

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0910-22 **Applicant:** South Lincolnshire Academies Trust

Proposal: Creation of Tarmac Area

Location: Thomas Cowley High School School Lane Donington

Terminal Date: 27th December 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	1
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 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. 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

H04-0538-22- FULL- Approved on 18-07-22- Creation of tarmac area

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

Consultation Responses

Ian Marshman, Historic Environment Officer

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

I do not wish to raise any objections to this application, on the basis that I do not consider there to be any risk to the character or value of the associated heritage asset presented by this application.

Trees and Nature Conservation Officer

The trees are within a Conservation Area, and should be retained if at all possible to enhance the setting of the Listed Building.

The removal of a grass area and substitution with tarmac is a negative step.

Keep the original trees and plant the replacements in any case to make up for the loss of biodiversity in this area, and help enhance that remaining. Ideally a school should set a good example to others.

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 to the east of the Grade 2 Listed Building, the proposed tarmac area would be located near other historic buildings to the north. It is not considered that the grassed area is of any significance upon the character of the wider setting of the High School, given that there is already a basketball/netball court and a car park in front of the historic and character buildings currently.

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 Survey confirms that two replacement trees will be planted elsewhere on site in mitigation, the replacement will be a Rowan Sorbus and with the supply of Ash restricted due to the disease "Ash Dieback" it would be proposed to replace the second tree with a Sycamore. The submitted arboricultural statement identifies that both trees have limited public visual amenity due to other mature trees that line the site, and it is suggested that the loss of both will have no significant impact on the street scene in that location.

The new area is currently free from trees but would be in keeping with the rest of the site. Maintenance is completed yearly. A full inspection and Health and Safety Report is conducted every 2 years by a qualified arboriculture consultant and recommendations are followed. New trees would be over 1.5m in height.

Comments have been made from the Tree and Nature Conservation Officer about concerns over the need to remove the trees from the vicinity and how it would be a negative impact and influence to replace the grass with tarmac with the proximity of listed buildings being so close. As much as these comments have been acknowledged, it is however, not considered to be of any concern to the Conservation Officer, as there are already a significant number tarmac surfaces which already are apart of the visual amenity of this section of elevation of the school.

Therefore, the proposed tree replacement is considered to be acceptable and in accordance with policies 2 and 3 in the SELLP, 2019.

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.