

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0305-23 **Applicant:** University Academy Holbeach

Proposal: Construction of detached portal frame double height building & associated works - approved under H09-1181-22. Modification of Condition 2 to allow amendments to previously approved plans.

Location: University Academy Holbeach Park Road Holbeach

Terminal Date: 30th May 2023

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
05	Meeting Physical Infrastructure and Service Needs
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
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	1	0	0

CASE OFFICER ASSESSMENT

Proposal

Section 73 of the Town and Country Planning Act 1990 allows the variation or removal of conditions associated with a planning permission. Under this Section, this planning application seeks to modify condition 2 of planning permission H09-1181-22 to allow amendments to previously approved plans. The only amendments proposed are as follows:

- 2no high level window openings in the northern elevation
- 1no new window opening and repositioning of 3no doors on the southern elevation
- Internal layout alterations
- Alterations to parking layout and reduction in parking spaces from 24 to 23

The original application was for a new detached portal frame double height building & associated works to include additional parking.

Site Description

The site lies within the University Academy Holbeach which is located to the west of Park Road and to the south of the A17, within the Holbeach settlement boundary. There are existing university campus buildings to the east, south and west of the development site. To the north is Park Road.

History

H09-1181-22 - Construction of detached portal frame double height building & associated works - Approved

H09-1226-18 - O/A - Demolition of existing temporary classroom block and erection of a new 16 classroom block with associated car parking - Approved

H09-0437-12 - Modification of condition 2 of H09-0094-12 to allow relocation of building previously approved under dwg. no. DC/217U3 (retrospective) - Approved

H09-0094-12 - Proposed temporary building (10 years) for Cross Phase Food Manufacturing and Apprenticeship Training Centre - Approved

H09-0523-06 - Extension forming vocational, teaching and changing room accommodation, together with re-modelling of existing changing rooms to form vocational changing and ICT Suite, additional parking and replacement hard play area - Approved

H09-1312-06 - Extension, additional parking and relocation of double mobile classroom unit - Approved

Consultation Responses

Cllr F Biggadike

Supports this application to enable the Academy to continue with its high standard of education for the present pupils and those in the future from the one thousand new homes being built in Holbeach. Considers the height of the building not to be intrusive being screened by high trees beside the A17 road on the north side of the school site.

Planning Considerations

Principle of development

The proposed amendments are considered minor and would not significantly or unacceptably change the overall appearance of the previously approved scheme or result in any unacceptable impact to the character of the area.

The new parking layout shows one less parking space to the 24 spaces previously shown on the

previously approved plans. This can be accepted as under the 2018 planning permission for the maths block, 44 parking spaces were required to be created on the land in question. The current scheme proposes 23 parking spaces with an additional 35 spaces previously approved west of the site therefore there would be an overall increase in the number of parking spaces. Given there is no increase in staff numbers proposed, the development is considered to meet the current parking standards.

In light of the above, the amendments are considered to be acceptable on character/design/parking grounds and in accordance with Policies 2, 3, 36 and Appendix 6 of the SELLP.

Planning Balance

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

The amendments to the previously approved plans are acceptable and will not materially harm the character or appearance of the locality, the amenity of nearby residents or result in parking issues.

The planning balance is considered to be in favour of the proposal.

Conclusion

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

Taking the above into account, the scheme is considered to comply with Policies 1, 2, ,3 ,4, 5, 32, 36 and Appendix and Sections 2, 4, 8, 9, 12 and 14 of the NPPF, 2021.

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.

RECOMMENDATION

The application can be approved under delegated powers.