

**Open Report on behalf of Richard Wills
Executive Director, Environment & Economy**

Report to:	Planning and Regulation Committee
Date:	6 February 2017
Subject:	County Council Development - (E)S35/2348/16

Summary:

Planning permission is sought for the erection of a free standing kitchen pod which will act as a "hub" providing meals for this and other local schools as well as the erection of a covered walkway and relocation of existing storage units and bike shelter at Coningsby St Michael's C of E Primary School, School Lane, Coningsby.

The key issues to be considered in this case are the impacts of the use on the amenity of occupants of residential properties and highway functioning and safety.

Recommendation:

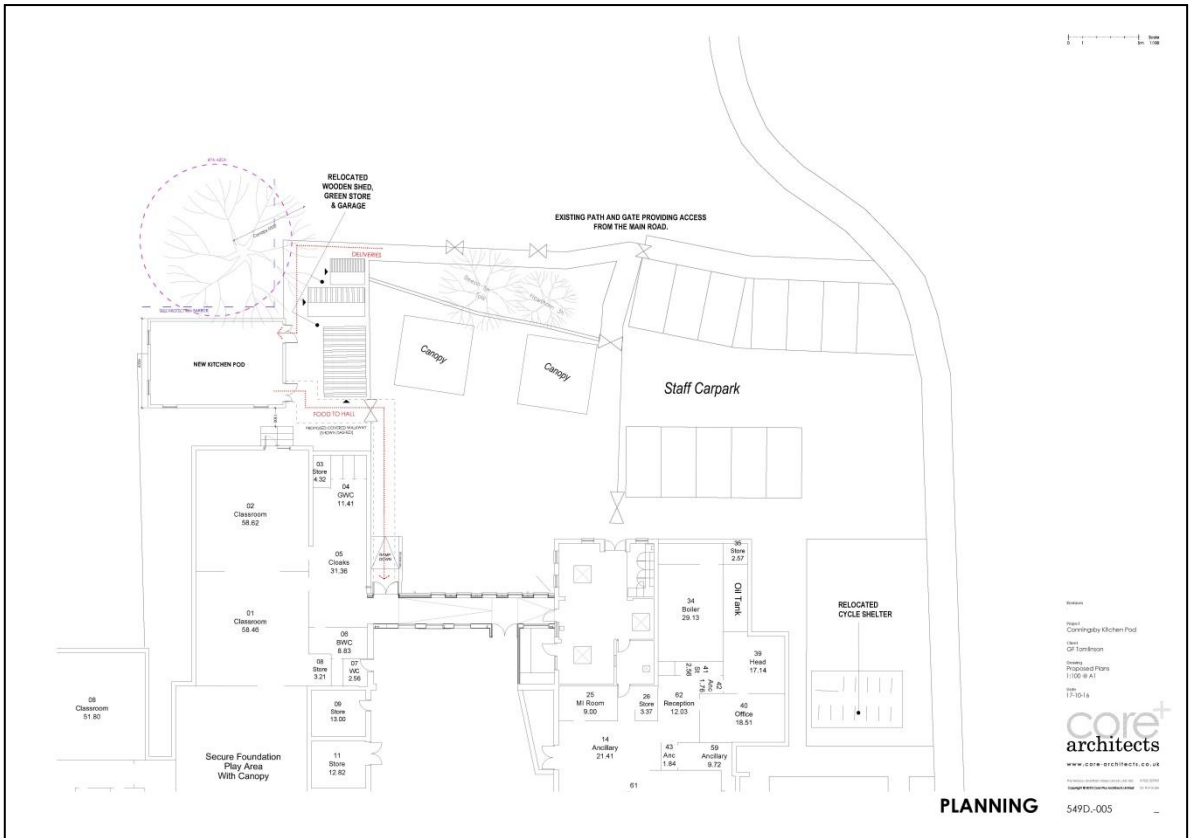
Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

Background

1. Planning permission is sought to station a modular unit within the grounds of St Michael's Church of England Primary School, Coningsby. The unit would function as a kitchen and produce hot meals predominantly for children attending the school although meals would also be prepared for children at two other local schools. The application has been made as a result of the Central Government's partnership with schools, local authorities, caterers and parents which aims to transform the quality and provision of food in schools. The improved food standards introduced in September 2009 need to be underpinned by good kitchen and dining facilities in schools in order that healthier school lunches can be provided in environments which encourage children to eat. In response to this Lincolnshire County Council developed their strategy for the provision of hot school meals throughout the County and following the award of grants from the Department for Children, schools and families have developed a programme which seeks to provide kitchens and kitchen "hubs" at schools.

