA advised that it wished to object to the application.

The applicant has queried the LTA's analysis and listed 6 sites which provide 16 indoor and 28 outdoor courts between them. Unfortunately both Hessle and Cottingham tennis clubs lie within East Riding Council's area whilst provision at Nuffield Health and David Lloyd Club

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require membership before being able to access provision. This leaves just 4 courts at Pelican Park and Costello Playing Fields respectively which are available on a pay-and-play basis as stated by the LTA.

In the absence of more comprehensive analysis, the LTA's concerns about the adequacy of accessible court provision in Hull means that it is not possible to show that there is an excess of provision.

The Applicant has sought to use an abridged Open Space Assessment as the basis of their argument that the playing field at the application site is surplus in terms of the test in NPPF para 104a. Whilst playing field is a type of open space its primary purpose is in meeting the need for playing pitches, courts and greens. It is the wrong approach to assess the adequacy of local open space provision in lieu of an assessment undertaken as part of a Playing Pitch Strategy. Open Space analysis cannot reflect the range of matters which relevant in understanding a playing field's use for pitches, courts and matters such as:

- What sport it is marked out for
- Whether it is drained and suitably maintained (i.e. its condition)
- Its availability for use (price and hours and use by others)

It is only when these matters are analysed against the demand for pitches, green and courts for match play, training, and casual use that an understanding of the adequacy of provision in a particular area can be gleaned. This is the only way to judge whether a particular site can be considered to be no longer needed. Any decision or measure by a site owner which renders a site unusable in terms of its condition or availability should not be taken as a proxy for there being a lack of demand. This has been established by numerous appeal decisions in recent years.

It is clear from the above analysis that the applicant has not demonstrated that there is an excess of tennis provision in Hull and thus playing field policy exception 1 is not considered to have been met.

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The proposal does not accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 104 of the NPPF.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State, via the Planning Casework Unit.

8 letters supporting the application for the following reasons:

1. Applicants are a highly respected local charity delivering support, care and education to young people who would otherwise struggle to find any similar external family support at all in our area
2. The numbers of children with profound and complex disabilities moving into adulthood is increasing year on year and demand for care with appropriate facilities and staffing is outstripping provision
3. Platform has grown over the last 4 years and gone from strength to strength, however the size of their building has not changed and space is limited
4. The proposal will help significantly in meeting the increased demand as well as improving the existing provision through providing additional facilities including a hydrotherapy pool and a more accessible layout
5. The proposed location is very accessible and within practical working distance of the current premises on Inglemire Lane
6. Will result in a number of job opportunities for the local community

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3 letters objecting on the following grounds:

1. Greenspace was bequeathed by Hull Philanthropist Thomas Ferens for the recreational benefit for the people of Hull
2. Whole site was sold to new owners in 2014/2015 and there have been a number of subsequent planning applications which have undermined the recreational value of the site
3. D & A Statement gives the impression there is a lack of demand for tennis at the site, this is not the case
4. This facility was home to the YPI tennis club one of the oldest clubs in the area, and in the past has produced numerous county and international players
5. Reluctance of current land owners to maintain the facilities has led to the deterioration of the playing surface and forced the tennis club to be suspended and the members to join clubs located in the East Riding
6. The grass courts are also in very poor condition
7. Will leave only 1 tennis club located on the eastern side of the city
8. There is an under provision of tennis facilities within Hull
9. Both Sport England and the LTA have objected to the application
10. Proposal does not comply with paragraph 104 of the NPPF
11. Leads to a loss of land being used for the playing of sport and recreation

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12. There is a huge population of residents around the site and a lot of primary schools who could make good use of this playing field and any sports that may play on it
13. Plenty of other brownfield sites where the proposed facility could operate from and be relocated to, where buildings may already be in existence
14. There has been a lot of anti-social behaviour on the whole site, and vandalism and harassing of sports players during their activities and arson of two vans in recent times
15. No provision made to refurbish other tennis courts on the site or make funding available to support ongoing sport on the remainder of the site
16. The only other tennis courts left on the site are 6 grass courts, with no flood lighting, and would only be used for part of the year in the summer months.
17. Table tennis centre, peteanque, squash courts, tennis courts and cricket clubs have all been driven out – more of a business centre now rather than a sports centre
18. There is some interest between the owners of the site and the applicants
19. If allowed could open the floodgates to remove the bowling club and the 6 grass tennis courts to allow the applicants to expand

