DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0218-24**	**Applicant:**	**Tilbury Douglas (on behalf of the Department for Education)**
Proposal:	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 under H16-0373-23. Amendments to include an increase in temporary car parking area to southwest of site, addition of the stockpiling area and movement of the southernmost temporary unit to the east		
Location:	Waterside Campus Neville Avenue Spalding		
Terminal Date:	8th April 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework 2023

Section 4 - Decision-making

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is an application under Section 96A of The Town & Country Planning Act 1990 (As amended). Planning Permission for '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' was achieved under H16-0373-23.

This application seeks to substitute the Logistics Plan included in the documents listed in condition

2 and Temporary Unit Location Plan referenced in condition 15. The revised plans reflect the need to increase the size of the temporary construction/laydown area which is required for construction logistics reasons to ensure there is enough space for storage of materials and turning of large vehicles, including the crane which will be utilised for the installation of the temporary units.

The exact changes are as follows:

- Increase in temporary car parking area to the southeast of the site
- Addition of the stockpiling area
- Movement of the southernmost temporary unit to the east

It is of note that the changes relate only to construction related activity and would not alter the already approved final scheme.

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

Non Requested

Planning Considerations

South Holland District Council Local Planning Authority sets out criteria for non-materials amendments. This is set out on the council webpages. It states:

Non-material amendment criteria

Each application will be considered on its merits. The proposed change may be a non-material amendment if:
1.There would be no change to the application site boundary and the proposal would be located within it (red line boundary)
2.The amendment would not conflict with development plan policies or other Government guidance
3.There would be no conflict with any conditions on the planning permission
4.The proposal would not make worse any concerns raised by third parties when the original planning permission was considered
5.The approved footprint/siting of the building will not be moved in any direction by more than 1 metre
6.The proposal would not result in an extension to development already approved
7.The height/volume of the building or extension would not be increased or significantly reduced
8.The amendments must not result in a fundamental change in the design of the building
9.The change does not amount to new works or elements which have not been considered by any environmental statement submitted with the original application
10.Amendments to windows/doors/openings must not have any overlooking impact on neighbouring properties

11.There would be no change to the description of development in respect of number of proposed units
These criteria are designed to prevent amendments being accepted that would have a harmful impact. If the above cannot be met:
·a Section 73 application or
·a new full application may be required.

Assessment

The applicant seeks the following amendments:

- Increase in temporary car parking area to the southeast of the site
- Addition of the stockpiling area
- Movement of the southernmost temporary unit to the east

This is done through the substitution of the logistics plan which was approved as a background document as well as a new revision of the temporary unit location.

The purpose of the NMA is to amend information that was provided to assist the construction phase, there is no amendment to the final approved scheme - the changes seek only to ensure that safe practices are adhered to during construction process.

The proposal would result in changes to the site during the construction phase only and there is no proposed change to previously agreed scheme once complete. Whilst there may be some potential conflict with the NMA requirements set out above (in that there are changes to conditions) these changes relate only to a construction phase.

The requirements to expand the site compound, temporary unit locations and parking are required to allow for proper health & safety methods to be followed during construction, training a sufficient distance between construction activity and the daily operation of the school.

The criteria set out on the website in relation to NMA considerations relates to the changes to approved schemes; these changes (despite substituting plans) relate only to the construction phase. The approach states that *'each case is judged on its own merits'* and then offers an indicative guide of points SHDC may consider. In this instance as there is no change to the approved scheme, only the construction activity it is considered that the changes do not represent a 'material' change over what has already been approved.

It is of note that conditions are in place that require full reinstatement of the site following the completion of construction works and this includes the 3 playing pitches. The original approval recognises that existing playing pitches would be jeopardised temporarily during construction (there are 3 playing pitches, only one will be available during construction following these changes). Sport England imposed a condition that a reinstatement scheme is submitted and agreed, this is currently under consideration. This retains the ability to ensure that the effects of construction activity do not have long term effects. This further reinforces that the changes proposed under this application are non-material, having no lasting effect upon the terms of the permission approved.

It is therefore considered that the changes proposed by these applications are considered not to have a material effect upon the previously approved scheme.

Conclusion

Having regard to the effect of the change, together with previous changes made under section 96A it is considered that the proposals would not have a material effect upon planning permission H16-0373-23.

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.