DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0217-20**	**Applicant:**	**Lincolnshire County Council**
Proposal:	Installation of new external footpaths using plastic grid system with angular gravel infill		
Location:	Spalding Priory School Neville Avenue Spalding		
Terminal Date:	23rd March 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Formal consultation from LCC relating to the installation of three new external footpaths using plastic grid system with angular gravel infill at The Priory School at Neville Avenue. The purpose of the footpath is to provide disabled access to outdoor learning spaces.

The consultation is supported by a Flood Risk Assessment.

Site Description

The Priory School is located at and accessed from Neville Avenue and is adjacent to the Spalding Academy school.

The site is within Flood Zone 3.

History

None relevant.

Consultation Responses

Ward Members were consulted and no representations received.

Planning Considerations

Principle

The installation of footpaths to support the overall working of the school, and to provide disabled access in to a standard to comply with Part M of the Building Regulations would be acceptable in principle and would meet the intentions of Polices 2 and 3 of the SELLP as well as the guidance of the NPPF 2019, in particular point 7. of Policy 3: Design of New Development, *ensuring public spaces are accessible to all*, which although the school is not strictly a public space per se, it is used by the public during the normal course of the day.

Visual impact

The footpaths would be seen as part of the wider school complex and would not be out of keeping.

Flooding

The site is within Flood Zone 3 and the footpaths are of a permeable design, to mitigate this.

Root protection areas of tress

The footpath design has been formulated to minimise impact on tree roots, and this is set out in the design and access statement.

Conclusion

Raise no objection as the development supports the school and the intentions of Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the guidance of the NPPF 2019.

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.