Letter from Rt Hon Dame Diana Johnson DBE MP supporting the application:

- Platform is an excellent charity that offers crucial assistance to young individuals in Hull who have complex needs
- Having witnessed their impact first hand, understand how vital their efforts are in fostering independence, engagement and overall well-being for those they serve

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- Platform not only cultivates a sense of community among the service users but also provides invaluable support to their families
- The development of this site would enable even more young people in our community to benefit from this outstanding service and enhance the experiences of those already involved

Comments from Councillor Peter North:

- At the pre-planning meeting, were told that LTA would be unlikely to oppose the application and it was also suggested that the applicant would make a contribution to refurbishing other tennis courts on the site and make funding available to support ongoing sport on the remainder of the site
- The LTA and Sport England have both objected and therefore request a committee decision
- Looking for at least an assurance that the funding to support sport on the site as discussed will be delivered in advance of the development being carried out.

APPLICANT'S CASE

Design & Access Statement including Open Space Assessment, which concludes:

- The YPI was put up for sale in 2013 because of rising energy bills and running costs making its operations unaffordable and unsustainable
- The Club was purchased by LTS in 2014 and during the last 10 years of new ownership the only sports clubs now remaining on the site are the bowling club and Hull RYFC. All other sporting clubs have either left the site and relocated or ceased to operate
- Throughout the design process, great care has been given to ensure that the very specific needs of the service users can be met in the new centre as well as to ensure

that the most efficient, and that the layout and flow of the building supports the best service delivery model for its users

- While the location of the day care centre has changed since the initial pre-application engagement, the final meeting with the Planning Committee in November 2024 showcased the proposal subject of this planning application and received overwhelming support
- It is clear that the proposal fails to meet the requirements of Sport England and policy 42 of the Local Plan but this is not a speculative development, but one with a defined and urgent need to meet the requirements of those with profound and multiple learning disabilities (PMLD)
- Rather than leaving the site unused it would be a valuable resource to Hull and the PMLD community
- The proposal represents an opportunity to provide more on site parking which removes an area which is used for ad hoc parking because of the absence of defined parking bays. This will alleviate any pressure on the surrounding streets especially on match days for Hull Rugby Union Club and other events
- Full consideration has been taken to need, loss of open space, layout, design, land use, highways and residential amenity and it is considered that the development largely complies with policies within the Hull Local Plan and guidance contained within the NPPF

PLANNING FRAMEWORK

Hull Local Plan 2016 to 2032

Policy 12 – District, Local and Neighbourhood Centres

Policy 13 – Education, Health and Community Facilities

Policy 14 – Design

Policy 17 – Energy Efficient design

Policy 25 – Sustainable Travel

Policy 26 – Location and layout of development

Policy 32 – Parking Standards

Policy 36 – Walking, Cycling, and Powered Two Wheelers

Policy 39 – Sustainable Drainage

Policy 40 – Addressing Flood Risk in Planning Applications

Policy 42 – Open Space

Policy 44 – Biodiversity and wildlife

Policy 45 – Trees

Policy 48 – Contaminated Land

Policy 49 – Noise Pollution

Other Material Considerations:-

SPD 3 – Environmental Quality

SPD 4 – Living with Water

SPD 10 – Trees

SDP 11 - Open Space

SPD 12 - Ecology and Biodiversity

SPD14 - Healthy places, Healthy people

National Planning Policy Framework

NPPF1 - Planning law requires that applications for planning permission be determined in accordance with the development plan , unless material considerations indicate otherwise . The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies

and decisions must also reflect relevant international obligations and statutory requirements. (para 2).

NPPF8 Promoting healthy and safe communities (paras 96 to 108).

NPPF12 Achieving well-designed places (paras 131 to 141).

NPPF14 Meeting the challenge of climate change, flooding and coastal change (paras 161 to 186).

