DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0971-23**	**Applicant:**	**Lincolnshire County Council**
Proposal:	Details of Construction Management Plan & Method Statement, scheme of compensating tree planting including 5 year maintenance and aftercare programme, methodology to remove and re-establish the Gingko biloba and details of proposed locations for compensatory bat boxes (Conditions 3, 5, 6 and 9 of H09-0329-23)		
Location:	William Stukeley C Of E Primary School Spalding Road Holbeach		
Terminal Date:	26th December 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2023

12 - Achieving well-designed places
16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Condition Compliance for details of Construction Management Plan & Method Statement, scheme of compensating tree planting including 5 year maintenance and aftercare programme, methodology to remove and re-establish the Gingko biloba and details of proposed locations for compensatory bat boxes (Conditions 3, 5, 6 and 9 of H09-0329-23).

The application H09-0329-23 was a County Council Reg 3 application and therefore the condition numbers do not correspond with the decision notice from South Holland District Council. This notice only contained a Determined Plans condition and note stating "The applicant is instructed to contact the South Holland Trees & Conservation Officer at their earliest convenience to discuss the impacts of the removal of the Tree Preservation Order trees on site. The Officer is called Mrs Diane Fairchild Fenton. They can be contacted on 01775 764483 or DFairchild@sholland.gov.uk"

It is therefore considered that the only element of this application that needs to be determined by the council is matters pertaining to trees on site.

SITE DESCRIPTION

The site is within the defined settlement limits and conservation area of Holbeach. A public park is located to the north of the site, with dwellings to the west, dwellings and a residential care home to the south, and dwellings to the east. The site is in Environment Agency Flood Zone 3, and in a "Danger for Some" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. As the proposal is not for residential purposes there is not a requirement to raise finished floor levels 1 metre above ground level. An infiltration test has been carried out on land to the south of the proposed building extensions and found it suitable for future soakaway use. Surface water is currently addressed on site by main sewer drainage and a sustainable drainage system. Foul water is addressed by a mains sewer.

RELEVANT HISTORY

H09-0709-92

County Council Reg 3 - Demolish Stukeley Hall, Fire/ Ambulance Station,conservatory stores, boundary wall etc, reduce height of north wall - Secretary of State Allowed - 21 January 1993.

H09-0710-92

County Council Reg 3 - Erect a new Primary School and form a public park - Approved - 16 July 1992.

H09-0112-94

County Council Reg 3 - Erection of clock tower - Approved - 11 March 1994.

H09-0461-94

County Council Reg 3 - Details of paint scheme for clock tower - Approved - 30 June 1994.

H09-0139-00

County Council Reg 3 - Change use of small part of public park abutting School and erect two classroom extension - Approved - 14 March 2000.

H09-1321-04

Full - Erection of covered play area and extension to playground - Approved - 29 November 1994.

H09-0148-05

Condition Compliance - Details of extent materials and method of construction of hard surfaced play area extension (Condition 2 of H09/1321/04) - Approved - 21 March 2005.

H09-0330-21

TPO Tree Works - Works to Holbeach Tree Preservation Order No 10 1986 - Approved - 25 May 2021.

H09-0329-23

County Council Reg 3 - Phased construction of four classroom extensions with associated

circulation areas, meeting room, practical area, cloaks & WCs, extension to school hall including storage room, plant room, WCs and staff room, extension to the hardstanding team games area, associated external works and landscaping and relocation of plinth for clock tower - Approved - 18 May 2023.

CONSULTATION RESPONSES

Trees & Nature Conservation Officer

"The trees within the School grounds and adjoining parkland are either original preserved trees, or replacements holding the original designation, with the occasional partially protected tree by virtue of it being in Holbeach Conservation Area.

To be clear, if a tree is protected then normally it takes complete priority over any proposed development, it was established first so the development has to accommodate it, not the other way round, even if replacement trees are proposed.

Bearing this in mind firstly every effort should be made to reduce the effect on as many trees as is possible, even if this means redesigning proposals.

If it is proposed to remove or carry out works to any protected tree which is not in the actual footplate of the approved plans, or absolutely essential to enable the building to take place, such as in a minimum scaffold line; then it will need a separate Tree Preservation Order Application to be submitted to the District Council.

Trees inspected which were proposed for removal as part of development proposals, identification numbers refer to Arboricultural Impact Assessment Survey and Report, February 2023, submitted with H09-0329-23.

T21 Prunus sp. No Prunus sp. was present in the location described. An Acer negundo (ash-leafed maple), was possibly the tree in question. Such anomalies in basic identification makes one question the integrity of the whole survey. With skill in development design and implementation it may be possible to avoid the removal of this tree.

T24 Scots pine, subject of current Application H09-0441-23 to remove, the needle structure looks thin indicating it is in poor condition. Ground compaction over the root plate may be a contributing cause.

T30 Maidenhair tree (Ginkgo biloba). THIS TREE TO BE RETAINED, an exceptionally fine example of this fascinating species. The development requires re-designing to accommodate this tree.

T32 Cherry laurel, good example of type.

T34 Sycamore (Not directly affected by proposed development).

Group 5 consisting of (2 oak, 1 rowan, 4 silver birch). Proposed removal considered a long term loss to amenity. Silver birch trees looked good straight trunked specimens. The larger oak had a low multi-forked structure, and was sadly misshapen in its quest for light, being over-shadowed by the adjacent trees, similarly the smaller oak was over- shadowed. Rowan viewed but not inspected in detail.

The planting and establishment of replacement trees to compensate for the loss of any which it is completely un-avoidable to lose must be an integral part of the proposals."

PLANNING CONSIDERATIONS

Note 2 from H09-0329-23 states:

The applicant is instructed to contact the South Holland Trees & Conservation Officer at their

earliest convenience to discuss the impacts of the removal of the Tree Preservation Order trees on site. The Officer is called Mrs Diane Fairchild Fenton. They can be contacted on 01775 764483 or DFairchild@sholland.gov.uk

The Trees & Conservation Officer, Diane Fairchild-Fenton has had discussions with the Arboricultural Officer of Lincolnshire County Council and responded with their observations and recommendations. The LCC Officer has agreed with these comments.

CONCLUSION

Consultation comments have now been submitted to Lincolnshire County Council.

RECOMMENDATION

It is recommended that Conditions 5 and 6 of H09-0329-23 are now discharged.

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.