

Date of Meeting	30 th November 2017
Application Number	17/09676/FUL
Site Address	Kennet Valley C.E Aided Primary School, Lockeridge, Marlborough, SN8 4EL
Proposal	Installation of Gazebo
Applicant	Mrs Emma Russell
Town/Parish Council	FYFIELD & WEST OVERTON
Electoral Division	WEST SELKLEY – Jane Davies
Grid Ref	414729 167794
Type of application	Full Planning
Case Officer	Lucy Rutter

Reason for the application being considered by Committee

The application is brought before committee at the request of Councillor Sheppard, for consideration to be given to the design and amenity impacts of the proposal.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The key issues for consideration are:

- Impact on neighbour amenity
- Scale, design and materials
- Whether the proposal would preserve or enhance the character and appearance of the conservation area

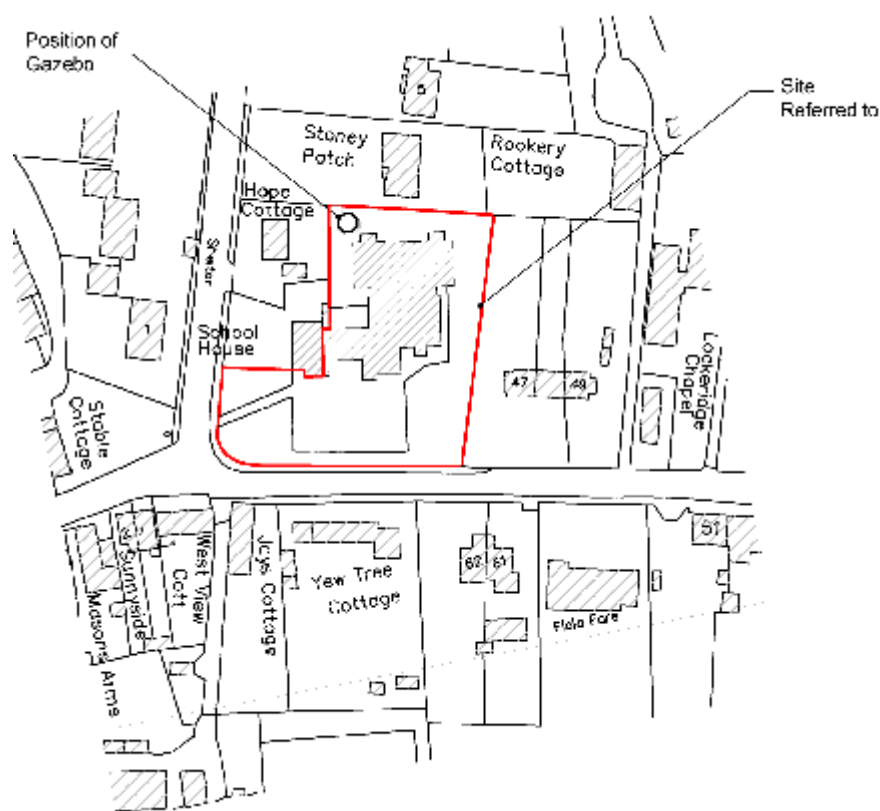
3. Site Description

Lockeridge School is a purpose-built Victorian school building, dating from 1874, in the Gothic style, set in a prime location within the Lockeridge Conservation Area. The building itself is not listed, but has been identified as a significant unlisted building within the Lockeridge Conservation Statement and is therefore a heritage asset. It is one of several Meux estate buildings within the conservation area that were built around this time, including the unlisted public house and several listed estate cottages. The buildings of the Meux estate have a distinctive style within the village, which can be identified from the use of steep gables with plain clay tile roof coverings, exposed timberwork, decorative use of brick and stone, moulded brick chimneys; tiled porches to

some houses add character along with patterned tile hangings. The school building has a modern extension, approved in 2010. Although set back within its plot, in line with the neighbouring listed Meux estate cottages, the building is located in a prominent corner plot, fronted by pollarded trees, which are an important feature of the conservation area.

The site lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB), however, as the site remains within the built environment of the village, the landscape setting of the AONB would not be affected by the proposal.

The school is bounded to the north, south and west by residential dwellings. 'Hope Cottage' and 'Stoney Patch' both lie immediately adjacent to the application site and are separated from the development by existing boundary treatments in the form of close boarded fencing to the southern boundary and tall mature hedging to the western boundary.