NPPF15 Conserving and enhancing the natural environment (paras 187 to 201).

East Inshore and East Offshore Marine Plans

None directly relevant

PLANNING APPRAISAL

Principle of Development and Sustainability

Insofar as the principle of development is concerned, and in accordance with the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the planning application is the development plan, in this instance comprises the Hull City Plan (2017).

The proposal is for a new day care centre for young adults aged 19 and above, when they leave full time education, with profound and multiple learning disabilities (PMLD).

Local Plan policy 13 sets out that development of new community facilities will be supported where they are located to best meet the needs of the anticipated users of the facility. Where the facility incorporates main town centre uses, then development should be subject to the sequential approach and consider relevant centres including within the City Centre, District, Local and Neighbourhood Centres. Other community facilities should consider centres where sites or properties are available, where they could promote linked trips and support the vitality and viability of centres and where they would have an acceptable impact on the amenity of the surrounding area.

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The site is not located within or adjacent to a shopping centre. The applicants have stated that they have been actively searching for suitable sites to expand their existing provision and meet their increasing demand for new clients/service users for approx. 3 years, making offers on sites including churches and community halls, which they have not then been able to secure. They have stated that other locations have been investigated, but that the size of site required to accommodate their needs are only generally found on industrial estates and not within shopping centres, where sites have been found to be too small and are not able to meet their specific functional requirements.

The applicants have an existing facility at Frederick Holmes School on Inglemire Lane and have stated that they have many partnerships in the area, including with the University of Hull. The proposed site on Chanterlands Avenue would be within close proximity to these existing sites (approx. 4 minute drive away), and therefore enable existing links to be maintained and strengthened and limit journey times travelling between the different sites.

The proposal would therefore generally be in line with local plan policy 13, in that it would be located to best serve the needs of the anticipated users of the facility. However, the proposal should also be assessed against other relevant policies in the local plan.

The proposal comprises development on land designated as Open Space in the Local Plan (forming part of open space no. 130 which comprises an outdoor sport facility and therefore constitutes a playing field) and would result in the loss of 3 flood lit all-weather tennis courts. There are policy presumptions against the loss of open space and sports and recreational facilities in the city and as such the proposal represents a departure from the adopted local plan and should be assessed against local plan policy 42.

Policy 42 requires that any development which results in the loss of open space, either demonstrates that:

- a) an assessment has been undertaken which clearly shows the buildings or land to be surplus to requirements, including consideration of population growth over the plan period, its amenity value and its strategic function. The assessment should fully

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consider the potential to re-use the site to address deficits for all types of open space in the area; 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 needs for which clearly outweigh the loss.

For a developer to justify building on an existing open space, the Council will expect evidence to be produced that meets either criteria a, b, or c of Policy 42, as outlined above.

The applicants have stated that the tennis courts have not been in use since the Tennis Club which operated from the site left in mid-2024 and that the tennis courts have not been subsequently maintained and have deteriorated in their condition and appearance.

The lack of use and deterioration/condition of the tennis courts does not demonstrate that they are surplus to requirement and therefore that they meet any of the tests of local plan policy 42.

In the absence of an up to date Playing Pitch Strategy for Hull, the applicants have provided a simple assessment which details existing tennis court provision, in order to try and comply with part a) of policy 42, stating that there are 29 tennis courts available within the city (at 4 different locations) and a further 15 in locations adjacent to the city boundary (6 at Hessle and 9 at Cottingham) which in their view provides more than sufficient provision. They have not provided any detailed analysis as to how they have arrived at this conclusion.

In line with guidance provided by Sport England, the assessment should provide a robust and carefully documented assessment of the supply of, and current and future demand for playing pitches/courts in the catchment area taking into account the quantity, quality, accessibility and availability of provision.

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Information provided by the Lawn Tennis Association (LTA) with which Sport England has engaged as part of its consideration of this application sets out that there are only 8 outdoor tennis courts within Hull, which are available on a pay-and-play basis (at Pelican Park and Costello Playing Fields), neither of which are within the accessibility standard of the site, which for tennis provision would be a 20 minute walk, and an additional 4 indoor courts. The tennis courts at Hessle and Cottingham lie within the East Riding Council area whilst provision at 2 of the locations included in the applicant's assessment within the city require membership to be able to access provision and therefore would not be considered by the LTA as forming part of the provision of tennis in the city.

