

<u>APPLICATION NO:</u>	23/00147/FUL	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	Swanside	<u>PARISH:</u>	
<u>LOCATION:</u>	St Margaret Marys Catholic Junior School, Pilch Lane, Roby, Knowsley, L14 0JG		
<u>PROPOSAL:</u>	ERCTION OF A REMEMBRANCE GARDEN WITH ASSOCIATED WORKS INCLUDING THE ERECTION OF A DETACHED CANOPY PERGOLA		

Site Description

The application site relates to an area of land within the confines of St Margaret Mary's Catholic Junior School. The application site is adjacent to the existing school building which is two storeys in height. Adjacent to the site's eastern boundary is residential development and the private amenity spaces associated with those properties located on Adcote Close.

To the south of the application site is the existing Hillsborough memorial garden and a hardstanding play area to the rear. To the north of the application site is hardstanding and a further two storey detached school building.

The application site has a slightly undulating topography towards the school building and is bounded by metal railing to its northern boundary together with a dwarf fence to its west and southern boundaries. It's eastern boundary which provides the common law boundaries to the residential properties at the rear is dominated by a large panel fence measuring 2.5m in height and includes overgrown vegetation and close boarded fence of 2.3m in height.

The application site includes a number of raised decking areas associated with its use over the years as a play area for children.

Proposal

The application proposals relates to the construction of a memorial garden.

The only aspect of the proposals which requires planning consent is the free standing canopy which occupies a footprint of 4m in width by 4.1m in length supported by four wooden posts supporting a flat roof structure measuring 2.8m at its highest point located approximately 0.16m - 0.38m from the boundary of the adjacent dwelling houses.

Consultations

None.

Representations

This application has been publicised by letters sent to 44 neighbours. One letter of objection has been received. Whilst the reasons for comment are on the ground of

highway safety the objection relates to noise associated with the school and the effect of structural objects located behind the private amenity space will affect its use.

The Local Planning Authority has considered the objectors statement to the proximity of the development proposed and considers that the memorial garden would be a quiet area of reflection and occasional use of theatre productions. The site would be obscured from neighbours due to existing buildings located on the existing school grounds and is of a sufficient distance where it is considered that the noise levels would not exacerbate above the existing use of the school playing grounds to an unacceptable degree over what already occurs on site.

Planning History

Ref: 17/00764/FUL – Retention of a timber framed structure replicating the London Shakespearian Globe Theatre. Granted 13th April 2013

Ref; 16/00049/FUL – Retention of roof mounted solar panels. Granted 13th April 2016

Ref: 10/00564/FUL – Erection of extension to existing single storey building to rear of school together with construction of enclosed glazed linkway to connect the building with the main two storey school accommodation. Granted 22nd December 2010

Ref: 09/00417/FUL – Erection of 2.4m high fencing to the rear and right hand side boundary. Granted 5th November 2009.

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

Knowsley Local Plan Core Strategy (2016)

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

Unitary Development Plan Saved Policies

H5 – Primarily Residential Areas

ENV2 – Noise and Vibration

OS7 – Educational Uses and Sites

DQ2 – Security in the Built Environment

The site falls within an area of primarily residential development within the adopted Development Plan. However, this does not mean that other (non-residential) uses are in principle unacceptable. The existing school already represents a non-residential use although it clearly serves an important educational function for local residents. The building of a memorial garden is considered acceptable in principle associated with its educational use and an area of importance to the local community subject to compliance with local planning policy and guidance.

Regarding the adopted Development Plan policies, the proposed application has regard to policies CS2 and CS19 of the adopted Local Plan Core Strategy (2016) and saved policies OS7, DQ2 and ENV2 of the Unitary Development Plan (2006),

These policies and guidance require that new development demonstrates a high standard of design, which does not adversely affect the character of the area or adversely affects residential amenity of neighbours together with ensuring appropriate security in the built environment.

