

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H16-0331-22      **Applicant:** Spalding Primary Academy

**Proposal:** Retention of existing portacabins to house nursery provision

**Location:** Wygate Foundation Nursery Spalding Primary Academy Woolram Wygate

**Terminal Date:** 16th August 2022

### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

#### National Guidance

#### National Planning Policy Framework 2021

12 - Achieving well-designed places

### Representations:

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

### CASE OFFICER ASSESSMENT

#### PROPOSAL

This is a full planning application for retention of existing portacabins to house nursery provision at Wygate Foundation Nursery, Spalding Primary Academy, Woolram Wygate, Spalding. The proposal seeks to retain two portacabins that measure 10.1 metres by 9.1 metres and 15.12 metres by 12.24 metres. The two portacabins are connected to each other. The portacabins contain a nursery, nursery classroom, two wcs, disabled wc, cloakroom and an external access ramp. The total floorspace is 237 square metres.

#### SITE DESCRIPTION

The portacabins are sited adjacent to tarmaced areas to the north, east and south, with a grassed field to the west. Beyond are school buildings beyond to the north and east. The site is in Environment Agency Flood Zone 3 and not subject to increased hazard or depth on the 2115 South

Holland Strategic Flood Risk Mapping.

## **RELEVANT HISTORY**

### H16-0445-07

Full - Proposed replacement mobile classroom - Approved - 15 June 2007.

### H16-0179-10

Section 73 Continuation - Modification of Condition 1 of H16-0445-07 to allow extended time period - Approved - 11 May 2010.

### H16-0219-13

Section 73 Continuation - Modification of Condition 1 of H16-0179-10 to allow extended time period - Approved - 17 June 2013.

## **CONSULTATION RESPONSES**

None.

## **PLANNING CONSIDERATIONS**

### Principle of development

The proposal seeks to retain school buildings on school land. The principle of development in this location is considered to be acceptable.

### Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout of the buildings are considered to be acceptable for the proposed use and will not be altered. No trees have been moved to construct the buildings. The character and appearance of the area is not impacted by retention of the buildings that remain in good condition.
2. The design is appropriate for the nursery use and the orientation is close to the primary school.
3. Materials of construction will not be altered.
4. Access and vehicle generation levels will not be impacted by this proposal.
5. The capacity of existing community services and infrastructure will not be impacted by the proposal.
6. The retention of the classrooms will not lead to an increase in noise, odour or disturbance. With regards to visual intrusion the buildings are approximately 3.5 metres in height and do not constitute overdevelopment of the site, or lead to an overshadowing or overlooking impact by virtue of the siting and size.
7. The site is in Environment Agency Flood Zone 3 and not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

This application accords with SELLP Policy 2.

### Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout of the buildings are considered to be acceptable for the proposed use and will not be altered. No trees have been moved to construct the buildings. The character and appearance of the area is not impacted by retention of the buildings that remain in good condition. A sense of place is not impacted by this proposal.

5. Ample space remains on site for bin and cycle storage. The number of on site parking spaces is not impacted by retention of the portacabins.

11. The retention of the classrooms will not lead to an increase in noise, odour or disturbance. With regards to visual intrusion the buildings are approximately 3.5 metres in height and do not constitute overdevelopment of the site, or lead to an overshadowing or overlooking impact by virtue of the siting and size.

12. The site is in Environment Agency Flood Zone 3 and not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

## **PLANNING BALANCE**

The portacabins remain in good condition and there will not be an impact on the character of the area, or the amenity of the building users. This application accords with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, or Section 12 of the National Planning Policy Framework, 2021.

## **CONCLUSION**

This application is recommended for approval.

### **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.