Furthermore, the assessment provided by the applicant does not take into account the quality of the existing provision nor does it take into account consideration of existing population size and growth and existing and future demand for tennis in Hull. Information provided by the LTA and Sport England is that considering the population size and demand for tennis in Hull, the provision of 8 tennis courts is a significant under-provision of tennis facilities in the city and the applicant has not demonstrated that there is an excess of tennis provision in Hull and they have therefore objected to the proposal.

It is considered that the assessment provided by the applicant does not clearly show that the land is surplus to requirements. Also, the assessment provided does not fully consider the potential to re-use the site to address deficits for all types of open space in the area. The proposal would not therefore comply with part a) of local plan policy 42.

The proposal does not propose to replace the lost open space and the tennis courts on this site or in a suitable location elsewhere by equivalent or better provision in terms of quantity and quality and therefore would not comply with part b) of local plan policy 42.

The development is not for alternative sport and recreation provision, the needs for which clearly outweigh the loss and therefore the proposal would not comply with part c) of local plan policy.

It has not been demonstrated that there is an excess of open space, and in particular tennis provision, and therefore the proposal does not comply with local plan policy 42, does not

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accord with any of the exceptions to Sport England's Playing Fields Policy or with paragraph 104 of the NPPF.

The proposal would be on a site of a suitable size and layout and in a location to meet the needs of the anticipated users of the facility and therefore complies with policy 13 of the Local Plan. In contrast it has not been adequately demonstrated that the loss of open space and playing pitches are outweighed by the proposal.

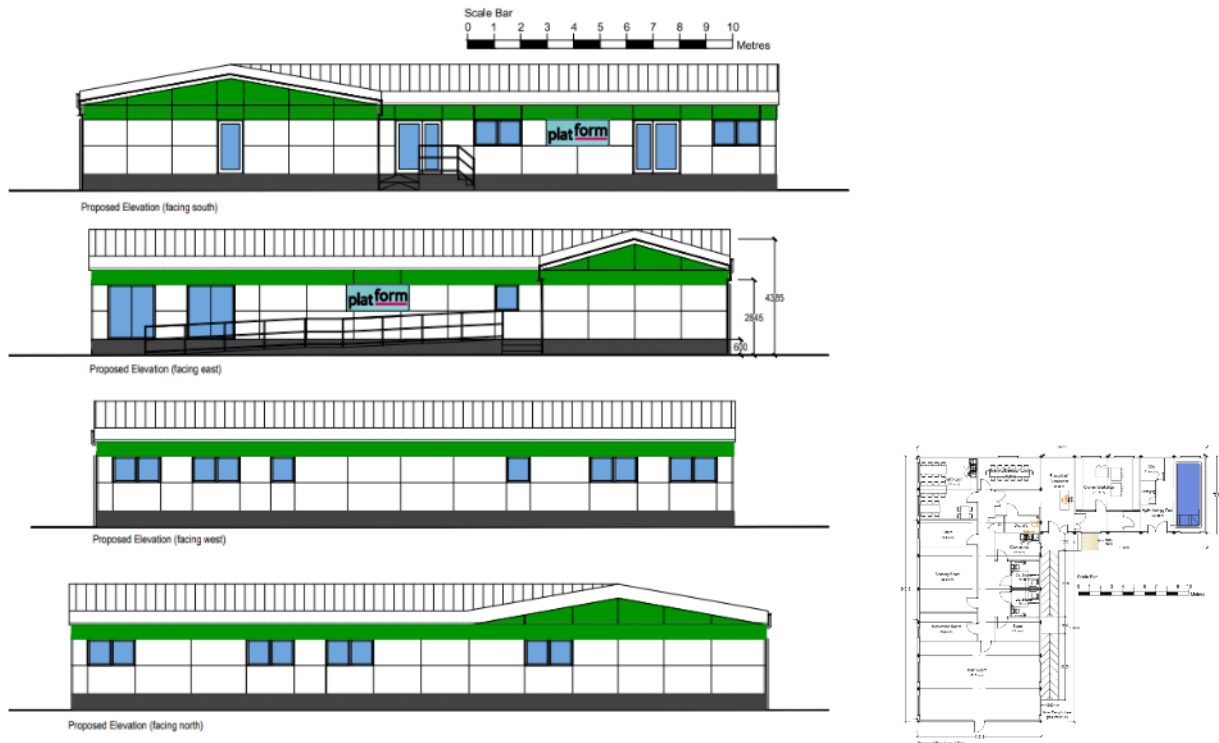
On balance the proposal is therefore contrary to local plan policy 42 and guidance contained within the NPPF and this is not outweighed by the benefits the proposal brings under policy 13.

