

Delegated Officer Report Recommendation – refuse

Application number: 16/0346/OUT

Proposal: Outline application for the erection of 4 no. dwellings with all matters reserved and Full application for the change of use of part paddock land to provide car parking to serve South Hykeham Primary School

Site Address: Land Off Meadow Lane South Hykeham Lincoln Lincolnshire LN6 9PF

Applicant: Mr A M Phillips

Received Date:	21/03/16
Valid Date:	29/03/16
Date of Site Visit:	08/04/16
Date of Ward Member Notification Expiry:	
Expiry Date:	24/05/16
Target Date:	10/05/16
Date of Recommendation:	06/07/16

Constraints:

Airfield
 Airfield
 Airfield
 Airfield
 Airfield
 Airfield
 Airfield
 Countryside
 Listed Building Curtilages
 NATS
 Quarries
 Robin Hood Airport Consultation Area
 Within Settlement Boundary
 SHLAA Site
 Upper Witham IDB Interest Area
 Visual Amenity Area
 Within 50m of a Listed Building
 Within 50m of a Listed Building

Planning Policies:

C1 - Development within settlement curtilages
 C5 - Effects on amenities
 C18 - Design
 HE5 - Development affecting the setting of a listed building
 LW3 - Visual amenity areas
 LW4 - Trees of significant amenity value
 T4 - Safety
 National Planning Policy Framework
 LP01- Presumption in favour of sustainable dev

LP02 - Spatial strategy & settlement hierarchy
LP04 - Growth in villages
LP13 - Transport
LP23 - Local green space
LP25 - Historic environment
LP26 - Design & amenity

Planning History: None

Neighbour Responses:

Mrs C Corinne
Holly House 11 Meadow
Lane

Object to the planning application:

The location of the junction is not in the best position considering the width of the road at that point cannot easily accommodate two cars. Further down Meadow Lane there is an existing junction and a gate into the field. This would reduce risk of accidents and bottle neck during dropping off and picking up times for the school.

The location of the car park should be located nearer the school where plot 1 is proposed to be positioned along with a footpath into the school from the land to the east of the school.

Size of the car park is too large, it is not the best use of land in a small rural village especially in the setting of a listed building.

Concerns about the safety of the junction of Meadow Lane and Beck Lane and feels the existing junction would not be able to accommodate the increased car movements day and night without remodelling.

Lack of footpath provision shown on the proposed scheme that connects with the existing church parking spaces.

Comments in relation to the amended plans.

Still objects to the proposed development, in addition to the original concerns raises concerns which are listed below:

The benefit of the car park does not solve the problem but only relocates the congestion and potential for accidents into a more confined space while causing harm to the countryside and the listed church.

Feels the car park should be a community benefit and should be

able to be used by the whole village and not just the church and the school.

Mr Darren Pullen
Old Forge 9 Meadow
Lane

Objects to the proposal.

Entrance and exit will directly affect property as on street parking would be reduced and I would be unable to park near to my property without making the proposed junction unsafe.

The proposed car park is inadequate for the needs of the school and car park would create chaos at drop off and pick up times. concerned about possible anti social behaviour.

Proposed building work would damage root systems of ancient trees that grow on the boundary of the church.

Dwellings only set back a minimum distance from the listed church, with the gardens of those properties backing onto the churches boundary. Cause future problems of garden structures and extensions being too close to the church.

Further comments recieved after amended plans.

Queried if the archeological significance of the site had been considered.

John Richardson
South Hykeham
Community Primary
School Wath Lane

Headmaster of South Hykeham Primary School

Supports the application. The project includes provision for a car park for use by parents of South Hykeham School. Feels the provision of such a car park greatly enhances parking provision for the school, reducing congestion in the village and lessening the risk of accident. School serves wide catchments and many have little choice but to travel by car. Only have one road for parents to park on so any improvement would contribute to keeping children safe on school run. Children would be able to access and egress more safely in a car park than on Meadow Lane itself.

Miss C Mumby
Olde Forge Cottage 7
Meadow Lane

As owner of number 9 wish to make the following comments.

