

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H21-0911-22 **Applicant:** The Governors of Tydd St Mary C of E Primary School

Proposal: Proposed Wooden Classroom

Location: Tydd St Mary C Of E Primary School Church Way Tydd St Mary

Terminal Date: 18th November 2022

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	0	0	1
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 for a wooden classroom within the school grounds. The building would be used predominantly for music lessons but also as additional space

for staff for meetings and to lead intervention groups. The building would measure 6 metres x 5 metres and stand at 3 metres in height (2 metres to the eaves). It would be constructed from wood, sitting under a felt shingles roof.

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 proposed to be located towards the rear of the main school building. To the east and 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

H21-0897-21 - Siting of modular building for use as classroom - retrospective - Approved

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

No objections.

North Level District Internal Drainage Board

No objections, however a formal application would be required under byelaw 3.

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 within the Tydd St Mary Settlement Boundary as defined in the South East Lincolnshire Local Plan (SELLP), 2019 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

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, among other considerations. 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 as per Policy 2 of the SELLP.

The proposed structure would be largely hidden from public views given the fact the majority of it would sit behind the existing main school building. There may be glimpsed views from Church Way, however, given its set-back and the presence of trees /hedging along the northern and eastern boundaries the proposed building would not appear overly prominent.

The proposed structure would appear as a relatively minor addition to the overall site. Its design and materials are of contemporary nature and whilst not necessarily matching the existing school building, they are not considered to conflict with the overall character and appearance of the site or the wider character.

Given the proposed use of materials it is deemed appropriate to allow permission for a temporary period of 5 years, after which the state of the building can be reviewed.

As such the development is not considered to result in detrimental impact to the character of the area and is therefore acceptable in terms of its design and siting.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The closest residential neighbours are to the north-east of the site and the proposed structure would be sited at least 25 metres from the nearest neighbour. Given its modest size, this separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing. In addition, there are trees/hedges along the north-east boundary therefore the proposed building would be largely hidden from these neighbours.

In terms of noise the proposed building would be used as part of the existing school and any activities proposed are already present on the site therefore it is not considered that any new or unacceptable impact would result.

As such the proposal would on balance accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Drainage

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

North Level District Internal Drainage Board has not raised any objections but has requested details of surface water drainage as these were not submitted originally. The applicant has now confirmed that surface water would be discharged to an existing watercourse. The Drainage Board has not raised any objections to this but has advised that a formal application would need to be made. An informative has been attached to the decision notice advising the application of this.

Given the above the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on drainage.

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.