Design and Conservation

Policy 14 of the Local Plan, on matters of design, is relevant, and interprets at the local level, national policy set out in the NPPF under paragraphs 131-141 on achieving well-designed places.

The site is not located within a Conservation Area. There are no statutorily or locally listed buildings within the site or within the vicinity of the site.

The new building would be a modular construction of a simple design with windows in all elevations and doors in the south elevations providing access to the building and the adjacent garden and parking spaces. It would be single storey with a pitched roof measuring a max of 4.3m high (which takes into account the requirement for FFLs to be 600mm above for flood risk).



The external finish of the building would be a plastisol coated finish to external flat cladding panels in white and green, with an epdm (rubber) membrane roof in black and aluminium windows and doors.

There are a number of buildings within the Hull Sports Centre site which are of a variety of sizes/heights and architectural styles and materials. The proposed new single storey modular building would not therefore appear out of keeping with existing surrounding development and the provision of new and the re-configuration of the existing car parking area would provide a more formal arrangement and improved surface to the existing parking situation.

Given the single storey nature of the new building and the siting of the proposed development set back into the Hull Sports Centre site over approx. 260m from the entrance to Hull Sports Centre on Chanterlands Avenue, as well as the intervening buildings, boundary treatments and soft landscaping, including trees, it is considered that the proposed development would not have a material adverse impact on the visual amenity of the surrounding area and would preserve the existing street scene. Consequently, it is considered that the proposals would comply with local plan policy 14.

However, given that the proposed modular building can deteriorate quicker than more traditional constructions, if approved, a condition should be recommended that permission is granted for only a temporary period of 10 years.

Designing out crime and designing in community safety should be central to the planning and delivery of new development. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.

Given the nature of the proposal it is considered that there would not be, or likely to be, an increase in crime or disorder or the potential for such an increase as the new building and its associated garden would be enclosed by timber fencing of a height and design which would provide a safe and secure space for users of the new facility whilst still enabling some natural surveillance of the surrounding area.

The new and re-configured existing car parking areas would also be overlooked by the new facility and other exiting uses on the wider Hull Sports Centre site. The Design & Access Statement sets out that other key security features of the proposal will include use of access controls to regulate movements into the building and site; the installation of appropriate lighting, CCTV and an intruder alarm systems. Full details of all security measures, including the fencing, should be provided to ensure that their design and siting is acceptable and does not have an adverse impact on the amenity of neighbouring sites/uses and this can be secured by condition.

Parking/Highways

Policy 26 requires new development to have an acceptable impact upon highway safety and the surrounding road network and to provide access to a range of transport modes. Policy 32 identifies parking standards to be considered for new development.

Local Plan guidelines indicate that for a day centre provision should be made for 1 car parking space per 9 sq m or 1 space per 4 visitors plus 1 space per FTE staff.

Based on the proposed building which would provide approx. 375 sq m of new floorspace, the proposal should provide approx. 42 parking spaces. Based on numbers of visitors (approx. 10 clients/service users) and staff (approx. no. 10 providing one-to-one support, with

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admin staff remaining at their other site at Frederick Holmes School), provision should be made for 13 spaces.

The development would provide approximately 72 car parking spaces in total. 14 of these spaces would be available for the proposed day care centre, comprising 10 spaces for staff, 2 spaces for visitors, and 2 disabled spaces for dropping off of clients/service users, plus 2 spaces for 2 disabled mini buses, which are used for taking clients/service users on community trips/visits. The remaining 58 spaces (which include a further 2 disabled spaces) would be for other uses/activities within the wider Hull Sports Centre site.

