



Committee Report

Planning Committee North - 8 December 2020

Application no DC/20/3472/FUL

Location

St Marys Catholic Primary School
Kirkley Cliff Road
Lowestoft
Suffolk
NR33 0DG

Expiry date 1 November 2020

Application type Full Application

Applicant Roman Catholic Diocese of East Anglia

Parish Lowestoft

Proposal The proposal seeks to soft and hard landscape an area of the schools land in order to extend their current outside play areas, including a new 2.0m high weldmesh fencing along the boundary to Kensington Gardens. The proposed fence would be the same as the school currently have on the existing southern boundary of the play area.

Case Officer Matthew Gee
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1. Summary

- 1.1. Planning permission is sought to undertake soft and hard landscaping works to an area of the school's land in order to extend their current outside play areas, including a new 2.0m high weldmesh fencing along the boundary to Kensington Gardens. The proposed works are considered to preserve the character and appearance of the Conservation Area and would not result in an adverse impact to the amenity of neighbouring residents or users of the adjacent park. It is therefore considered that the proposal would accord with local and national planning policy, and therefore it is recommended that planning permission be granted.

- 1.2. The application has been referred by the referral panel to enable the proposal to be debated by the Planning Committee (North).

2. Site description

- 2.1. The site is located within the Physical Limits of Lowestoft and Conservation Area for South Lowestoft, and currently comprises a largely unsurfaced pedestrian track running east to west from Kirkley Cliff Road to the Sea Front, with barriers and shipping container at the sea front end. To the north of the site is St Marys School, and to the south is Kensington Gardens.
- 2.2. Planning permission was granted in 2018 under DC/18/3064/COU for "*Change of use of land into D2 Educational/leisure use to allow primary school children to safely utilise the space as a nature garden, including erection of a fence on the western boundary adjacent to the highway on the eastern boundary adjacent to the public footpath*". The area has subsequently been gated off and incorporated into the school playing grounds.

3. Proposal

- 3.1. Planning permission is sought to soft and hard landscape an area of the school's land in order to extend their current outside play areas.
- 3.2. The proposal includes the following –
 - Extend the school outdoor hard and soft play areas and install a new mild steel powder coated weldmesh 2.0m high fence, colour black, to match the existing/former southern boundary treatment. The existing bow-top fencing will be replaced with taller weldmesh fence positioned (school side) behind the existing retained brick wall.
 - Extend the mixed surfaced hard and soft play areas in a southerly direction by approximately 6.5m. Approximately 2/3 of the area will be hard landscaped closest to the Kirkley Cliff Road, with the remaining 1/3 laid to grass.
 - The existing tree line that formed part of the former southern school boundary line will be retained and the area within the root protection zone of the trees will be surfaced with a resin bound mulch to match the existing tree protection area.
 - New planting areas to the south-east and south-west corners of the new boundary fence.

4. Consultations/comments

- 4.1. No third-party letters of representation have been received.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Lowestoft Town Council	14 September 2020	24 September 2020

Summary of comments:

The Town Council's Planning and Environment Committee considered this application at a meeting on 22 September 2020. It was agreed to recommend refusal of the application.

The Town Council wishes it to be recorded it is landowner of the adjacent Kensington Gardens.

The reasons for the recommendation of refusal are; the original intended use for this space, when transferred to the school, was for a garden - this application suggests that grass will be replaced with concrete and would be create a non permeable surface. The Town Council would like a permeable surface to be considered to mitigate climate emergency concerns. Secondly, the standard of design of the fence is not appropriate for the conservation area and to adjoin the setting of the heritage park.

Non statutory consultees

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	14 September 2020	22 September 2020

Summary of comments:

No objections, comments incorporated into officer considerations.

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	14 September 2020	No response

Summary of comments:

No comments received.

5. Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Conservation Area	18 September 2020	9 October 2020	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Conservation Area	18 September 2020	9 October 2020	Lowestoft Journal

6. Planning policy

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”*.
- 6.2. Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 states that, with regard to Conservation Areas, *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.
- 6.3. National Planning Policy Framework (NPPF) (2019)
- 6.4. National Planning Policy Guidance (NPPG)
- 6.5. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
 - WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019))
 - WLP8.39 - Conservation Areas (East Suffolk Council - Waveney Local Plan (March 2019))

7. Planning considerations

- 7.1. Planning permission was granted in 2018 under DC/18/3064/COU for the change of use of the land to allow the primary school children to utilise the space as a nature garden, including erection of a fence on the western boundary adjacent to the highway on the eastern boundary adjacent to the public footpath. The previous scheme sought to include a woodland/obstacle area, wildflower meadow, seating/teaching area, and grassed area. This current proposal still seeks to utilise the area for primary school children but is proposing to change the landscaping.
- 7.2. Policy WLP8.29 sets out that proposed development should respect the character and appearance of the surrounding area, and policy WLP8.39 sets out that proposed development should preserve or enhance the character and appearance of the Conservation Area. The proposed development includes the erection of a 2m high wire mesh fence along the southern boundary with Kensington Gardens, the extension of the existing concreted playing surface to cover approximately 2/3 of the land, and the laying of grassing and planting in the remaining 1/3 nearest the promenade.
- 7.3. The proposed works will match the character of the adjacent school play area, and the fence will match existing fencing around the school. In addition, the proposed wire mesh fence will be positioned on the school side behind the existing screening and wall along Kensington Gardens boundary. The mesh design and existing screening in Kensington Gardens are considered to lessen the visual appearance so that the new boundary treatment is not visually intrusive to users of the adjacent gardens. Furthermore, given the existing screening and mesh design it is not considered that the proposal would appear visually dominant in the street scene. The proposal is deemed to preserve the character and appearance of the Conservation Area.

