DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H21-0897-21**	**Applicant:**	**Vicar & Churchwardens Parish of Tydd St Mary**
Proposal:	Siting of modular building for use as classroom - retrospective		
Location:	Tydd St Mary C Of E Primary School Church Way Tydd St Mary		
Terminal Date:	20th October 2021		

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

National Guidance

National Planning Policy Framework 2021

Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission to retain the existing modular building to the west of the main school building for use as additional classroom space with associated store, Kitchen, w/c. The building was permitted in 2009 for a duration of 10 years and this permission has

now expired. It measures 12 metres x 8.5 metres.

Site Description

The site comprises the Tydd St Mary C of E Primary School located on Church Way in Tydd St Mary, Wisbech. The building in question is located to the west of the main school building. To the west are playing fields and recreation grounds. To the front of the site is the school car park. Access to the site is off Rectory Road and Church Way. The immediate area comprises mainly residential dwellings.

History

H21-0477-13 - Alteration of playground and car park areas with new fencing and gates and construction of a bus waiting lay-by - Approved

H21-0456-12 - Proposed new classroom and extension of existing hall, cloaks and toilet - Approved

H21-0659-10 - Single-storey extension to provide additional reception and office space and conversion of detached store into teaching room - approved under H21-0830-09. Amendments to show new windows to front elevation to match existing - Approved

H21-0830-09 - Single-storey extension to provide additional reception and office space and conversion of detached store into teaching room - Approved

H21-0144-09 - Proposed modular building for use as a classroom - Approved

H21-0804-08 - Proposed classroom building - Refused

Consultation Responses

Tydd St Mary Parish Council
Support the application.

North Level District Internal Drainage Board
No objections. A service levy will need to be paid.

Planning Considerations

Principle of development

Section 38 (6) of the Town and Country Planning Act, 1990, as amended by the 2004 Act, indicates that determination must be made in accordance with the development plan, unless material considerations indicate otherwise.

The site is inside Tydd St Mary Settlement Boundary as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 indicates that within the settlement boundaries of the Main Service Centres, including Holbeach, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

The site is within the Tydd St Mary Settlement Boundary and the proposal would provide additional educational facilities that would help support Tydd St Mary's role as a service centre and help sustain existing facilities. No objections are therefore raised in principle.

Design and impact on the character of the area

The building in question has been sited on the school grounds since 2009 and still appears to be in a good condition. As such it is deemed appropriate to allow the building to remain on the site for another 5 years after which its condition can be assessed again.

As such it is considered that the building is acceptable.

Neighbouring amenity

The building in question has been on the site since 2009 and as with the previous approved scheme there are no neighbouring amenity concerns given the fact the building is located well within the site and away from all neighbouring properties.

Drainage

North Level District Internal Drainage Board has not raised any objections but has advised that a service levy will need to be paid. An informative has been added to this effect.

Planning Balance

The proposal will not materially harm the character or appearance of the locality. The planning balance is therefore considered to be in favour of the proposal.

Conclusion

In light of consideration above, the proposal complies with Policies 1, 2, 3 and 4 of South East Lincolnshire Local Plan, 2019 as well as Section 12 of National Planning Policy Framework, 2021.

Additional Considerations

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance 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 your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), 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 interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

RECOMMENDATION

The application can be approved under delegated powers.