

## DECISION DELEGATED TO DEVELOPMENT MANAGER

**Application No:** H16-0259-20      **Applicant:** St John the Baptist C of E Primary School

**Proposal:** Extending and re-surfacing of school car park, new drainage and new entrance and exit barriers.

**Location:** St John Baptist Va Primary School Hawthorn Bank Spalding

**Terminal Date:** 13th November 2020

### 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 2019

Sections 12 and 16 of the National Planning Policy Framework (2019)

### Representations:

|                                              | Object | Support | No Obj. | Comments |
|----------------------------------------------|--------|---------|---------|----------|
| WARD MEMBER                                  | 0      | 0       | 0       | 0        |
| HIGHWAYS & SUDS SUPPORT                      | 0      | 0       | 0       | 1        |
| WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD | 0      | 0       | 0       | 1        |

### CASE OFFICER ASSESSMENT

#### Proposal

This proposal is for a new layout for the existing car park and re-surfacing, plus the addition of new

drainage channels and also some minimal additional fencing at St John the Baptist VA Primary School, Hawthorn Bank, Spalding

## **Site Description**

The proposal site is the existing primary school. The site is neither listed nor within any conservation area, however, the adjacent St John the Baptist Church, whilst entirely non-designated, was completed in 1875 using funds donated to the people of west Spalding by Miss Mary Ann Johnson and her sister, Elizabeth Ann Johnson, of the locally important Johnson family who had descended from the residents of Ayscoughfee Hall and had been responsible for numerous locally important buildings. So, clearly this site has significant local historic and community value. The school and this proposal site, is therefore considered a part of that setting.

The area generally, is largely characterised by a mix of Victorian, Edwardian and Mid-C20th residential development.

## **History**

### H16-1109-06

Single-storey extension to create two classrooms, hall and toilets, external paving, removal of two mobile classrooms. Approved on 22-09-06.

### H16-0675-07

Replace existing metal and timber windows with new UPVC windows. Approved on 23-07-07.

### H16-0429-09

Proposed classroom extension and alterations and removal of existing mobile classroom. Approved on 27-07-09

### H16-0209-10

Extension to provide storage area. Approved on 11-05-10.

### H16-1071-12

Siting of mobile classroom (retrospective). Approved on 25-02-13.

### H16-0957-13

Construct cloakroom extension, alter staffroom (with associated alterations to elevation) and carry out minor internal alterations to form office at existing cloakroom. Approved on 05-12-13.

## **Consultation Responses**

### Lincolnshire County Council as Lead Local Highways and Flood Authority

No objections but would advise the applicant that any gate should be a minimum of 5m from the nearside edge of the carriageway and will not open out onto the highway.

### Welland and District Internal Drainage Board

No IDB drains/sewers in this location, but Anglian Water may have.

## **Planning Considerations**

### Heritage Impact

The proposed development will have no impact upon the value or significance of the nearby non-designated heritage asset, this is because the proposal only seeks to add a modest amount of hardstanding macadem to a pre-existing car park setting. This proposal will not alter that character as appreciated from the public realm in any way. Therefore, due to the neutral impact that this

proposal would have, it is deemed to help to conserve the historic environment in line with Section 16 of the National Planning Policy Framework (2019).

### Highway safety

The Local Highways authority have raised no objection to this proposal but do ask that the proposed entrance gate be set back 5m from the nearside of the carriageway (Kerb) and that the gate would not open outward towards the highway. It is proposed that the gate would be a side-sliding gate and the exit gate would be a rising bar gate. The entrance gate appears to be set back further than 5m from the kerbside according to the measurement and scale of the drawings provided, furthermore, the included design and access statement does declare that the gate will be set back such that a vehicle could pull completely off the highway. However, as specific measurements on the distance from the kerbside are not given, it will be conditioned that the gate be set back 5m from the kerbside.

### **Conclusion**

For the reasons listed above, this application is considered to be in accordance with Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 16 of the National Planning Policy Framework (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.