

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0146-24 **Applicant:** Tilbury Douglas (On behalf of the Department for Education)

Proposal: Details of flood warning & evacuation plan (Condition 7 of H16-0373-23)

Location: Tulip Academy Spalding - Waterside Campus Neville Avenue Spalding

Terminal Date: 15th April 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

04 Approach to Flood Risk

National Guidance

National Planning Policy Framework 2023

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application to discharge condition 7 of H16-0373-23. Condition 7 required:

Prior to the temporary classroom units, to be sited during the construction period, being brought into use, a detailed flood warning and evacuation plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, to ensure that the users can be kept safe should breach occur. The approved temporary flood warning and evacuation plan shall be available and implemented at all times for the lifetime of the temporary units.

Site Description

The application site lies off Neville Avenue, within the town of Spalding and comprises an

established school now known as Tulip Academy Spalding (Waterside Campus). The site, which is located towards the eastern edge of Spalding, is approximately 2.7ha in size and currently comprises the existing school buildings, which includes a recently developed two storey school block, associated car parking and play area/fields. The application site is predominantly bounded by residential properties, with dwellings neighbouring the site to the north, east and south. Spalding Academy, a further school, neighbours the site to the west. The site is in Environment Agency Flood Zone 3, and in a "Danger for All" hazard area with a maximum predicted flood depth of 2 metres plus on the 2115 South Holland Strategic Flood Risk Mapping.

History

H16-0373-23 - Demolition of school building and erection of two-storey teaching block with associated parking and landscaping and temporary siting of classroom units, construction of temporary access and car parking and temporary hardstanding during construction period.
Approved 08-11-23

Consultation Responses

Environment Agency

Whilst we do not normally comment on or approve the adequacy of flood emergency response procedures, we have reviewed the submitted flood emergency plan , and are satisfied, from an Environment Agency perspective, that condition 7 can be discharged.

The document states that safe refuge will be provided, should a breach of the flood defences occur and contact will be made with the emergency services in order to arrange rescue if required. Whilst we consider that the safe refuge is appropriate, it is important that the Emergency Planners are consulted on this discharge of condition to ensure that they have the capability to provide the evacuation of students who may have limited mobility, if required.

We have also considered the findings of the flood risk assessment in relation to the likely duration, depths, velocities and flood hazard rating against the design flood for the proposal. We agree that this indicates that there will be a danger for all people (e.g. there will be danger of loss of life for the general public and the emergency services), should a breach of the flood defences occur.

Planning Considerations

The applicant has provided the following documents in order to support the discharge of condition , they are:

- Tulip WAT - Flood Emergency Plan (005)
- Tulip Academy Flood Evacuation Plan (90) 006 Rev B

The Environment Agency have made comment and are satisfied that the proposals would represent an acceptable a detailed flood warning and evacuation plan. The condition which was imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2023 is hereby discharged.

Conclusion

Condition 7 of H16-0373-23is hereby 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.