

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0373-23 **Applicant:** Tilbury Douglas (on behalf of 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.

Location: Tulip Academy Spalding - Waterside Campus Neville Avenue Spalding

Terminal Date: 8th November 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
28	The Natural Environment
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework 2023

Sections:

- 2. Achieving sustainable development
- 4. Decision-making
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
PLANNING LIAISON	0	0	0	1

OFFICER - FLOOD RISK ASSESSMENT				
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	2	0	0	5
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the erection of a new two-storey teaching block, along with associated parking and landscaping, following the demolition of an existing school building.

The proposed development would result in the erection of a new purpose built school building, to be used in connection with the recently constructed 'LA' school block on site. The development, given its demolition, also seeks permission for the siting and use of temporary classroom units, construction of temporary access and car parking and temporary hardstanding during construction period.

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

H16-0459-21 - County Council Reg 3 - Proposed two storey teaching block and remote sprinkler tank enclosure

H16-0486-21 - County Council Reg 3 - Expansion of existing SEND school consisting 2 storey school building & internal re-modelling of existing building and demolition of existing 2 storey building and other outbuildings/structures

PL/0044/21 - expansion of existing SEND school consisting of two storey new school building and internal re-modelling of the existing school building. The proposal includes the demolition of an existing two storey building and some other isolated out buildings and structures - Approved in July 2021.

Consultation Responses

Initial Responses Received (Consultation period between 03rd May 2023 - 25th May 2023)

Lincolnshire Police - Received 05.05.2023

Lincolnshire Police do not have any objections to this application. A sensible and practical level of security, which when will not adversely affect the efficient running of the school, is essential to a successful teaching and learning environment.

Pedals - Received 09.05.2023

The Transport Assessment submitted with the application recommends 17 cycle spaces in accordance with the Local Plan. The application form proposes 14 spaces, which fails to comply with the Local Plan. If permission is granted please impose conditions which require secure, under cover storage for at least 17 cycles in accordance with details to be submitted to and approved by the Council before the development starts and constructed and available for use before the development is brought into use. This is to facilitate and encourage active travel.

Lincolnshire Wildlife Trust - Received 10.05.2023

Lincolnshire Wildlife Trust wishes to register a holding objection on this application until further ecological surveys are conducted at appropriate times of the year and biodiversity net gain as a result of the development is incorporated into the design of the project.

Internal Drainage Board - Received 10.05.2023

Byelaw 3 (Surface Water)

The applicant proposes to discharge surface water to a watercourse at a rate of 5 l/s which is a betterment of the existing rate. Regardless of the proposed discharge rate, this proposal will require consent under Byelaw 3, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience.

Byelaw 3 (Treated Foul Water)

I note that the applicant intends to dispose of foul water to a main sewer. Should the applicants proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the southern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Anglin Water - Received 11.05.2023

ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

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.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Spalding Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Section 3 - Used Water Network

"This response has been based on the following submitted documents: FRA and Drainage Strategy 06 Jan 2023 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The

Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Historic Environment Officer - Received 12.05.2023

No archaeological impact

Lincs Fire and Rescue - Received 18.05.2023

Lincolnshire Fire and Rescue have no objections as long as the following criteria are met:

In order to be successful in firefighting, adequate access to buildings for fire appliances and immediate access to adequate supplies of water, must be provided. The access to, and proximity of, those water supplies directly affects the resources that Fire and Rescue Authorities need to provide in protecting and mitigating their communities from the effects of fire.

Access to buildings for fire appliances and fire fighters must meet with the requirements specified in Building Regulations 2010 Part B5. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence.

If it is not possible to provide access to the proposed development in accordance with the guidance details within part B5 of Approved Document B, as compensation, Lincolnshire Fire and Rescue would accept the provision, at the developer's expense, of a (domestic/residential) sprinkler system, designed, fitted and maintained in accordance with BS9251: 2005.

Should this option be considered, our Fire Safety advisers must be provided with detailed plans of the proposed sprinkler installation. Any scheme proposed should not be of a lesser standard than any provision as may be required by the Building Regulations.

Turning Facilities and Vehicle Route Access should comply with the guidance in Table 15.2 within part B5 of Approved Document B. Dead-end access routes longer than 20m require turning facilities.