- 7.4. The existing area is an unkept parcel of land that previously allowed informal access from the highway to the promenade. As noted, permission was granted in 2018 to allow this area to be integrated into the school, and since then the area has been gated off in accordance with the previous approval. The proposed continuation of the hard-playing surface into this an area of unkept adjacent land is not considered to adversely impact on the character and appearance of the Conservation Area. Furthermore, the existing trees that contribute to the character and appearance are to be retained.
- 7.5. The proposal also includes resin bound mulch around the existing trees, which Officers, including the Council's Arboriculture and Landscape Officer, considers acceptable. Therefore, the overall proposal would not harm the longevity of the trees which are beneficial to the character of the Conservation Area. This is a view also taken by Waveney Norse who maintain the trees in the adjacent Kensington Gardens. It is therefore considered that the proposal would preserve the character and appearance of the Conservation Area in line with policy WLP8.39
- 7.6. Policy WLP8.29 also sets out that proposed development should not result in an adverse impact to the amenity of neighbouring land users. The proposed 2m high fence is considered to be located a sufficient distance from the neighbouring properties that it would not result in an adverse impact to the amenity of neighbouring residents. In addition, given its mesh design, it is not considered that it would impact on the visual amenity of Kensington Gardens.

8. Conclusion

- 8.1. The proposal is considered to preserve the character and appearance of the Conservation Area. Furthermore, the proposal would provide a wider public benefit in the provision of additional outside amenity space for the school.
- 8.2. Therefore, in conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

9. Recommendation

- 9.1. It is recommended that planning permission be granted subject to conditions, as below.

10. Conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with:
- Site location plan, 17-0548-CDP-DR-00-XX-L-20, received 07/09/2020

- Proposed block plan, 17-0548-CDP-DR-ZZ-XX-L-1001-P1, received 07/09/2020
 - Proposed Fence Detail, 17-0548-CDP-DR-00-XX-L-1003, received 07/09/2020
 - DESIGN AND ACCESSIBILITY STATEMENT, received 07/09/2020,
- for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. The soft landscaping works shall be completed within 6 months from the completion of the hard landscaping, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

Reason: to ensure the satisfactory external appearance of the building.

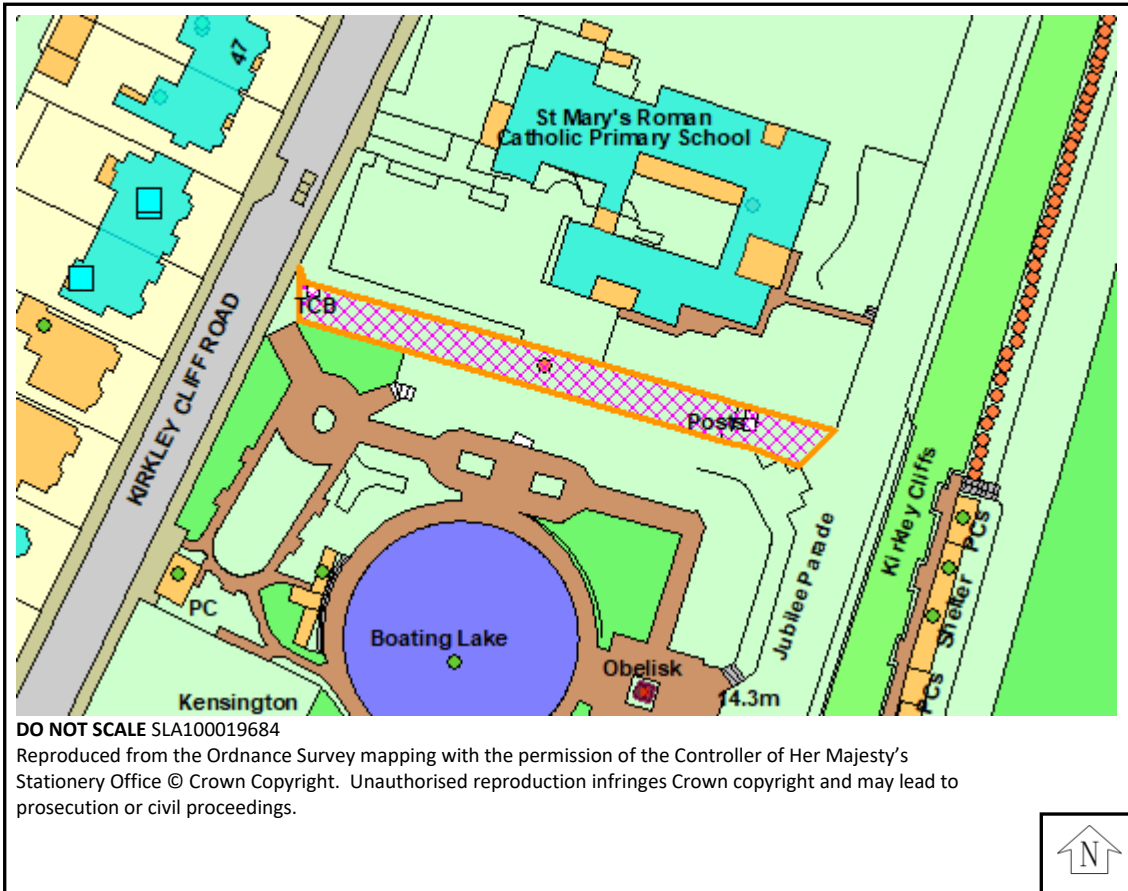
Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.





Background Papers

See application reference DC/20/3472/FUL on [Public Access](#)

Map



Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support