

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0538-22 **Applicant:** Thomas Cowley High School

Proposal: Creation of tarmac area

Location: Thomas Cowley High School School Lane Donington

Terminal Date: 20th July 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
03 Design of New Development
29 The Historic Environment

National Guidance

National Planning Policy Framework 2021

Section 12- Achieving well-designed places
Section 16- Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for the creation of a proposed tarmac area within the grounds of the Thomas Cowley High School, School Lane, Donington.

Site Description

The application site forms part of the grounds of the Thomas Cowley High School. The original school buildings are a variety of Grade II listed and mid-late 20th century school buildings and with a C19th classroom block to the east. The site is located within the Donington Conservation Area and is surrounded by several TPO trees to the south and south east of the site and playing field.

History

H04-0160-21- Approved on 01-04-21- FULL- Replacement of windows and doors.

Consultation Responses

Diane Fairchild, Conservation Assistant (Tree Preservation)

Two Conservation Area trees to be affected.

Silver birch to be retained. Should be protected as in Tree Report PRIOR to construction works commencing.

Some encroachment into Root Protection Area. Detriment should be minimised by using porous tarmac. Noted that propose to crown raise to 3m.

Normally would require a separate Conservation Area Notification for the works. Should Permission be granted for the proposal in this instance the works may be undertaken, to enable access to site for the project to proceed.

Works should be carried out in late summer and autumn as bleeding of sap from pruning works can be a problem at other times of the year. Cherry to be removed, could not readily see an explanation in the application.

Could easily be incorporated into the design and retained to visually enhance the area. Crown could be lifted to pre-empt any visibility concerns. It is noted that a replacement is to be planted elsewhere to compensate for the proposed loss of the original.

Ian Marshman, Historic Environment Officer, Lincolnshire County Council

The location of the proposed development is within an area of archaeological interest. Donington is a Saxon place name, and is at the terminus of the Roman road called Salter's Way, which may itself follow the course of a prehistoric trackway. It is mentioned in Domesday Book, where it is recorded as having salt houses. By the thirteenth century Donington had a church, two markets and a fair.

Archaeological watching briefs undertaken on groundworks for new extensions at the school in 2000 and 2001 recorded primarily post medieval and modern deposits. However, the work in 2000 also revealed a feature which was recorded as a grave cut, or more likely a well, possibly of medieval or earlier date.

The area of proposed development is less than 100m away from the recorded location of a cist burial with a possible cremation. A vault, two feet square, of hewn stone, containing an urn full of red earth, was found when foundations were being dug behind the historic schoolhouse.

However, in this instance the proposed development is stated to only involve disturbance to the top 230 mm of grass and topsoil. It is therefore unlikely that any below ground remains would be impacted, provided that these depths are adhered to during construction. On this basis we would recommend that no archaeological input be required.

However, if during the course of development any graves or suspected human remains or other archaeological finds or features are revealed the developer should contact this office as soon as possible to ensure that a record can be made. The developer and their contractors should be aware that it is an offence under the Burial Act 1853 to disturb human remains without a license from the Ministry of Justice, so all work should cease immediately in the event that any human remains are

encountered.

Greg Watkinson, Conservation Officer

The proposal site is a grassed area within the complex of the Thomas Cowley School. It is surrounded on 3 sides by mid-late C20th school buildings, with a C19th classroom block to the east. This grassed area is of no significance to the character of the wider setting of the school complex which itself contains 3 separate Grade II listed buildings. Because this area is of no significance to the character of the site and because the works are only minor, representing a simple resurfacing to macadam, I wish to raise no objections to the principle of this proposal from a conservation perspective.

However, I would echo the comments of my colleague from the Lincolnshire County Council Historic Environment Record and recommend that, in the interest of protecting against harm to any archaeology at site, if approved, this application ought to be accompanied with a condition restricting excavation to the top 230mm topsoil and grass layers.

In addition, I would recommend the addition of advisory conditions reminding the applicant of their obligation to report any potential graves, human remains, or other articles or aspects of potential archaeological interest to the Lincolnshire Historic Environment Record, as well as another reminding the applicant that it would be a breach of the Burial Act of 1853 to disturb human remains without the requisite permissions and that therefore, should any such find be made, work should immediately cease and the relevant authorities should be alerted.

Planning Considerations

Heritage Impact

Whilst the High School is situated within the Donington Conservation Area, the site already has pre-existing evidence of tarmac/macadam surface areas on the surrounding playgrounds, which are situated opposite three Grade 2 Listed Buildings. The existing grassed area in question, is situated out of sight from the Grade 2 Listed Buildings, the proposed tarmac area would be located near mid-late C20th buildings. It is not considered that the grassed area would be of any significance upon the character of the wider setting of the High School.

Following the Conservation officer and the Historic Environment Officer comments, a condition will be added to restrict the excavation to the top 230mm top soil and grass layers to ensure the protection against any harm to any archaeology at the site.

Therefore, due to the neutral impact that this proposal would have, it is deemed to help to conserve the historic environment in line with Policy 29 in the SELLP, 2019 and Section 16 of the National Planning Policy Framework (2021).

Tree Conservation

The Tree Conservation Officer has raised comments in regards to the protection of the existing Cherry Tree which is situated within the centre of the proposed tarmac area. The Tree Survey confirms that a replacement tree will be planted elsewhere on site in mitigation, with details to be provided to the Planning Authority. If the Cherry Tree was to be kept, the root protection area would mean that a large portion of the area could not be tarmacked and therefore, the proposed tarmac area would not be justifiable to undertake.

A Birch tree which is positioned to the south of the proposed site has a root protection area of 4m. It is considered that it is unlikely that there will be any significant roots at that distance from the tree centre and it is suggested that there will be little adverse affect upon the Birch tree.

Planning Balance

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

The proposed creation of the tarmac area will not materially harm the character or appearance of the locality or amenity of the surrounding buildings. It is therefore considered to be in accordance

with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 16 of the National Planning Policy Framework (2021).

Conclusion

Therefore, this application is recommended for approval.

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.