Lincolnshire Fire and Rescue requires a minimum carrying capacity for hard standing for pumping appliances of 18 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Part B5.

Where at the time, it is not possible to determine the number of fire hydrants required for firefighting purposes, the requirement should be determined at the water planning stage when site plans have been submitted by the water companies.

Failure to comply with the above requirements at planning stage can seriously compromise firefighting operations resulting in unnecessary risk to life, loss of property and unnecessary damage to the environment.

Environment Agency - Received 23.05.2023

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change section of the planning practice guidance and South East Lincolnshire SFRA and Standing Advice Matrix. In particular the FRA does not demonstrate how people will be kept safe from the identified flood hazards.

The FRA has identified that the site is within the 'Danger to All' hazard zone however the expected flood depths for a breach in the defences during a flood which has a 0.5% chance of occurring in any one year up to 2115 has not been assessed. The FRA does also not suggest appropriate mitigation measure to mitigate against these potential flood depths.

The FRA should refer to the South East Lincolnshire standing advice for more vulnerable developments in areas within 'danger for most' hazard rating.

Sport England - Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Paragraph 99 and the presumption that playing fields should not be built on) and against its own playing fields policy which is presented within its 'Playing Fields Policy and Guidance Document:' www.sportengland.org/playingfieldspolicy.

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of all/part of a playing field. Exceptions to this policy are contained within the Playing Fields Policy Document.

The Proposal and Impact on Playing Field

The proposal relates to the demolition of the existing school building and the construction of a two-storey teaching block. The proposed new teaching block would be sited on a similar footprint to that of the existing school building. The permanent structure and associated works proposed would not impact on the existing sports pitches or playing fields. However, the proposed footpath leading to the Forest School would impact on the playing field. In addition to this, two temporary units are sought to accommodate the pupils during the construction period. These units would be sited on the existing hardstanding and on the playing field and so would result in the temporary loss of its use.

The temporary units and associated hardstanding would also impact on the run-off of the existing mini soccer pitch on the site which is included in the Community Use Agreement (CUA) as required under condition 7 of planning permission ref: PL/0128/22.

The planning application submission is accompanied by a Landscape Concept Plan (Drw No: (03) 001 Rev I). This shows the 3 existing pitches marked out on the playing field to be retained.

As part of the assessment of this consultation, Sport England has sought the views of the Football Foundation (FF) who act as Sport England's technical advisor in relation to football and its facilities. Their comments are summarised as:

- The proposed pitch layouts in terms of the dimensions are satisfactory. Though the Football Foundation would recommend 3 metre runs offs instead of 2 metres as the layout is existing site then in this case 2 metres would be sufficient.
- The plans state that the hard surface areas impact the run off areas therefore these plans wouldn't be acceptable. We would require the run off areas to be the same surface as the playing area due to the safety of the users of the pitch. All buildings should also be constructed more than 2m from the run-off as closer would pose a concern around the safety of any players using that pitch irrespective of whether the 2m run-off is grass rather than hardstanding. This isn't a concern where pitch boundaries are meeting other pitches, or where there is open space beyond the marked boundaries, but placing a new solid structure 2m away from a pitch isn't acceptable. Due to this the Football Foundation and Lincolnshire FA don't support the current plans.
- The data Lincolnshire FA hold for the site currently shows the site isn't currently being used for affiliated or registered football, therefore we are unaware of any community usage at the site. In addition to this, the Football Foundation and Lincolnshire FA were not consulted as part of the Community Use Agreement process. It is recommended that the school engage with Lincolnshire FA regarding this matter.

Assessment against Sport England Policy/NPPF

The proposed two storey teaching block would not lead to the loss of playing field land. However, the footpath leading to the forest school and temporary classrooms and associated hardstanding would involve the loss of playing field.

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In assessing such proposals, Sport England will take into account the period of time that the temporary use is being required for. From the information available within the planning application documents the modular buildings and external works would be in place until completion of the construction work and would be removed immediately afterwards. The FF has confirmed that community use of the pitches has yet to commence. In conjunction with the Landscape Context Plan which demonstrates that the remaining playing field would have some sporting capacity whilst the temporary use is in place and the sports grass would be replaced upon practical completion of the works, this temporary proposal is deemed to be acceptable to Sport England in principle. This is subject to a planning condition being imposed on any consent granted to ensure that the temporary buildings, infrastructure and footpaths are removed after the two year time period and the land restored to playing field land. The restoration of this land would then restore the safety run-off areas for the pitches to grass as required by the Football Foundation and County FA and would allow their use for the community.