Access and egress to the site will create problems for on street parking for people living on Meadow Lane with the creation of the new junction to serve the car park, especially at school drop off and pick up time.

Also moving the access point would alleviate this and reduce the detrimental effect on the Churchyard trees and character of the area too.

Mr Michael Orridge

Principle supports te application but requests more details in

47 Henlow Close Kirton in
Lindsey

relation to the car parking that has been provided.
Number of spaces.
Width of spaces.
Adequate amount of disabled spaces, coach spaces and van spaces?
Who will maintain the car park?
Is there no option where a path can be provided to connect upto the school through the site.
Will parents actually park here and walk further with children?
More pavement provision should be provided.

A condition should be imposed via a detailed landscape plan to ensure privacy and screening is provided.

Comments received after amended plans.
No objections but would request a landscaping condition be imposed.

Consultee Responses:

Historic England

Thank you for your letter of 13 April 2016 notifying Historic England of the above application.

Summary

The proposal is the erection of 4 dwellinghouses, and provision of a car park for South Hykeham Primary School, on land off Meadow Lane (south side), Hykeham. Historic England has been consulted because the application site lies within the setting of a Grade II*listed building - The Church of St Michael and All Angels. The planning application is in outline only, with all matters reserved. We consider that the proposal would result in unjustified harm to the significance of the heritage asset (the Grade II*listed building).

Our advice is given in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, the Planning Practice Guide and the Historic Environment Good Practice in Planning Notes 2 and 3.

The application site is an open field that forms a key part of the setting of the Grade II* listed church of St Michael and All Angels. The site's undeveloped and open nature provides a soft rural edge to the south of the church, and an appropriate context within which to appreciate and experience its significance as a rural parish church.

Historic England Advice

Impact

The proposal is for a 30 space car park and a series of 4 detached dwellings, laid out in a cul-de-sac arrangement

accessed via a long driveway off Meadow Lane. As the application is in outline only and there are no design details including storey heights it is difficult to be sure what the exact impact will be. Notwithstanding this, the proposed development would be approximately 45 metres from the church, wrapping around its southern and eastern sides. In our view the introduction of any built form within this field, coupled with the increase in movement, activity and noise, will compromise its current state of openness and will therefore fundamentally change its character such, that the church's existing quiet rural backdrop would be essentially lost. We therefore conclude that the impact of the proposal would result in harm to the significance of a highly graded heritage asset. (paragraph 132 National Planning Policy Framework -NPPF)

Policy context

As the proposal affects the setting of a highly graded listed building, we draw your attention to the statutory requirements to have special regard to the desirability of preserving [the building and their] setting (s.66, Planning (Listed Building and Conservation Areas) Act 1990), which must be taken into account by your authority when making its decision.

The importance attached to setting is recognised by the Government's National Planning Policy Framework (NPPF) and in guidance, including GPA3 The Setting of Heritage Assets (published by Historic England on behalf of the Historic Environment Forum, March 2015). The NPPF defines the setting of a heritage asset as, 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral' (Annex 2).

Detailed guidance on assessing the impact of development on the setting of heritage assets is set out within GPA3 The Setting of Heritage Assets (published by Historic England on behalf of the Historic Environment Forum, March 2015). Significance can be harmed or lost through development within a heritage asset's setting and any harm or loss to significance 'should require clear and convincing justification' (paragraph 132, NPPF). Your authority should aim to achieve the objective of sustainable development which in this context means guiding development towards a solution that achieves economic, social and environmental gains jointly and simultaneously (paragraph 8, NPPF). In this case the potential impact on the setting of numerous designated heritage assets, must be carefully considered.

It should also be noted that paragraph 137 of the NPPF infers that it is only those proposals that preserve key elements of the setting of heritage assets that should be treated favourably.