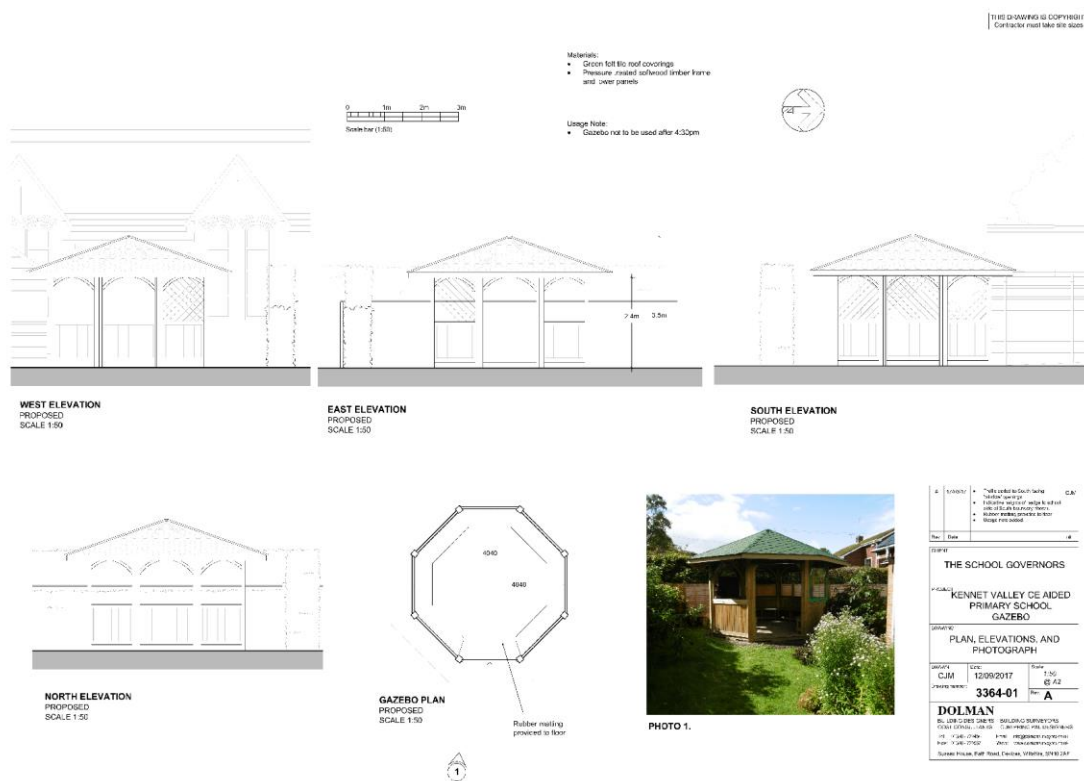
Site Location Plan

4. Planning History

E/10/0452/FUL	Removal of existing prefabricated outbuilding. Erection of new single storey extension (with related alterations) incorporating classrooms and ancillary accommodation.
17/00523/ENF	Erection of structure

5. The Proposal

The application seeks planning permission for the timber gazebo that has been erected to in the south west corner of the site. The gazebo measures approximately 4.4m in width and depth (not excluding the roof overhang), 2.4m in height to the eaves and 3.5m to the ridge. Materials include timber and felt shingle tiling to the roof. The footings rest on top of individually laid paving slabs and there are plastic window coverings which can be rolled down over each 'window' opening, allowing for protection from the elements. The purpose of the gazebo is to provide additional learning space for the pupils of the school. This planning application has been made following an enforcement complaint in which it was noted that the structure exceeded the school's permitted development limits and would therefore require planning permission. Some comments in objection have raised concerns that the size and scale of the gazebo exceed that of planning rules and regulations. However it should be noted that the exceeding of permitted development rights merely means that a planning application must be submitted, at which stage the proposal is assessed on its merits, in the context of local and national planning guidance and policy.



Plans and Elevations

6. Local Planning Policy

The National Planning Policy Framework with particular regard to Chapters 7: 'Requiring Good Design' and 12: 'Conserving and Enhancing the Historic Environment'.

