

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1017-23 **Applicant:** Tilbury Douglas (On behalf of the Department for Education)

Proposal: Details of scheme of construction management and construction management plan and method statement (Conditions 4 & 5 of H16-0373-23)

Location: Tulip Academy Waterside Campus Spalding

Terminal Date: 11th January 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
30	Pollution

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This application is for a discharge of conditions relating to planning application H16-0373-23. The permission allowed 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.'

The applicant seeks the discharge of conditions 4 & 5.

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

Highways

No objection: The submitted details are acceptable to the highway authority and lead local flood authority and therefore the Authority does not wish to object to the discharge of these Conditions.

Environmental Protection

No objections: provide up to date contact information and details of communications to neighbours prior to piling operations.

Planning Considerations

The applicant seeks to discharge the following conditions:

- Condition 4 - Construction Management Plan
- Condition 5 - Construction Management Plan Method Statement

Condition 4

Condition 4 was applied in the interest of the amenity of local residents. It required:

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 applicant has provided a Construction Environmental Management Plan (CEMP), by Tilbury Douglas and a Project management plan.. Environmental Protection have reviewed the submission and have no objection subject to the construction operator providing up to date contact information and details of communications to neighbours prior to piling operations.

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

Condition 5

Condition 5 was applied in the interest 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. It required:

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

The applicant has provided a Construction Environmental Management Plan (CEMP), by Tilbury Douglas and a Project management plan. Highways and SuDs support have been consulted and have stated "The submitted details are acceptable to the highway authority and lead local flood authority and therefore the Authority does not wish to object to the discharge of these Conditions".

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

Conclusion

Condition 4 and 5 of planning permission H16-0373-23 are hereby discharged.

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.