

DPP
 1 Park Row
 Leeds
 LS1 5HN

Council Offices
 Priory Road
 Spalding
 Lincolnshire
 PE11 2XE
 Admin 01775 764725
 DC Officers 01775 764703

planningadvice@sholland.gov.uk
 www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H16-0373-23 **Date of Decision:** 8th November 2023

Applicant: Tilbury Douglas (on behalf of Department for Education)
 C/O Dpp
 1 Park Row
 Leeds
 LS1 5HN

Location: Tulip Academy Spalding - Waterside Campus Neville Avenue Spalding

Description: 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.

South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) subject to the following condition(s):

- 1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

Plans:

SRP1094-CPM-00-ZZ-D-A-0001 Rev: P02 - Site Location Plan
 SRP1094-CPM-01-00-D-A-2020 Rev: P06 - GA Ground Floor Plan
 SRP1094-CPM-01-01-D-A-2021 Rev: P06 - GA First Floor Plan
 SRP1094-CPM-01-ZZ-D-A-2011 Rev: P04 - GA Proposed Elevations
 SRP1094-CPM-01-ZZ-D-A-2001 Rev: P05 - GA Sections
 SRP1094-CPM-01-ZZ-D-A-2022 Rev: P07 - GA Roof Plan

(03)003 Rev: C - Existing Site Plan
(21)001 Rev: B - Site Section A
(05)001 - Demolition Plan
(96)001 Rev: B - Soft Landscape Plan 1 of 5
(96)002 Rev: A - Soft Landscape Plan 2 of 5
(96)003 Rev: B - Soft Landscape Plan 3 of 5
(96)004 Rev: A - Soft Landscape Plan 4 of 5
(96)005 Rev: A - Soft Landscape Plan 5 of 5
(96)006 Rev: A - Site Wide Soft Landscape Plan
(08)001 - Temporary Unit Location Plan
(03)006 Rev: C - Tree Removal Plan and Potential Landscape Improvement Areas
(03)001 Rev: I - Landscape Concept Plan

Reports:

RSE_6737_R1_V2_ARB - Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan (Prepared by Ramm Sanderson, dated January 2023)

Logistic Plans (Prepared by Tilbury Douglas, dated 10/01/2023)

P5426-R1-V1 - Noise Feasibility Assessment (Prepared by hsp Consulting, dated 29/04/2022)

Archaeological Desk-Based Assessment (Prepared by RSK ADAS Limited, dated January 2023)

SQ-1191 Issue 2 - Preliminary Ecological Appraisal (PEA) Survey Report (Prepared by Estrada Ecology Ltd, dated 24 July 2023)

SQ-1229 Issue 2 - Bat Activity Survey Report (Prepared by Estrada Ecology Ltd, dated 24 July 2023)

SQ-1191.1 Issue 2 - Biodiversity Net Gain Report (Prepared by Estrada Ecology Ltd, dated 20 July 2023)

SRP1094-DGL-01-XX-RP-ME-0001 rev P02 - Energy Strategy (Prepared by Dodd Group, dated December 2022)

SRP1094-DGL-01-XX-SP-M-0001 rev P02 - Mechanical Services Particular Specification (Prepared by Dodd Group, dated December 2022)

SPR1094-BSP-XX-XX-T-W-0001-P02_Flood_Risk_Assessment (Prepared by bsp Consulting, dated July 2023)

Phase II Geo-Environmental Assessment Report (Prepared by hsp Consulting, dated July 2022)

SRP1094-BSP-02-XX-T-G-0001-P01 - Combined Phase I Desk Study & Phase II Exploratory Investigation (Prepared bsp Consulting, dated April 2023)

TPSS-BSP-ZZ-XX-RP-D-0002-P01_Travel_Plan - Travel Plan (Prepared by bsp Consulting, dated December 2022)

TPSS-BSP-ZZ-XX-RP-D-0001-P01_Transport_Assessment - Transport Assessment (Prepared by bsp Consulting, dated December 2022)

4909LE/R001 - Planning Statement, Heritage Statement & Statement of Community Involvement (Prepared by dpp Planning, dated January 2023)

Ecological Statement (dated 5 September 2023, prepared by Estrada Ecology Ltd)

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Before any part of the development hereby permitted is occupied, the external materials of construction of the building shall have been completed using only the materials detailed in

the approved plans.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

- 4 A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage and residential amenity.

The scheme shall also detail and address the impacts on the coronation channel and Arnold's meadow site, with appropriate mitigation being detailed in accordance with the recommendations of the submitted Preliminary Ecological Appraisal (Report ref: SQ-1191 - dated July 2023, prepared by Estrada Ecology Ltd).

The construction process and resultant development shall be carried out in accordance with the scheme so approved.

Reason: In the interests of the amenity of local residents. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

- 5 The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by, the Local Planning Authority.

The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;

- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

- 6 Prior to the development of the new permanent teaching block hereby permitted being brought into use, a detailed flood warning and evacuation plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, to ensure that the users can be kept safe should breach occur.