The adopted Wiltshire Core Strategy, in particular Core Policy 57: 'Ensuring High Quality Design and Place Shaping' and Core Policy 58 'Ensuring the Conservation of the Historic Environment'.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Summary of consultation responses

Fyfield and West Overton Parish Council – Object. The following comments were received:

‘Because of its size and location it neither preserves nor enhances the character of the Conservation Area. Also, it intrudes unacceptably on the privacy and quiet enjoyment of the neighbouring houses. Since the structure is said to be moveable the school is invited to consider relocating it, this time in consultation with the neighbours.’

Arboricultural Officer – no comment.

Public Protection – no objection. Comments included within committee report.

Building Control – no objection. Comments included within committee report.

Conservation Officer – no objection. Comments included within committee report.

8. Publicity

The application has been advertised by way of a site notice and the occupiers of neighbouring properties have been consulted. An advert was also published in the Wiltshire Gazette.

Objections - 8 letters of objection were received prior to re-consultation on the revised drawings. The material planning considerations are bullet pointed below. The full comments can be read on the Councils website under the relevant planning application reference number.

- The plans submitted by the applicant are materially inaccurate with respect to the neighbouring property; as such the plans are misleading.
- The plans fail to include the roof/eaves overhang.
- The plans fail to accurately demonstrate the relationship between Hope Cottage and the gazebo in terms of distance and window placement.
- Negative impact on the enjoyment of the adjoining gardens due to the gazebo being used for before and after school activities.
- Concerns of loss of privacy and overlooking.
- The gazebo is rather prominent and can be seen from the neighbouring property, with views looking into the area from the neighbouring first floor windows.
- Concerns regarding the noise from the flooring of the gazebo when in use.
- Too close to the boundary.
- As there are no permanent windows the noise impact is increased.
- Neighbours are unable to go outside and enjoy their gardens.
- Overshadowing issues.

- Change of outlook from neighbouring properties materially changes the residential amenity and living conditions.
- The gazebo is exceptional in height and size.
- Concerns that the gazebo may require additional lighting, heating, disabled access and other amendments to meet regulations in the future if it is to function as a 'class room'.
- An existing soakaway was supposed to prevent additional foundations in this location. This contravenes building regulations.
- A previous application and previous works at the school had designated this space as a quiet garden area.
- A more suitable location for the gazebo would be to the front of the site in the existing playground.
- The site is over developed due to erection of sheds and car park encroachment on to the front playground. There is no suitable location for the gazebo.
- No control over how the school intend to use the structure.
- The gazebo has a negative impact on both the setting of the conservation area, non-designated heritage assets and the wider landscape setting of the AONB.
- Concerns regarding the lack of consultation the School had with neighbours prior to the structure being erected.
- The School ignored planning regulations and rules and the structure exceeds permitted development limits.
- There is no need for the school to meet requirements for an outdoor teaching space when taking into consideration the rural location.

Support – 40 letters of support for the application were received prior to the revised plans being submitted. One additional letter was received after the consultation deadline; however this was mostly in reference to the nature in which the parish council meeting was conducted and not in relation to the development itself. The material planning considerations from the letters of support have been bullet pointed below. The full comments can be read on the Councils website under the relevant planning application reference number.

- The gazebo is used for teaching, quiet time and a place for reading and play, it has become an integral part of the school.
- Acts as an alternative and effective classroom location in a school with limited outdoor learning space.
- The gazebo blends in with its environment through design and materials.
- Enhanced pastoral care provision.
- The space has been considered positive by visiting educational specialists.
- Contributes to a rounded learning environment.
- An asset when considering the growth in numbers of pupils attending the school.
- The provision of the gazebo will not change the way in which this area of the school is used.
- This is a temporary structure.
- The gazebo is visually attractive and of high quality.
- Contributes to events beyond the curriculum.