With regards to the proposed footpath to the forest school, the pitch layout plan as shown on the Landscape Context Plan also demonstrates that the remaining playing field would still provide the lay out of pitches as required by the CUA and so there would be no loss of sporting capacity.

In view of the above, whilst the proposal would not meet any of the exceptions in Sport England's Playing Fields Policy or any of the specified criteria in paragraph 99 in the NPPF, when assessing the circumstances of this application, this temporary development proposed on the playing field is deemed acceptable to Sport England in principle.

Conclusion

When assessing the circumstances of this application, Sport England has no objections to this proposal.

Responses Received within Re-consultation (Consultation period between 01st August 2023 - 15th August 2023)

Lincs Wildlife Trust - Received 11.08.2023

Lincolnshire Wildlife Trust would like to maintain our holding objection on this application until BNG to a minimum of 10% is predicted to be delivered, additional mitigation and enhancement measures detailed and a management plan secured.

Environment Agency - Received 14.08.2023

The FRA dated, 03 July 2023 (ref: SPR1094-BSP-XX-XX-T-W-0001-P02_Flood_Riak_Assessment) does not satisfactorily address our earlier concerns. We therefore maintain our objection set out in our response dated 23 May 2023.

Bat Group - Received 15.08.2023

Thank you for sending the bat activity survey report for comment. Given the site's proximity to the Coronation Channel, a major feeding area for bats commuting through adjacent gardens, it is surprising that no bats were recorded at all, but it was noted that lighting may have been the issue. Therefore, every effort should be made to restrict the 'splay' of lighting - see recommendations in the main report - as bats will certainly be in the area, and also previous Lincs Bat Group comments re incorporating bat boxes into the walls of the new building.

Responses Received within Re-consultation (Consultation period between 05th September 2023 - 26th September 2023)

Lincs Fire and Rescue - Received 14.09.2023

Lincolnshire Fire and Rescue have no objections as long as certain criteria is met.

Environment Agency - Received 09.10.2023

Subject to the suggested condition we withdraw our previous objection, dated 14 August 2023.

No objection subject to certain conditions

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received.

These can be summarised as:

- Support the school and the plans
- Drainage Concerns and responsibilities
- Construction disturbance and noise

Key Planning Considerations

The main issues and considerations in this case include (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage
- Biodiversity and Ecology

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in terms of sustainability.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within the Sub-Regional Centres, namely Spalding within the district of South Holland, development that is "within the settlement boundaries of Boston and Spalding (as shown on the Inset Maps), will be permitted that supports their roles as Sub-Regional Centres".

The application site in this instance is within Spalding, a Sub-Regional Centre, and lies within the defined settlement boundaries as defined by the inset maps containing to Policy 1. In context of this, the principle of development within this location is considered to be appropriate and would be in accordance with the overall principles of the spatial strategy.

Furthermore, the proposal seeks to erect a new school building, in place of an existing built form. The site, in its current form, comprises an established educational facility and therefore has an established use. The proposal, to develop and enhance this established educational establishment on land assigned for school use is considered to be acceptable in principle.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 130, contained within section 12 of the National Planning Policy Framework (2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, policy 3 accords with the provisions of section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The application site lies off Neville Avenue and as such, is not prominently sited when viewed from a wider perspective. However, the site is readily visible from public vantage within close proximity to the site, along with the neighbouring sites. Notwithstanding this, it is noted that the resultant development is relatively sizeable when viewed as a whole.

The proposed school building would predominantly take a two-storey form, with staggered or differing ridge heights and would comprise a flat roof design, typical of school buildings of this nature. Aspects of the proposed development would be single storey, with a canopy link also being provided to the recently developed 'LA Block'. Whilst a sizeable development, the proposed building would be largely reflective of the recently developed 'LA Block' in respect of its height and design, with the predominant two storey block hereby proposed also comprising a similar material finish. In this respect, the proposed development would seek to utilise materials that "either match those existing or to compliment them and the new building".