The Application

2. Planning permission is sought for the erection of a free standing kitchen pod which will act as a "hub" providing meals for this and two other local schools. The proposal also proposes the erection of a covered walkway along with the relocation of existing storage units and bike shelter at Coningsby St Michael's C of E Primary School, School Lane, Coningsby.
3. Currently hot meals are prepared off-site and brought to the school from elsewhere. This proposal would enable the school to operate its own kitchen allowing freshly cooked, nutritious hot meals to be prepared for use both on-site as well by other Local Authority maintained schools which do not have the benefit of their own on-site kitchen facilities. The kitchen pod and size/specification of the equipment installed within it would allow up to 400 meals per day to be produced. It is envisaged that around 250 of these meals would be consumed on-site with the remainder being exported to the other schools.
4. The proposed kitchen pod is a modular unit (approximately 9.8m long by 6.3m wide by 2.9m to the roof) and the external finish/colour would be 'Poppy Red' with a 'Goosewing grey' coloured facia. These colours have been deliberately chosen by the applicant in order to reflect the existing livery of the school. In addition to the kitchen unit it is proposed to construct a covered walkway (approximately 21.5m long by 1.5m wide by 2.2 m high) which would be erected between the kitchen pod and the existing school. The proposed positioning of the kitchen pod would require the relocation of existing storage units and bike shelters within the school grounds. Tree protection measures would also be employed during the installation of the unit in order to protect an attractive tree close to the site.
5. The school states that the kitchen would operate from 07:30 and close at approximately 14:00 (Monday to Friday) and would be used solely for the purpose of providing meals for schools. As a result, the kitchen would predominantly be closed outside term time although it may occasionally open for use on inset days, to carry out annual deep cleaning and for planned school holiday programmes.
6. The kitchen is expected to generate three to four food deliveries per week (six to eight movements) and these would be scheduled either outside of normal school hours or at least not during peak periods. There would be a further two visit/trips (four movements) per day associated with the transportation of meals off-site and the return of empty trays from other schools. The school currently has a delivery (two movements) per day as a result of hot meals being brought into the school from elsewhere and these would cease should planning permission be granted for this development.
7. Finally, the applicant states that the development would create three part-time jobs and it is anticipated that staff would, if necessary, park in the school's car park.



Site and Surroundings

8. St Michael's Church of England School is centrally situated within Coningsby, to the west of Silver Street. To the north of the school's boundary is a residential property with St Michael's Church beyond (Grade 1 Listed Building). To the east is School Lane which incorporates a roundabout for traffic management. Along School Lane there are several residential properties and a Residential Care Home. To the west is the village recreation ground and fields. On the southern boundary of the school is a small cul-de-sac of bungalows.



9. The school site is bound by 2m green mesh metal security fencing, with some mature trees and hedging along sections of the boundary. It is proposed to locate the kitchen pod immediately to the north of the school building on an area currently used for two storage buildings and a garage. Immediately to the north of the proposed site is an attractive mature tree which would be protected and retained a part of the development. Two Public Rights of Way (refs: 224/1 and 224/2) run along the north and north-west of the school boundary (approximately 50m from the site) beyond which there are a few residential properties. The boundary of the nearest property is located 38m to the west of the proposal site and the kitchen pod itself would be 60m from property. The boundary of the nearest property to the north of the site is located 58m distant. The boundaries of these properties are screened from the site by close board wooden fencing and some hedging which runs along their boundary with the public footpath.

Main Planning Considerations

National Guidance

10. National Planning Policy Framework (NPPF) (March 2012) is a material planning consideration in the determination of planning applications and advocates a presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows:

Paragraph 7 - Sustainable development and the protection and enhancement of the historic environment
Paragraph 14 - Sustainable development
Paragraph 17 - Core planning principles, including the need to ensure that heritage assets are conserved in a manner appropriate to their significance
Paragraph 32 – Promoting sustainable transport. Decisions should take into account, amongst other matters, that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
Paragraph 56 – Requiring good design
Paragraph 72 – Schools
Paragraph 132 - Harm to a heritage asset through development within its setting
Paragraph 133 and 134 - Any harm should be judged against the public benefits delivered by the proposal
Paragraphs 186 & 187 – Positive and proactive decision making
Paragraph 206 – Use of planning conditions
Paragraphs 215 & 216 - Status of adopted and emerging Local Plans
Adopted and Emerging Local Plan Context