The proposed development would therefore provide sufficient car parking spaces to serve the proposed development in terms of staff/client numbers in line with local plan parking guidelines.

The existing car park is not formally laid out but the submitted plans show that there is space to accommodate approx. 36 car parking spaces. The proposed development would provide approx. 58 car parking spaces for the other uses within the Hull Sports Centre site, an increase of 22 car parking spaces compared to the existing situation. The applicants have also provided information which outlines the different distinct parking areas within the Hull Sports Centre site (of which there are 3 including the car parking area within the application site) and the breakdown of the current usage of the different parking areas by the different uses operating within the wider Hull Sports Centre site. This outlines that given the proposed day centre would be open weekdays only between the hours of 9am and 4pm, as well as its proposed parking requirements, as set out above, there should be no conflict with and there should be sufficient parking spaces to enable the proposed day centre to operate without adversely impacting on other uses within the wider Hull Sports Centre site.

Given the proposed staff and clients/service user numbers outlined above, the proposed weekday and daytime opening hours only, with service users usually dropped off by car between 9 – 9.30am and picked-up between 3 – 3.15pm, and the fact that there is only 1 community visit per day in one of the buses that holds 4 service users and 4 staff, setting off around 11am and returning to site approx. 2.30pm, it is considered that the proposed development would not result in a material increase in vehicular movements to and from and within the site compared to the extant use of the site.

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The submitted plans show that there is adequate space for the bins required for the proposed use. This provision can be secured by condition.

As such, and in the absence of an objection from Highways, it is considered that the proposal would have an acceptable impact in terms of parking and highway safety.

Impact on amenity

Policy 14 of the Local Plan requires development to deliver a high-quality environment in terms of the relationship between new and existing uses.

Given the size/scale of the development and the type/nature/ frequency of activities at the site and off-site outlined in sections above, it is considered that the proposal would not result in a material increase in comings and goings and associated noise and disturbance to and from the site compared to the extant situation. Subject to conditions restricting opening times, and given the wide variety of other uses which currently take place on the wider Hull Sports Centre site, the condition recommended by Environmental Health in relation to the carrying out of a noise survey, is not considered to be reasonable or necessary.

Furthermore, given the single storey nature of the building, the siting and orientation of the building and associated garden and parking areas, in relation to site boundaries, the nearest residential properties which are located on Millers Walk to the south west of the site, and other uses within the Hull Sports Centre site, as well as intervening boundary treatments and soft landscaping, it is considered that the proposed development would not have a material adverse impact on the amenity of neighbouring properties, uses and the general surrounding area.

Biodiversity

Policy 44 of the Local Plan requires development to seek to achieve a net gain in biodiversity. This is in line with and supported by the Natural Environment and Rural Communities (NERC) Act 2006 and the Environment Act. This requires all developments to deliver a minimum 10% gain in biodiversity.

In England, biodiversity net gain is required under a statutory framework (“the Framework”) introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This Framework is referred to as ‘biodiversity net gain’ in Planning

Practice Guidance to distinguish it from other or more general biodiversity gains. In this case the application is exempt from this requirement as specified within the Framework, this is because the all weather tennis courts comprise an artificial surface with the remainder of the site comprising hardstanding.

Ecological Impact/Protected Species

Given the details of the proposal and the characteristics of the site it is considered that there would be no adverse impact on areas or species of ecological significance.

Open space/playspace/Community Infrastructure Levy (CIL)/Trees

Matters in relation to the loss of open space are discussed above.

The proposal is for a community use and therefore not liable to CIL, it does not result in the loss of any existing trees. There are no requirements for the planting of new or replacement trees.

Energy efficiency and renewables

Policy 17 of the Local Plan promotes design which reduces energy and water use and mitigates flooding, pollution and over-heating. Non-residential development should be designed to achieve BREEAM 'very good'. Where this is not achieved it will be necessary to demonstrate it is not viable.