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment

Principle of development

The memorial garden is an acceptable use located on school grounds and is sited adjacent to the existing Hillsborough Memorial Garden.

The memorial garden would be accessed via an archway entrance located at the side of the existing two storey school building. The archway measures 1.1m in width by 2.6m in height and would be enclosed by new boundary fencing of close boarded design measuring 1.2m in height. It would lead to a sensory tunnel measuring 1.9m in width by 2.3m in length attaining a maximum height of 2.1m and would be sited approximately 6.1m from the common law boundary of the nearest dwelling house. The memorial garden would include seating areas, sensory tunnel and musical equipment. These aforementioned structures do not require planning consent and could be built under permitted development rights. As such, they do not form part of the application proposals.

The only aspect of development proposals necessitating the need for planning permission and therefore subject to this planning application is the canopy structure due to its height and location which abuts the common law boundary of residential

properties located off Adcote Close. The following sections therefore consider the principle of this aspect of development alone.

Design

The canopy would be sited adjacent to the common law boundary with neighbouring residential properties. It is of flat roof design supported by four column posts and small raised decked area.

The proposed performance canopy is simple in design and would commemorate the life of Olivia Pratt-Korbel who attended the local school. The construction of an open canopy in timber would be acceptable, as this is a quality finish and would be in keeping with the development on the surrounding site boundaries to be undertaken through permitted development. As such, the pergola is acceptable in design and is relatively small in the context of its wider surroundings. As such, it is of a scale and design is appropriate in the context of the application site.

Residential Amenity

No. 6 & 7 Adcote Close

These properties share the common law boundary with the application site. The common law boundary is a mixture of panel fencing measuring approximately 2.5m in height together with mature vegetation covering the vast majority of its surface. Adjacent to the panel fencing is close boarded timber fencing measuring approximately 2.2m in height.

Whilst the proposed structure is adjacent to the common law boundary of these properties, it has an open column design which reduces the appearance of its built form. Notwithstanding this, the roof would be the only visible feature to these properties above the existing common law boundary.

The canopy would measure approximately .3m above the existing panel fence and .5m above the small proportion of close boarded fence. Taking into account the existing vegetation juxtaposition of these two properties in relation to the proposed canopy it is unlikely that the development will be readily visible in the wider landscape and the outlook of these properties is already influenced by the existing two storey school building located opposite the application site. The proposed development would not therefore result in adverse affects to these occupiers in terms of visual amenity.

The proposed area is to be used as a memorial garden for a mixture of purposes including contemplation and reflection, prayer and also as a performance area where children can sing, dance and act. It is not considered that this area will adversely affect residents amenity from a noise perspective given the current activities which take place on the surrounding school grounds with children playing within the playground.

As such, it is not considered that the proposed development would result in adverse effects to residential amenity of these properties.

No other properties within the immediate vicinity would be adversely affected nor would properties located around the play area be adversely affected by the proposed development.

Highways

No adverse effects to highways safety would occur as a result of the proposed development.

Conclusion

The proposal would be acceptable in terms of design, residential amenity and highways (subject to condition attached). The proposal also complies with the relevant Core Strategy, Replacement UDP policies and guidance in the NPPF and is therefore recommended for approval subject to conditions.

Recommendation

That planning permission will be granted subject to the following condition(s):-

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

SCHEDULE

Date Received	Ref. No	Version	Drawing/Document Title
27.03.2023	7137-P01		EXISTING SITE LOCATION PLAN
27.03.2023	7137-P02		PROPOSED SITE LOCATION PLAN
13.04.2023	7137-P04	A	PROPOSED SITE PLAN
13.04.2023	7137-P06	A	PROPOSED ELEVATIONS
13.04.2023	7137-P05	A	PROPOSED ENLARGED SITE PLAN

Signed Case Officer¹: **John Fleming**

Signed Authorising Officer²: **Alan Kilroe**

Date: **21 April 2023**

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed.

² I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed.

Appendix 1 – Site Photographs