Local Plan Context

11. East Lindsey Local Plan 1999 (ELLP) - as confirmed by the NPPF, due weight should be given to relevant policies within the Plan according to their degree of consistency with the policies of the NPPF. The following policies are of relevance to this proposal:

Policy A4 (Protection of General Amenities) states that development which unacceptably harms the general amenities of people living or working nearby will not be permitted;

Policy A5 (Quality and Design of Development) states the development which, by its design, improves the quality of the environment will be permitted provided it does not conflict with other Policies of the Plan;

Policy C2 (Development and Demolition affecting a Listed Building) states that permission will be given for development within the curtilage of or affects the setting of a Listed Building only where its form, scale, proportions and materials preserve or enhance the special architectural or historic interest, viability or long term use of the Building.

12. East Lindsey Core Strategy (Publications Version) - November 2016 (ELCS) – this document forms part of the emerging East Lindsey Local Plan, it is currently out to consultation, which will end on 25 January 2017. In line with paragraph 216 of the NPPF, given its stage of preparation, increased weight may be given to this document in the determination of this application, the following policies are of relevance to this proposal:

Strategic Policy 10 (SP10) – Design states that support will be given to well-designed sustainable developments, which maintain and enhance the character of the towns and villages, materials, layout, scale and massing should reflect the character of the surrounding area.

Strategic Policy 11 (SP11) – Historic Environment states that proposals will be supported where they protect and enhance heritage assets and their setting.

Results of Consultation and Publicity

13. (a) Local County Council Member, Councillor C Mair – has commented that there is an ongoing traffic issue on School Lane and that this kitchen pod would result in an increase in traffic that is incompatible with pedestrian safety. It is added that there are not enough parking spaces as it stands for existing school staff and so an increase in staff would mean that there would be nowhere for them to park. It is also commented that there is another Primary School on Clinton Park, Tattershall and that there is plenty of room for the kitchen pod and parking and that this school has a much safer road access to the site.
- (b) Coningsby Parish Council – are unable to support the application due to the congestion of traffic already at the site particularly at busy times which results in residents driveways being blocked, etc. The Parish Council has suggested that Tattershall Primary School be considered as an alternative site as that school does not have the same issues with access and parking. They have also suggested that Lincolnshire Police also be consulted on this application as they are constantly being called to the St Michael's site regarding the on-going parking/traffic issues.
- (c) Highway and Lead Local Flood Authority - acknowledges that at school dropping off and pick up times there is an issue with traffic congestion down School Lane, however, the vehicle movements associated with this proposed kitchen hub would be avoiding these peak times and therefore avoid any conflict with the general school traffic. Consequently, no objections are raised.
14. The following persons/bodies were also notified/consulted on 23 November 2016 but had not replied within the statutory consultation period or by the time this report was prepared:
- East Lindsey District Council (Environmental Health Officer)
Lincolnshire County Council (Trees Officer)
15. The application was advertised by site notice and the occupiers of six properties were individually notified of the proposal. No representations had been received within the statutory publicity period or by the time this report was prepared.

District Council's Observations

16. East Lindsey District Council raise no objection to the proposal.

Conclusion

17. The key issues to be considered in the determination of this application are the potential impacts of the kitchen pod and the activities associated with its use on the amenity of neighbouring residential properties and on the function and safety of the highway network.

Design and Location

18. The kitchen unit would be located to the north of the main school building but would be close to it and is set back and some distance away from the school boundary. Although the external materials and colour of the kitchen unit differ from those used in the construction of the school buildings, these are not considered to be unacceptable and when viewed in the context of the wider school site the size, scale, design and materials of the kitchen unit would not have an adverse impact on the visual amenities of local residents nor would it detract from the appearance or character of the area. Similarly, whilst the kitchen pod would be visible from the nearby public footpaths, its impact would be mitigated by the separation distance and the setting, as it would be set against the backdrop of the main school building and other ancillary structures (storage units and canopies), and would be partially screened by the nearby tree. Additionally given the separation distance between the kitchen pod and the intervening residential property along with its fencing and hedging, the kitchen unit would also have no impact on views to or from the nearby Listed Building or on the setting of this significant heritage asset. Consequently it is considered that the proposed development from a locational and design perspective would accord with the objectives of the NPPF Policies A4, A5 and C2 of the adopted East Lindsey Local Plan (1999) and Policies SP10 and SP11 of the emerging Core Strategy Policy SP11.