- The garden and gazebo are in keeping with the village and countryside surroundings.
 - There should be no concerns regarding noise impact as this area is still to remain as a spiritual garden and as such will not be used for loud games.
 - The structure should continue to provide privacy for neighbours as it is positioned against the boundary.
 - The height would not obstruct any views.
 - This is a place for smaller groups or 121 learning opportunities and valuable to those who struggle with the classroom environment.
 - The structure does not overlook any properties.
 - Alternative play equipment could have been installed in this location without the need for consultation or planning permission.
 - The original design of the spiritual garden included a gazebo.
 - The removal of the gazebo would be detrimental to the children's education.
 - The gazebo is enclosed by the school buildings and remains out of site.
 - The gazebo adds to a school with limited facilities.
 - The natural wood design is sound absorbing and blends in with the garden.
 - The space has a calming effect on the children.
 - Provides vital shelter on both hot and wet days.
 - The siting of the gazebo is effective as the children will not lose limited playground space.
 - Would not be considered out of place if this were a residential garden and is less intrusive than some sheds/conservatory's/stables within the village.
 - The removal of the gazebo would waste hard earned charitable donations.
 - The DEFRA funded Natural Connections Demonstration project (2016) published new evidence on the benefits of outdoor learning to pupils, teachers and schools. The gazebo helps meet this need.
 - There is no impact on the setting of the school from any public view point.
 - It is a supervised learning space, not intended to be used for play.
 - It is not a full time classroom.
 - Noise resulting from the children at the school will happen with or without the gazebo.
 - The school was advised by a professional body that planning permission was not required.
 - The existing fencing helps and hedging will aid towards screening the development from the neighbouring properties when left to grow.
 - The school is quite prepared to soundproof the floor and restrict its use to comply with school hours.
 - Noise from the site is to be expected from buying a house next to a school.
- The school apologises for not applying for planning permission sooner.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Assessment of the issues

This application has received much support from members of the school and parents of the pupils, all of which have highlighted that this gazebo has become an asset to the school and its available facilities. The comments in support of the application can be read in full on the Councils website or in the bullet points above.

Letters of objection have also been received, which mainly raise concerns that the gazebo has an adverse impact upon the occupiers of the adjoining residential properties. It must be highlighted that personal circumstances cannot be taken into consideration within planning decision making; however the material planning considerations will be assessed in detail below. It has been noted that many concerns were in relation to the school failing to consult appropriately. This current application has now given the opportunity for full consultation and as such this matter will not be considered further within the report.

Impact on neighbour amenity.

The main issue to consider is the impact the gazebo has on neighbour amenity. A number of letters of objection have been received raising concerns about loss of privacy, loss of light, interrupted views and noise impact as a result of the works.

Considering the orientation of the school and neighbouring properties, the natural sun path and the single storey nature of the proposal, no loss of light is expected to occur from the structure. Hope Cottage lies to the south of the site meaning there will be no overshadowing of this property. Stoney Patch lies to the west but is separated from the structure by taller hedging; any shadow caused in this direction would not be significant and does not give rise to significant concerns from a loss of amenity perspective.

With regard to loss of privacy, this is a single storey structure – on the basis of the plan form there are no concerns regarding overlooking, especially due to the presence of existing boundary treatments. The neighbours have highlighted that the benches within the gazebo allow a platform for both children and teachers to look over the existing boundary treatments towards Hope Cottage. Whilst from a planning perspective the single storey nature of the structure limits the concern regarding loss of privacy this point has been noted and a suggestion of trellis to the southern ‘window’ openings was suggested and accepted by the applicant albeit it is not possible to control this through the imposition of a planning condition as the application is for the retention of the currently unlawful development as built. The existing hedging to the southern boundary, if left to grow, will help to ensure that privacy is maintained for the occupiers of the neighbouring property. It should also be borne in mind that a bench could be located in this location, without the need for planning permission, affording the same views of the neighbouring property if used inappropriately. The planning department has little control over whether the benches will be used to stand on, but would encourage the supervisors at the school to respect the privacy of the neighbours in this regard.

Concerns were also raised regarding noise impact from the use of the gazebo. The local planning authority has no control over how the site is used in terms of play areas and quiet reflective space. This particular location was intended as a spiritual garden for quiet and reflective study - the area is likely to be used as intended with or without the gazebo in place, albeit less so in rainier weather. The school would be within their rights to turn this into an additional play area at which point it is likely the noise levels could increase. However, in considering the additional sound that would occur as a result of the wooden flooring, and in order to alleviate some concerns of the neighbours, the installation of rubber flooring has been suggested to the applicant. In order to ascertain whether the noise issue was of a significant concern, the Council's Public Protection Officer was consulted on the application. The following comments were received:

"I am not of the opinion that this use is unreasonable or exceptional for a school premises. Having fully considered the expectations of residents living near or adjacent to a school, this is not something we could object to on noise grounds. However we would support any measures which can be taken such as rubber matting and planting to soften and mitigate the impact on the locality." Following receipt of the Public Protection Officer's comments, and in light of the applicant's agreement to introduce a rubber flooring material (albeit this cannot be controlled through a planning condition), there are no remaining concerns regarding noise. The school is well established and noise from children is expected in this location.