The approved flood warning and evacuation plan shall be available and implemented at all times for the lifetime of the development.

Reason: To ensure that the development does not result in risk of flooding that would cause harm.

This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2023.

- 7 Prior to the temporary classroom units, to be sited during the construction period, being brought into use, a detailed flood warning and evacuation plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, to ensure that the users can be kept safe should breach occur.

The approved temporary flood warning and evacuation plan shall be available and implemented at all times for the lifetime of the temporary units.

Reason: To ensure that the development does not result in risk of flooding that would cause harm.

This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2023.

- 8 Prior to the development hereby permitted being brought into use, the biodiversity enhancement measures shall be installed/carried out in accordance with the details as specified within the Biodiversity Net Gain Report (prepared by Estrada Ecology Ltd - ref: SQ-1191.1 Issue 2, dated 20 July 2023), and Soft Landscaping Plans as detailed within Condition 2 of this permission. The works shall thereafter be retained.

All trees, shrubs and planting shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period, any trees or plants provided as part of the approved biodiversity and landscaping scheme, that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species as was approved under the above condition, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that the development is able to deliver and incorporate biodiversity enhancement measures within the scheme.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

- 9 All works to be carried out on site shall be conducted in accordance with the recommendations set out in the following submitted reports:

- Preliminary Ecological Appraisal (Report ref: SQ-1191 Issue 2 - dated July 2023, prepared by Estrada Ecology Ltd);
- Bat Activity Survey report (Report ref: SQ-1229 Issue 2 - dated July 2023, prepared by Estrada Ecology Ltd): and
- Ecological Statement (dated September 2023, prepared by Estrada Ecology Ltd)

along with any subsequent recommendations as a result of further surveys.

Should any protected species be identified, or matters arise that were not otherwise previously encountered through the Ecological Appraisal, works shall stop and a detailed mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to works recommencing.

Reason: In the interests of protected species and biodiversity.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

- 10 Prior to the occupation of the development hereby permitted, a scheme shall be submitted to and agreed in writing by the Local Planning Authority for the location of bat and bird boxes within the application site to encourage wildlife development. The agreed scheme shall be implemented prior to the completion of the development.

Reason: In the interests of the protection of local wildlife.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

- 11 Prior to the building hereby permitted being first brought into use, 17 cycle spaces shall be provided in the vicinity of the building, consisting of a design and positions which shall first be submitted to and approved in writing by the Local Planning Authority.

The cycle storage shall be retained thereafter for lifetime of the development.

Reason: To ensure that adequate secure facilities are provided for cyclists using the site. This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019.

- 12 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 approved reinstatement scheme shall then be implemented in full in the first planting season following the removal of the modular units, temporary hardsurfacing and fencing areas.

Reason: To ensure that the site is restored to a condition fit for purpose and to accord with Paragraph 99 of the National Planning Policy Framework, 2023.

This Condition is imposed in accordance with Paragraph 99 of the National Planning

- 13 Details of the external illumination of the building hereby permitted and areas of the site subject to pedestrian or vehicular access and parking shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of those buildings and areas and there shall be no external illumination other than that so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

- 14 Before any part of the development hereby permitted is brought into use, the proposed means of foul and surface water disposal shall be implemented in full, in accordance with the Flood Risk Assessment & Drainage Strategy (Report ref: SPR1094-BSP-XX-XX-T-W-0001- P02_Flood_Risk_Assessment, prepared by BSP Consulting dated July 2023).

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2023.

- 15 The temporary classroom units hereby permitted shall be limited to those outlined in Dwg No: (08)001 (Temporary Unit Location Plan) and must be sited in accordance with these details, unless otherwise agreed in writing by the Local Planning Authority.

The temporary classroom units shall be removed from site at the first opportunity following the completion of development hereby permitted, but shall not be on site for a period in excess of five years and as such, shall be removed from the site on or before five years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains control over the resultant development and to ensure a satisfactory conclusion to the development.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be

viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Notwithstanding the further information and confirmation obtained by the Local Planning Authority, the comments raised by Lincolnshire Fire and Rescue, dated 18 May 2023, shall be reviewed and considered prior to the commencement of development. It is advised that prior to development, that the applicant contact Lincolnshire Fire and Rescue, to ensure compliance with the requirements specified in Building Regulations 2010 Part B5, or alternatively, to discuss compensation at the developer's expense, such as a sprinkler system, designed, fitted and maintained in accordance with BS9251: 2005.

Your attention is drawn to the letter from South Holland Internal Drainage Board dated 10 May 2023. You are advised of the need to comply with the requirements of the Drainage Board, which are covered by their own Bye-laws. You are further advised that any future amendments to this application and/or compliance with Conditions must also respect those Bye-laws. Please contact the Drainage Board directly for further information.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.



Phil Norman
Head of Planning
South Holland District Council

BUILDING REGULATIONS:

This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

<https://www.gov.uk/appeal-householder-planning-decision>

<https://www.gov.uk/appeal-planning-decision>

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning-inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR the **timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in

giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.