The remainder of the application site, such as the sports/playing fields and parking area would be largely reflective of their current form, with the majority of alterations, such as the siting of temporary units, being of a temporary nature and being reverted following the completion of development. It is noted that landscaping would also take place, which has been addressed further within the relevant section below; however, it is noted that the proposed landscaping and biodiversity hereby proposed is considered to be acceptable.

Overall, the proposed development is considered to be acceptable and would provide a resultant built form that largely reflects that of the recently developed building on site and would provide a modern facility for the existing use that is established on site. Notwithstanding its sizeable scale and clear increase in built form, it is considered that the development would not give rise to an unacceptable impact upon the character or appearance of the area and would, in the main, provide an improved form of development.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The application site lies with residential properties neighbouring to the north, east and south of the site; notwithstanding this, it is considered that the proposed development would not give rise to an unacceptable adverse impact to the residential amenities of these neighbouring occupiers.

The application site comprises a relatively spacious parking area, with a centralised parking provision that allows for easy turning. This area is located to the northernmost point of the site and consists of landscaping to provide a level of further screening. As such, this provides a degree of separation between the properties that neighbour to this northern point of the site and that of the proposed built form.

Further, the southern boundary is situated as to have an ample separation distance to the proposed built form, with the extensive school fields and play areas being located to the south of the proposed development. In addition, the proposal identifies the retention of the existing 'Forest School Area' to the southernmost part of the site.

Whilst it is noted that the areas identified, including the parking/vehicle access areas, would be utilised and provide aspects of the overall use of the site, as a school premises, these areas would not be significantly altered in comparison to their current form prior to development. The resultant development would not result in a significant rise in capacity for the school and as such, whilst to be utilised, these areas would not give rise to an unacceptable level of additional adverse impact given the existing use on site. However, these areas provide suitable separation between the proposed new school building and the neighbouring residential uses.

To the east of the site lies further residential properties. These properties also lie with adequate separation distance and, whilst the development will undoubtedly be noticeable and visible, would be somewhat screened by the recently developed 'LA Bock', which is sited immediately to the east of the proposed school building. Similar to the above, the proposal would not give rise to an unacceptable adverse impact to the residential amenities of these neighbouring occupiers.

Notwithstanding the separation distances provided, whilst providing a resultant built form that is larger in scale, the development is of such a scale and design that no significant impact would be caused to neighbouring residential amenities.

Beyond the residential nature of the surrounding area, to the west of the site lies a further school, in the form of Spalding Academy. The school sites immediately adjoin; however, the resultant built form and development is not considered to give rise to an unacceptable impact upon this existing use, or its users. As referenced above, it is noted that the development phase of the proposal hereby proposed would give rise to levels of noise associated with construction; however, this would be for limited period and would not warrant the refusal of permission and it is considered that, beyond those hereby recommended, further conditions in respect of noise such as noise assessments would not be necessary or meet the required tests to attach such conditions, particularly when considering the separation and temporary period of construction.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking.

The application site currently gains access via an eastern leg off Neville Avenue, which itself is a residential road. The access leads to an automatic gate, which requires authorisation for access. This leads onto the car parking area within the site. These access arrangements, to gain access to the site, will remain as existing and would not be altered as a result of the proposed development.

The proposed development, whilst providing a new school building, would not increase the current number of full time equivalent (FTE) staff (51) or pupils (138) on site, with this remaining equal to that currently on site; albeit this may not be exact numbers going forward given the nature of the sites use.

The application has been supported by a travel plan, which further details alternative methods of transport that could be utilised for the site, including walking, cycling and public transport.

Overall, it is considered that the existing access, that providing access to the resultant development, and the parking provision within the site is considered to be adequate and acceptable.

It is also noted that consultee responses have requested that cycle storage and provision be secured through condition. the details provided somewhat conflict, in that differing cycle spaces have been identified within the application; however, further to discussion, it is agreed that conditions be secured to ensure adequate provision of cycle storage.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Flooding Considerations and Drainage

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They

should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 162 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

It is noted that the Environment Agency, within their initial consultation response, raised a formal objection to the proposal given the absence of an appropriate Flood Risk Assessment. These comments outlined that:

The Flood Risk Assessment did not comply with the requirements of a site-specific flood risk assessment and that the assessment provided "identified that the site is within the 'Danger to All' hazard zone however the expected flood depths for a breach in the defences during a flood which has a 0.5% chance of occurring in any one year up to 2115 has not been assessed. The FRA does also not suggest appropriate mitigation measure to mitigate against these potential flood depths".