Position

In our opinion the proposed development would result in harm to a designated heritage asset. While we recognise that the provision of a car park for the school could be argued to be of some public benefit, we do not consider that this would outweigh the harm to significance. Therefore the harm that we believe would result from the proposal, is not, in our view, justified or in accordance with the policies and principles of the National Planning Policy Framework (March 2012). Historic England therefore regrets that it is unable to support this planning application.

Recommendation

Historic England recommends that your authority should determine this planning application in accordance with local and national policy, and on the advice of your specialised in-house conservation staff, and that if minded to grant permission, must be convinced that any harm to significance is outweighed by clear and convincing justification.

We would also advise that your authority follows the guidance of the Principal Planning Archaeologist with respect to the potential for impact upon, and treatment of any undesignated archaeological remains on the proposed development site. In accordance with the NPPF (paragraph 128) as a minimum the Lincolnshire Historic Environment Record should have been consulted to assess the potential for the preservation of any such remains on the site.

Tree Officer

Although broadly acceptable I would recommend that the location of the dwelling on plot 3 should be revised in any further submissions to allow greater stand off from T18.

Plot 4 layout could also be similarly revised.

Recommend any approval has attached conditions:

1. No works or development shall take place until a scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include (include pertinent sections)
 - a. A plan showing details and positions of the ground protection areas.
 - b. Details and position of protection barriers .
 - c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
 - d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, surfacing).
 - e. Details of working methods to be employed for the installation

- of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - g. Details of any scaffolding erection within the root protection areas
 - h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

2. Prohibited activities.

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

3. No development shall take place until a landscaping scheme containing in full the details of every tree, shrub, and hedge to be planted (including its proposed location, species, size, density and approximate date of planting), is submitted in writing to and approved by the District Planning Authority.

4. The approved landscaping scheme shall be carried out within

6 months of the first occupation of any building or completion of the development, whichever is soonest unless agreed otherwise in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size as the original shall be planted in the same place during its next planting season. Variations may only be planted on written consent of the District Planning Authority.

Parish Council

Parish Council objects - Council requests that the car parking provision should serve the community as well as the school.

Environmental Services

No comments

Heritage Trust Of
Lincolnshire
Lincolnshire County
Council - Highways And
SuDS Support

Notice is hereby given that the County Council as Local Highway and Lead Local Flood Authority:
Requests that any permission given by the Local Planning Authority shall include the conditions below.

HI02 - Where private drives are proposed as part of any development you should be aware of the requirements laid down in Manual for Streets and Manual for Streets 2.

HI04 - This road is a private road and will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.

HI03 - Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.

HP18 - When the application is made for approval of the 'Reserved Matters' that application shall show details of the arrangements for the parking/turning/manoeuvring/loading/unloading of vehicles within the site. These arrangements shall be provided before the building is occupied and shall be kept permanently free for such use at all times thereafter.

Reason: To enable calling vehicles to wait clear of the carriageway of Meadow Lane and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

Lincolnshire Historic
Building Committee

No objections but the layout, design and appearance of the dwellings, access drive and parking area are of considerable importance given that the site is within the setting of listed parish church.

Upper Witham Drainage
Board

The Board has no comments on this application, the development does not affect the interests of the Board.

Parish Council

Conservation Officer

Historic England

Thank-you for reconsulting Historic England on this planning application, for which we provided advice in our letter of 28th April 2016.

We recognise that in the amended layout the proposed car park would be sited further from the Grade II* listed church and this may be a marginal improvement, it would however still fall with the setting of the heritage asset, and in our opinion would still have a negative impact upon its setting. As such we remain of the view that the proposal would result in unjustified harm to the significance of the church as a heritage asset, and we do not therefore consider that the amended layout addresses the concerns that we first raised.

Recommendation

We refer you to the advice that we provided in our letter of 28th April 2016, and recommends that your authority should determine this planning application in accordance with local and national policy, and on the advice of your specialised in-house conservation staff, and that if minded to grant permission, must be convinced that any harm to significance is outweighed by clear and convincing justification.