Highways and Traffic

19. The Parish Council and Local Member have raised concerns about the existing and on-going issues of traffic congestion and are concerned that these would be exacerbated by this proposal. Although these concerns are noted the Highways Authority has raised no objection to the proposal as the actual additional movements associated with this development are minimal. Furthermore the applicant has confirmed that the movements associated with the delivery of foodstuffs to the school would equate to around three to four a week and these would be timed so as to avoid peak periods such as school drop off and collection times. The proposed increase in staff as consequence of this proposal would also be small and only part time and so with this in mind, and having given due regard to the appropriate local and national planning policy guidance (in particular the NPPF) which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The proposed development is considered acceptable and would not have a detrimental impact on highway safety or the surrounding highway network to such a degree that it would justify or warrant refusal of the application.

Alternative Location

20. The Parish Council and Local Member have suggested that the kitchen hub should be relocated to another school rather than the site proposed and that this alternative school would be better than the option chosen.
21. The applicant has advised that when choosing a site to station a kitchen hub consideration is given to a range of factors which includes: the number of pupils on the school roll; the existing and likely take up of school meals; the financial viability of a school meals service taking into account free school meal provision and areas of deprivation; suitable available space within the school site and the infrastructure and presence of alternative school meal providers in the locality.
22. In this case, the applicant states that one of the key elements for opting to choose for Coningsby was because the school has the potential to have up to 420 on its school roll. Experience has shown that the larger the school, typically the higher the take up of school meals, and therefore this means that the school is able to achieve economies of scale and have a financially viable school meal service. In contrast small schools which have less than 100 meals served per day are at financial risk as they are unable to achieve the economies of scale that a larger school can. The applicant argues that Coningsby has the appropriate number of pupils to achieve a financially viable school meal service and the space available to accommodate the kitchen unit whereas the two Tattershall schools have lower pupil numbers and therefore are at an increased risk of not achieving a financially viable catering service.
23. Having taken into account the above and whilst the suggested alternative location for the kitchen unit suggested by the Parish Council and Local Member is noted, I am satisfied that this proposal would have a negligible impact on the general character of the local area and would not have an unreasonable impact upon residential amenity and only result in a small increase in vehicle movements. I am therefore satisfied that the development would not have an adverse impact on the function or safety of the highway network and given the size, scale and nature of the development the proposals would not compromise the objectives of Policies A4, A5 or C2 of the East Lindsey Local Plan as well as Policies SP10 and SP11 of the emerging East Lindsey Core Strategy.
24. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The use hereby permitted shall be implemented within three years from the date of this permission. Written notification of the date of commencement of development shall be sent to the County Planning Authority within seven days of commencement.
2. The use hereby permitted shall be carried out in strict accordance with the details contained in the submitted application form received on 9 November 2016, supporting information contained in an email dated and received on 1 November 2016, Drawings No. 549D.-001 and 549D.-002, received on 9 November 2016, Drawings No. 549D.-003, 549D.-004, Drawings No. 549D.-005 and 549D.-006 all received on 1 November 2016, unless otherwise modified by the conditions attached to this notice.
3. All trees and shrubs to be retained as part of the development shall be protected during the construction phase of the development. No work shall commence on site until the protection fencing/measures as set out in approved details set out in the supporting statement/email dated and received 1 November 2016 have been carried out and implemented. All protection fencing shall be maintained during the course of the construction works on site and removed following their completion.
4.
 - (a) The hours of operation associated with the use hereby permitted (excluding vehicular traffic associated with the delivery of supplies, dispatch of prepared meals and any other movements required in association with this use) shall be restricted to between the hours of 06:30 and 16:30 hours on Mondays to Fridays. The facility shall not be used on Saturdays, Sundays or Bank and Public Holidays.
 - (b) All vehicular traffic associated with the use hereby permitted shall only take place between the hours of 07:00 and 17:00 hours Monday to Friday. No such movements or activities shall take place on Saturdays, Sundays or Bank and Public Holidays.
 - (c) No operations or activities shall take place outside of the hours cited in (a) and (b) above unless prior written notification has first been given to the County Planning Authority of any such proposed temporary extended hours of operation/use, including their duration, and written consent of those extended hours/periods has been obtained.
5. The use hereby permitted shall be restricted to school term times only and during such periods to the hours of operation cited in Condition 4 unless the prior written approval of the County Planning Authority is obtained for the kitchen to be used outside school term times.

Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure the permitted use is undertaken in strict accordance with the approved details.
3. To ensure that trees and shrubs to be retained are adequately protected from damage throughout the construction period.
- 4 & 5 To ensure that the use of the facility is restricted to those proposed within the application and to ensure that it does not become an independent commercial enterprise. Also to minimise the impacts of the development on local residents.

