

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0537-24 **Applicant:** Cowley Academy
Proposal: Re-surfacing of sports court and replace existing fencing
Location: Thomas Cowley High School School Lane Donington
Terminal Date: 16th September 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment
29	The Historic Environment

National Guidance

National Planning Policy Framework 2023

Sections 12, 15 and 16 of the National Planning Policy Framework (December 2023)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the re-surfacing of the sports court and replacement of existing fencing at Thomas Cowley High School, School Lane, Donington

Site Description

The Thomas Cowley School is a Grade II listed site within the Donington Conservation Area (DCA). The site itself contains 3 separately listed buildings. The principal of which and the building affected by this proposal is the 'old School' which is Grade II listed and described by Historic England like so:

"Founded by Thomas Cowley in 1719, partly rebuilt after a fire in 1812, altered C19 and C20. Red brown brick in English bond, ashlar and stucco dressings. Machine plain tiled roof with reused stone coped gables and decorative knops. Wooden bellcote with shaped lead roof. To the rear a tall wall stack. 2 storey, 6 bay front with ashlar plinth, first floor band and quoins. Timber dentillated eaves cornice. Central C19 lead roofed stucco porch with angle pilasters, plain frieze, moulded cornice to segmental pediment. Double half glazed doors with bordered lights. To left 3 and to right 2 large cross mullioned windows. To right a doorway with moulded ashlar surround and cornice, beyond a narrow C19 fixed light. To first floor are 6 two light casement windows. All windows have flat splayed brick arched heads with keyblocks and moulded ashlar cills. Above the door a C18 oval sundial, with inscription above. Beneath it a tablet records the foundation of the school by T. Cowley in 1719 and its rebuilding in AD 1812. On the quoins are many graffiti inscriptions, including a footprint dated 1795."

The Grade II listed North Wing of the school is described like so:

"Red brick with ashlar dressings, plain tile roof, with raised stone coped gables, finials and kneelers, one ashlar stack. L-plan. Single storey, 6 bay front, the right hand bay advanced and gabled. Plinth, stone bracketed chamfered eaves. Buttresses with raked tops. To right a Tudor arched door with moulded ashlar reveals, above a stepped ashlar panel containing foliage, inscription and date 1861. Above is a 3 light mullioned and transomed window. To left are 4 two light and a single 3 light similar window. All windows have chamfered ashlar surrounds. In the gables are 2 small square lights with diamond set quatrefoils. Interior of the hall has a fine hammer beam roof with moulded ashlar corbels. Built as an addition to T. Cowley's original foundation of 1719."

Finally, the also Grade II listed Youth Centre, described as:

"c.1861. Red brick in Flemish bond, ashlar dressings, tiled roof, stone coped gables, one circular cast iron louvred vent, one ashlar stack. L-plan. Single storey, 6 bay front, the right hand bay is advanced and separately gabled. In the angle 2 Tudor arched doorways with ashlar surrounds, leaf decoration in the spandrels, covered by a porch across the angle, with tiled roof supported on braced timber posts. To the left 4 ashlar cross mullioned windows, subdivided by raked buttresses. To the right a 3 light similar window and in the gable a rectangular leaded light. Built as an addition to T. Cowley's original foundation of 1719, as a Junior School."

The wider setting can be characterised mainly by C19th residential setting and the open playing field to the front. The school site itself is considered to be one of the most key listed buildings in the setting of the DCA, despite its distance from the centre of Donington.

History

H04-0617-91

Erection of dwellings. REFUSED on 16/07/1992

H04-0055-02

Change of use from residential to educational. APPROVED on 21/02/2002

H04-1312-03

New single storey library/museum and learning resource facility for community and school use and widen access road. REFUSED on 16/12/2003

H04-1313-03

Demolition of existing derelict cottage and section of front wall (conservation area consent). REFUSED on 16/12/2003

H04-0519-07

Single storey extension for use as IT room. REFUSED on 13/06/07

H04-0549-15

Demolition and site clearance of cottage. REFUSED on 06/07/2015

H04-0160-21

Replacement of windows and doors. Approved 01/04/2021

H04-0844-19

Demolish cottage to allow 2 classroom block with wc's. Approved 04/10/2019

H04-0568-23

Proposed replacement fencing to western boundary. REFUSED 15-08-23

Consultation Responses

Lincolnshire County Council Historic Places Team

No further archaeological input required.

Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Planning Considerations

The main issues and considerations in this case are (but not limited to):

- Heritage Impact
- Impact upon Neighbouring Residents/Land Users/Land Uses
- Biodiversity

Heritage Impact

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which they possess.

Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision

makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess as well as the desirability of preserving or enhancing the character or appearance of conservation areas. Any adverse effect on a heritage asset, even if slight or minor, would not preserve the asset or its setting.

Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (December 2023) (NPPF). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the National Planning Policy Framework (December 2023) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

As such, the NPPF sets out that where proposals could lead to 'less than substantial harm' to a designated heritage asset, the consideration of such an application must be weighted against the public benefit.

Finally, Policy 29 of the South East Lincolnshire Local Plan (2019) (SELLP) confirms that in order to respect South Holland's historical legacy all proposals shall conserve and enhance the character and appearance of designated heritage assets. Additionally, Section A of that policy confirms that proposals that affect the setting of a Listed Building will only be supported where they preserve or better reveal the significance of the Listed Building, and that proposals that seek to alter a listed building shall be granted where the LPA is satisfied that the proposal is in the interest of the building's preservation and does not involve alterations that are prejudicial to the special architectural or historic interest of the Listed Building or its setting.

Taking the above into account, and assigning this site the appropriate assessment of significance, in this case significant weight must be given to the preservation and conservation of the asset. The Local Planning Authority recognises the importance of the listed asset, however, the proposed works effectively amount to a like-for-like replacement of actively used sports and play equipment and hard surfacing. The visible effect upon the setting by this proposal would be nearly negligible, apart from the marked improvement coming from the refreshing of damaged, and worn existing development. Therefore, the proposed works are deemed to represent no risk of harm to the asset. Moreover, even if a risk of harm were to be identified, the clear public benefit of maintaining the school's facilities would likely outweigh all but the greatest potential risks of harm.

Residential Amenity

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposal site is not situated in close proximity to any nearby residences. Nevertheless, no risk to residential amenity is identified in this proposal. The proposed works are limited to replacements of existing hard surfaces and sports court fencing. No risk of overlooking or overshadowing or undue noise generation is presented by this proposal.

Biodiversity

Section 15 of the National Planning Policy Framework (NPPF) seeks to protect sites of biodiversity value, minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. Policy 28 of the SELLP seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and

promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

It is worth noting that in accordance with the Government's guidance site 'Biodiversity Net Gain - what are the exemptions?', existing sealed surfaces are assigned a zero score in the statutory biodiversity metric, meaning that these surfaces, and subsequently, this application are effectively exempted from the 10% net gain requirement.

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2, 3, 28 and 29 of the SELLP, in addition to Sections 12, 15 and 16 of the NPPF. Therefore, the recommendation is to approve.

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.