DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0215-24**	**Applicant:**	**Tilbury Douglas (on behalf of The Department for Education)**
Proposal:	Details of a scheme for the removal of the modular units, temporary hardsurfacing and fencing as shown on Dwg No (03)001 Rev 1 (Landscape Concept Plan) and the reinstatement of the playing field land (Condition 12 of H16-0373-23)		
Location:	Waterside Campus Neville Avenue Spalding		
Terminal Date:	6th May 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2023

Section 8 - Promoting healthy and safe communities

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an application for the discharge of condition 12 of H16-0373-23.

Condition 12 - Decommissioning/Removal of Modular Units

The applicant has provided information as regards the reinstatement of the playing field.

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

Sport England

Sport England can confirm that the details provided in the Playing Field Reinstatement Report cover the details required under condition 12 and so we have no objections to the discharge of this condition. As per the requirements of condition 12, the approved scheme shall be implemented in full in the first planting season following the removal of the modular units, hard surfacing and fencing to ensure that the playing field is restored to a condition which is fit for purpose.

Highways

Sport England can confirm that the details provided in the Playing Field Reinstatement Report cover the details required under condition 12 and so we have no objections to the discharge of this condition. As per the requirements of condition 12, the approved scheme shall be implemented in full in the first planting season following the removal of the modular units, hard surfacing and fencing to ensure that the playing field is restored to a condition which is fit for purpose.

Planning Considerations

Condition 12 - Reinstatement of Playing fields

The applicant is required by the condition to provide:

Within one month of the modular buildings being installed on the site, a scheme for the removal of the modular units, temporary hardsurfacing and fencing as shown on Dwg No: (03)001 Rev I (Landscape Concept Plan) and the reinstatement of this playing field land shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The restoration scheme shall be in accordance with Sport England's guidance note (Natural Turf for Sport (2011).

The applicant has provided a document by STRI which sets out how playing fields will be reinstated. This includes an Agronomic assessment; study of existing conditions and reinstatement works. Sport England have stated that they have no objections, as part of the assessment of this document Sport England sought the views of the Football Foundation. On the basis of this document the consultee is satisfied that the methodology for reinstatement is acceptable. Highway have also been consulted and have no objections.

This condition was imposed in accordance with Paragraph 99 of the National Planning Policy Framework, 2023, this has subsequently be inserted as paragraph 103 in the December 2023 revision, it is hereby discharged.

Conclusion

Condition 12 of H16-0373-23 is 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.