Following initial amendments, it is noted that the Environment Agency maintained their objections; however, following the submission of further detail, the Environment Agency withdrew their objections subject to conditions and as such, no objection remains in relation to flood risk or drainage.

It is considered that, whilst the site lies within an area considered to be 'Danger for All', the development seeks to erect a two-storey school building in place of an existing built form. As outlined by the Environment Agency, whilst it may not be feasible for floor levels to be increased, or finished floor levels to be increased to the required levels, the resultant development would allow for safe refuge within the upper storey of the building hereby proposed and the developments seeks to replace an existing built form, comprising a use that is existing and established on site.

In respect of drainage, it is noted that concerns have been raised in relation to the means of drainage and the current ownership, or responsibilities of drainage systems surrounding the site, some of which have identified concerns that directly relates to the development hereby proposed. Whilst consent may be required from external parties, separate to the planning process, it is noted that no formal objections exist in this respect. The proposal has been supported by a Drainage Strategy and the application details that the foul water would be disposed via a main sewer. The Internal Drainage Board have stated that, in respect of surface water, "the applicant proposes to discharge surface water to a watercourse at a rate of 5 l/s which is a betterment of the existing rate". Whilst consent will be required direct from the IDB, this highlights a betterment of the development in this respect.

Overall, it is considered that the details in respect of drainage and flood risk are adequate and whilst

initial concerns were raised, the development would not give rise to an increased risk in this regard in comparison to that existing on site. The details are considered to be appropriate and have been secured by condition.

Overall, when considering the development on balance, it is considered that given the site specific circumstances detailed and the supporting information put forward, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Temporary Units

The proposal, given the need to demolish and remove the existing building, also seeks permission for the development of temporary units. These temporary units, whilst relatively sizeable in some instances, are considered to be appropriate for the temporary period being proposed.

The temporary units will be placed within the existing school grounds, within the application site and would retain appropriate separation distance to neighbouring properties. Drawing No (08)001, submitted during the application process to demonstrate the siting of the proposed temporary units, which has been recommended as a condition to ensure the appropriate siting of such structures. The need for such facility is clear, given the significant reduction and loss in built form for the temporary construction period and this, coupled with the resultant extent of such temporary units, ensures that no unacceptable impact would be caused to either residential amenities or to the character or appearance of the area.

Conditions have been recommended, due to the clear temporary nature of such units, which require the units to be removed from site at the earliest opportunity following the completion of development. However, should unexpected delays occur, the condition also requires the removal of these temporary units within a period of years from the date of the permission, given that such structures are purposeful for a temporary period and are not suitable for a more permanent period of time. Increased presence or more permanent use of such units would not be policy compliant and would cause an unacceptable impact to the character and appearance of the area.

Ecology & Biodiversity

In respect of the climate emergency, Section 14 of the National Planning Policy Framework (2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

Specifically in respect of biodiversity and ecology, Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

During the application process, consultation has occurred with Lincs Wildlife Trust, and as detailed within this report above, had initial outlined concerns and holding objections; given their current request for a 10% biodiversity net gain.

It is noted that a need for a 10% Biodiversity Net Gain is likely to be forthcoming within the near future; however, to date, this has not yet come into force and has not been specifically outlined within Local or Nation policy in the form of the Local Plan or National Planning Policy Framework. Whilst the 10% net gain preferable, it is noted that the development indicates a level of uplift, following detailed discussions and amendments being forthcoming during the application process, with conditions also securing such detail and the need for further detail in relation to bat and bird boxes.

The details provided in respect of ecology and biodiversity, as amended, are considered to be acceptable and demonstrate, albeit to a minor extent, a net gain. This complies with Policy 28 of the Local Plan and given the nature of the site, its use and the existing network on site, is considered to be acceptable in this instance.

Overall, it is considered that the proposed development complies with policy 28 of the South East

Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework, subject to the conditions attached to this recommendation.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 28, 31 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus the provisions of the National Planning Policy Framework (NPPF), 2023. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4, 28 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (2023). There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

It is recommended that the application is approved conditionally.

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.