We would also advise that your authority follows the guidance of the Principal Planning Archaeologist with respect to the potential for impact upon, and treatment of any undesignated archaeological remains on the proposed development site. In accordance with the NPPF (paragraph 128) as a minimum the Lincolnshire Historic Environment Record should have been consulted to assess the potential for the preservation of any such remains on the site.

Lincolnshire County
Council - Highways And
SuDS Support
Parish Council

My council supports the proposal for the change of use of part paddock land to provide car parking to serve South Hykeham Primary School and feels that this would be a welcome solution to the current problems with inconsiderate and dangerous parking at this location. My council has no objection to the erection of 4 dwellings.

Planning Officer Comments

Conclusion

Decision Notice information

Conditions/Reasons

- 1 The proposed development would adversely impact upon the setting and therefore significance of the Grade II* Listed St Michael and All Angels Church, which would amount to 'less than substantial harm' to that designated heritage asset. The proposed development would not deliver public benefits of such a level necessary to outweigh the harm that would be caused to the setting and significance of this high grade designated heritage asset, and which would be caused through the introduction of built form which would interrupt the existing open, undeveloped rural edge to the south and east of the church and which forms an important part of its wider setting. In its current form, this undeveloped space enhances the context within which this rural parish church is experienced.

The provision of the proposed car park, whilst seeking to address localised parking congestion associated mainly with the drop-off and collection of primary school children, would only experience usage for limited weekday AM and PM periods during term times, with secondary use in connection with church services itself likely to account for only low-level use throughout the year. The car park would otherwise remain out of use. Furthermore, by virtue of its relative distance from the school and the lack of any proposed direct link between the car park and school grounds, it is questionable whether the car park would completely address the temporary, localised congestion that occurs in the centre of the village associated with the school's operations.

Finally, and both in isolation and combination with the proposed car park, the provision of four dwellings would fail to provide a sufficiently high level of social or economic benefit (including through the absence of any affordable housing) to offset the harm that would be caused to the setting and significance of the church.

The scheme's adverse impacts upon the historic environment would so significantly and demonstrably outweigh its benefits that the proposals fail to constitute 'sustainable development'. Instead, the proposals would conflict with saved Local Plan policies C1, C18 and HE5, to advice at paragraphs 7, 14 (including footnote 9), 17 (bullet point 10), 58 (bullet point 4), 61, 129, 131, 132, 134 and 197 of the National Planning Policy Framework and to emerging policies LP25 and LP26 of the Submitted Draft Central Lincolnshire Local Plan (2016).

- 2 The proposed development would adversely impact upon the character, appearance and openness of the 'Visual Amenity Area' (VAA) as identified within

Inset Map 53 of the North Kesteven Local Plan (2007) and its successor proposed designation as an 'Important Open Space' (IOS) as defined within the Submitted Draft Central Lincolnshire Local Plan (2016). The VAA was originally designated in part to preserve an undeveloped buffer around, and to the benefit of the presentation of, St Michael and All Angels Church. In addition, the formation of the vehicular access onto Meadow Lane would result in the loss of a section of otherwise unbroken verge and hedgerow, which together in their existing state make a positive contribution to the character and appearance of the area including the presentation of the VAA/IOS.

The applicant has failed to demonstrate an overriding need for the development which outweighs the presumption in favour of preserving the character, openness and integrity of the VAA/IOS in its undeveloped form. Furthermore, if approved, the proposals would increase the pressure for similar development elsewhere within the VAA/IOS that would collectively cause further adverse impacts on the character, appearance and openness of the VAA/IOS.

The scheme's adverse impacts upon the natural environment would so significantly and demonstrably outweigh its benefits that the proposals fail to constitute 'sustainable development'. Instead, the proposals would conflict with saved Local Plan policies C1, C18 and LW3, to advice at paragraphs 7, 14, 17 (bullet point 7), 61, 64, 109 and 197 of the National Planning Policy Framework and to emerging policies LP23 and LP26 of the Submitted Draft Central Lincolnshire Local Plan (2016).

**Plans
(PPO Checklist):**

	Location Plan	29/03/16
PRL/015/16 Amended	Proposed Block Plan	17/05/16