The structure is visible from neighbouring properties however this is not justifiable reason for refusing planning permission as there is no right to a view.

There will be no loss of light, no significant loss of privacy, the structure is not overbearing, and it does not result in the neighbouring gardens being unusable, particularly as the gazebo is not in use at all times of the day. The revised plans have included mitigation measures to improve privacy by reducing the noise caused by use of the structure and additionally the school have agreed to limit the times of use of the space until 16:30 each day, albeit it is not considered reasonable or enforceable to require this through planning conditions. As such, it is considered that there are no justifiable reasons to refuse the application on loss of amenity grounds.

Scale, design and materials.

The gazebo is a single storey, lightweight, temporary structure. No foundations have been laid and there are no services in the form of electricity or water. The structure is simply intended to be used as a sheltered learning area within the school grounds. The size and scale of the structure are considered to be subservient to the host building and the natural materials are appropriate for the rural location. The design of the gazebo is not dissimilar to what would be found within a residential garden resulting in an appropriate design for a rural village location.

Concern has been raised regarding the accuracy of the plans as they are alleged to not show the full extent of the structure in terms of roof overhang and the relationship with the neighbouring property. The plans do in fact show the full roof overhang on both the floor plan and the elevational drawings. With regard to the relationship with the

neighbouring property, a site visit was conducted in order that a true assessment could be made of the site and the surrounding buildings and the impact of the development as built.

The existing soakaway for the rear extension of the school built in 2010 (ref: E/10/0452/FUL), is located where the gazebo is sited. Whilst a building control officer was not formally consulted on the application, this was highlighted verbally as a possible issue to which the officer responded with the following comment: *“a soakaway is simply a large hole in the ground where the rain water is absorbed into the strata. From a building regulations point of view that does not concern me as it’s more of a temporary type structure and it’s not an issue like building over a manhole in a foul drain would be.”*

Additional comments were made in relation to the proximity of the structure with the boundary. A development can actually take place right up against a boundary providing no adverse impact results from the works. In this case, the full extent of the structure, including roof overhang, remains within the application site.

Whether the proposal will preserve or enhance the character and appearance of the conservation area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The following assessment was received from the Council’s Conservation Officer:

‘The siting of the gazebo, to the rear of the school building, results in the structure being quite hidden from view from the public realm and therefore any impact on the character and appearance of the Conservation Area is somewhat negligible: there is not really much difference between the principle of the gazebo, in this location within the school grounds, and a shed or similar outbuilding within a private garden.

The provision of a timber gazebo in the actual location that it has been constructed is not considered to have any harmful impact on the character and appearance of the Lockeridge Conservation Area, indeed the impact on the Conservation Area is actually relatively neutral.’

In light of the conservation officer’s comments, no harm has been caused to the character and appearance of the conservation area.

10. Conclusion (The Planning Balance)

In conclusion, the gazebo is considered to be in keeping in terms of its scale, design and materials and has a neutral impact on the conservation area. Whilst the concerns raised by neighbours is acknowledged, it is considered that the gazebo does not cause significant harm to the reasonable living conditions of the occupiers of neighbouring properties and does not cause noise levels beyond that reasonably expected from a school site. Notwithstanding this, the school is requested to respect the privacy of its neighbours and to consult prior to any future development at the site. The school grounds are confined and there is little opportunity for development here; a lightweight, structure has allowed the school to provide an additional facility for outdoor learning without causing significant harm to the occupiers of neighbouring properties. For these reasons, it is considered acceptable in planning terms and the approval of planning permission is recommended.

RECOMMENDATION

That the application be approved subject to the following informative:

1 **INFORMATIVE TO APPLICANT:**

The development has been approved in accordance with the following plans:

Drg Title: Location and Block Plan. Drg No: 3364-02. Rev: A.

Drg Title: Plan, Elevation and Photograph. Drg No: 3364-01. Rev: A. Received: 15/11/2017.

The school is requested to respect the privacy of the occupiers of neighbouring properties and to give consideration to mitigation measures such as the use of rubber matting, additional planting and time limits on usage.

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