These are listed below and attached at the back of the report	
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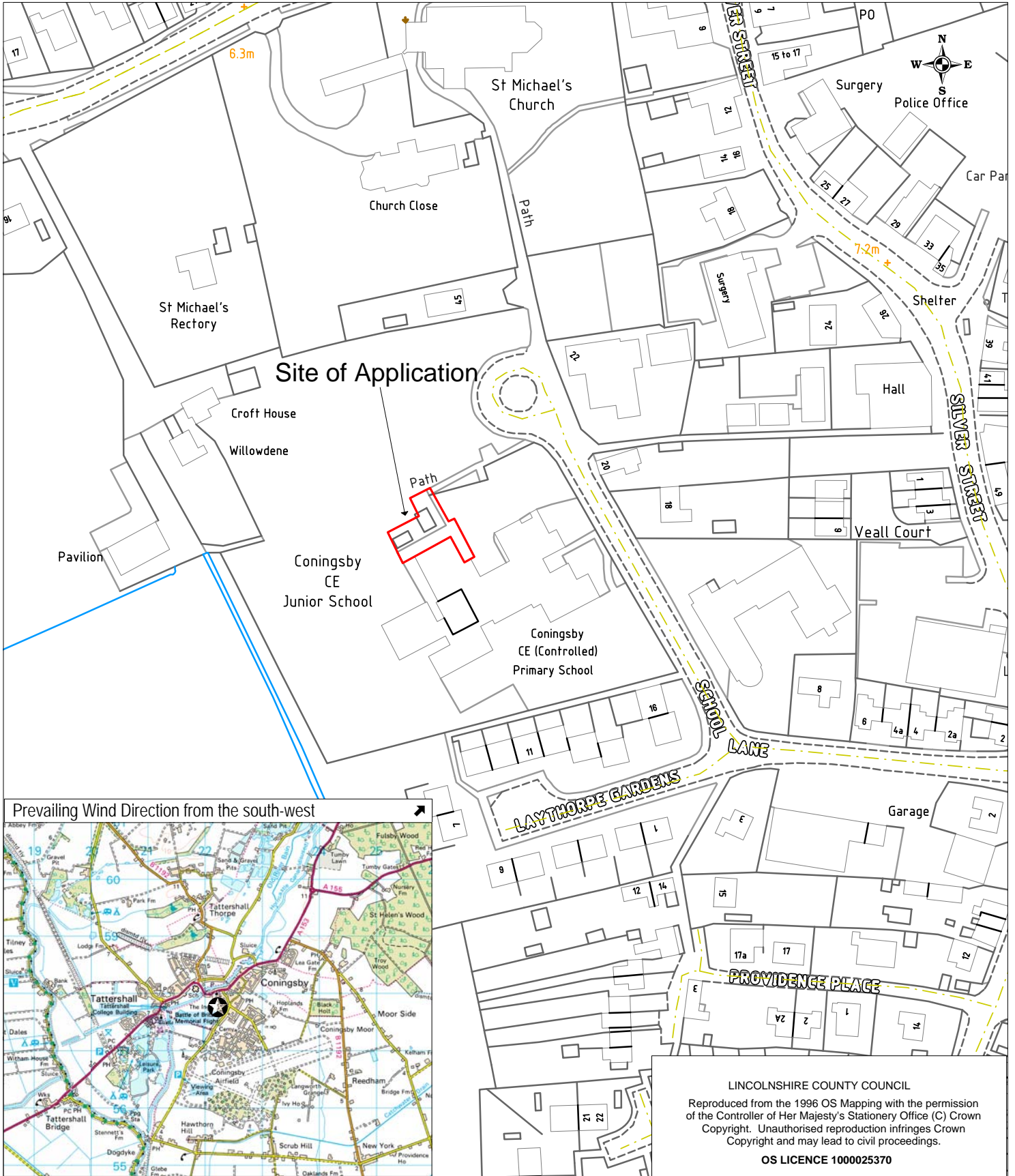
Appendix A	Committee Plan
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Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File (E)S35/2348/16	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012)	The Government's website www.gov.uk
East Lindsey Local Plan 1999 East Lindsey Core Strategy	East Lindsey District Council website www.e-lindsey.gov.uk

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Location:

St Michael's CofE Primary School
 School Lane
 Coningsby

Description:

Erection of a free standing kitchen pod which will act as a "hub" providing meals for this and other local schools. The proposal also comprises a covered walkway, along with relocation of existing storage units and bike shelter

Application No: (E)S35/2348/16

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