The applicants have stated that the proposal would re-use an existing site, and with it being located only approx. 4 minutes away from the existing facility at Frederik Holmes School, would mean limited travel time for those moving between sites, and that the building has been designed to be sustainable utilising low maintenance materials together with good insulation levels for the external envelope.

Flood Risk

The application site is located within flood zone 3a (i) (low hazard) of the high risk area of the national high risk flood zone, as identified by the Environment Agency. The applicants have submitted information to demonstrate that there are no reasonably available alternative sites in a lower flood risk zone (i.e. flood zones 1 and 2) in which the development could be located

and therefore enables a conclusion to the effect that the sequential test has been passed, to be reached.

In terms of the exceptions test, flood depths could reach up to 600mm (Exceptions Test Figure 13 map) and therefore the applicant must seek to meet the standard mitigation measures required within Mitigation Note 6.

The submitted FRA confirms that the FFLs of the new building will be raised 600mm (to 2.55m AOD) with a further 300mm (i.e, to 2.85m AOD) of flood resilience measures incorporated. Given the single storey nature of the building, a place of safety above the required 3m AOD would not be available. However, on the basis that the proposal will incorporate flood proof doors providing further protection to a level of 3.15m AOD, that the site is located in an area where flood velocities are low and therefore there would be time to evacuate the proposed development in a flood event, provided suitable flood warning and evacuation plans are in place, it is considered that subject to conditions to secure the above mitigation measures, the proposal would comply with local plan policy 40 and would be acceptable in flood risk terms.

Local Plan Policy 39 sets out that all development should incorporate sustainable drainage systems (SuDS) unless it has been demonstrated this is not technically or economically feasible.

SuDS measures in the form of rain gardens are proposed. This is considered to be acceptable and further details of their design, capacity, connections, operation and maintenance are required and can be secured by condition.

Equalities

Under the Equality Act 2010 S149, the Council has a duty to consider equality issues. A Public Authority must, in the exercise of its functions have due regard to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between people who share a relevant characteristic and persons who do not.

This proposal has been considered against the duty of the Council to consider equality issues. This development is considered to comply with these requirements because the proposal

would result in improved/increased provision for facilities for young adults who suffer from Profound and Multiple Learning Disabilities (PMLD) of which there is currently a shortage/increased demand. Amended plans have been received which show that there is now a 2m wide access around the building and suitable ramped and stepped access would be provided to the main entrance to the new building. The proposal also includes the provision of a total of 4 disabled car parking spaces and 2 spaces for disabled mini bus parking of an appropriate size and siting. The amended plans have therefore addressed previous comments raised by the Access Officer.

Conclusion and Contribution to sustainable development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of this application is the Hull City Local Plan 2017.

It is concluded that the proposals do not accord with relevant development plan policy in relation to open space as described in the various preceding sections of this report and in the absence of other, overriding material considerations to the contrary, the application is recommended for refusal.

In addition to the need to determine the application in accordance with the development plan, regard also needs to be had to other material considerations (and which would include the requirement to be had to other policies, such as those set out in the National Planning Policy Framework (2024). The NPPF contains a presumption in favour of sustainable development and when having regards to the three objectives of sustainable development, it is concluded as follows:

Economic Objective:

The proposal would provide benefits to the local economy through the construction of the development and subsequent on site employment.

Social Objective:

The proposal would provide additional facilities and support to meet the growing demand for services for young adults with PMLD. However, the proposal would result in the loss of

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existing open space and opportunities for sport and recreation where it has not been demonstrated that there is a surplus and without replacing it by equivalent or better provision in terms of quantity and quality in a suitable location.

Environmental Objective:

The proposal would not result in the loss of any existing habitat.

The proposal does not comply with local plan policy 42 and guidance contained in SPD11 and the NPPF. It would result in the loss of existing sports facilities where it has not been demonstrated that there is a surplus and whilst it would provide some benefits in terms of the provision of the new community facility, as the existing sporting facilities lost would not be replaced, there would be an overall net loss in terms of opportunities for sport and physical activity, which would have an adverse impact on the health and well-being of communities. The proposal is therefore recommended for refusal.

Should members be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State who will determine whether to call in the application for determination or not.

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