

**DR/31/09**

committee                DEVELOPMENT &amp; REGULATION

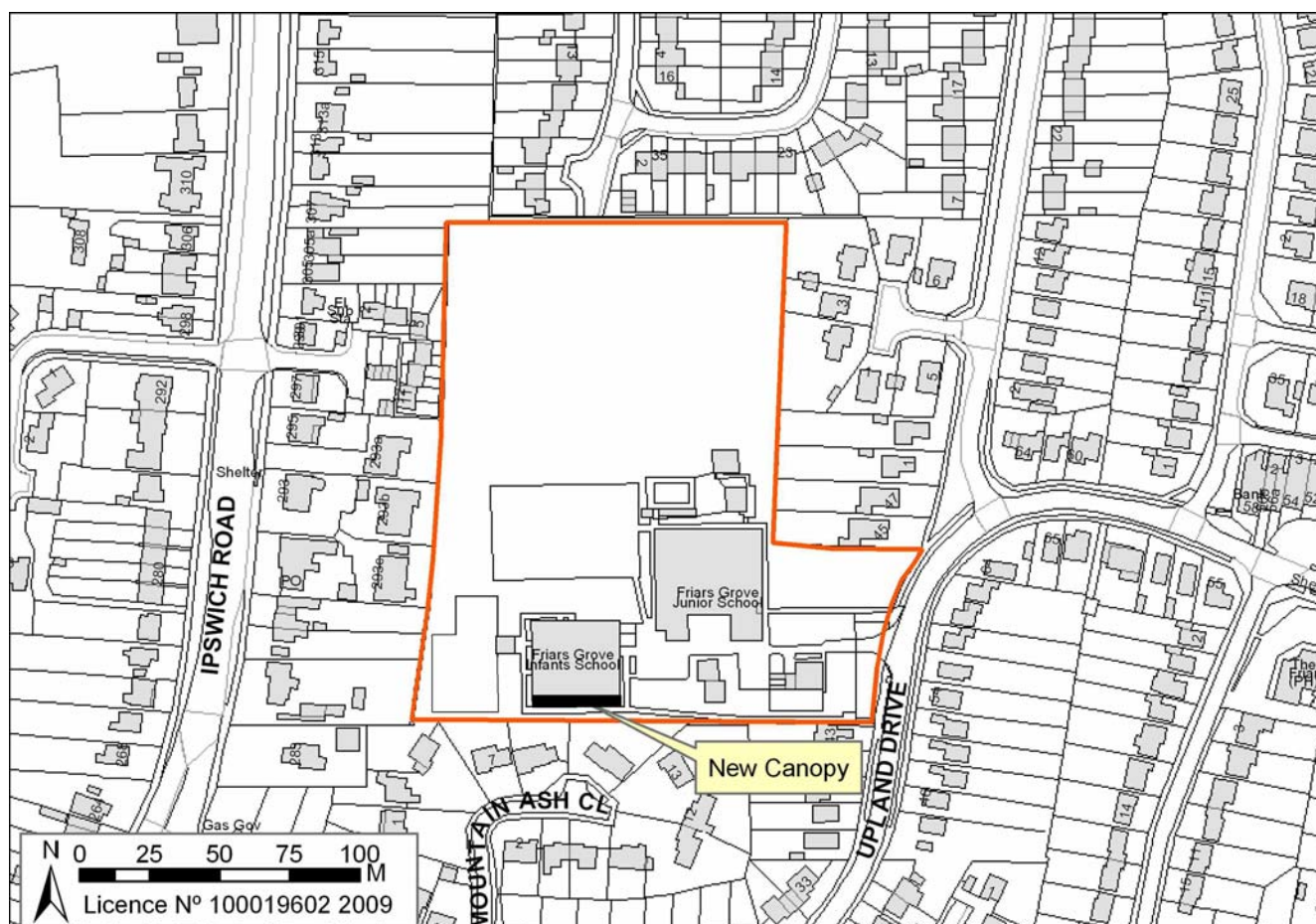
date                        22 May 2009

**COUNTY COUNCIL DEVELOPMENT**

**Retrospective planning application for erection of an aluminium frame and fabric roofed canopy to the south west elevation of the infant school building, complete with decking and fencing. Friars Grove Infant School, Upland Drive, Colchester, CO4 0PZ Ref: CC/COL/05/09**

Report by Head of Environmental Planning

Enquiries to: Maria Tourvas Tel: 01245 437 507



## **1. BACKGROUND**

Re-cladding and refurbishment was undertaken at the infant school in 1988 under planning reference CC/COL/27/88.

In October 2003 planning permission was granted for the extension of hard surface playground and a small extension of car park at the school site under planning reference CC/COL/76/03. This is located south of the Junior School, and is between the Infant School and the caretaker's house, parallel to the shared boundary with properties in Mountain Ash Close.

This application was brought before the Development and Regulation Committee held on 24 April 2009. It was resolved at that Committee to grant planning permission subject to conditions. This application is being re-presented to the Development and Regulation Committee as additional late representations were received prior to the April Committee that were only recently brought to light.

## **2. SITE**

Friars Grove Infant School is located in Colchester to the north-east from the town centre within approximately 1.5km.

The school site is situated to the north-west of Upland Drive and to the east of Ipswich Road. Upland Drive provides the only vehicular and pedestrian access to the site.

The application area is surrounded by residential dwellings and by school buildings, including associated parking and play areas. Screening is provided alongside the site boundaries shared with 7, 9, 11 and 13 Mountain Ash Close by deciduous trees and conifer hedgerows also close boarded fencing which varies from approximately 1.9m to 2.1m.

Numbers 7, 9, 11 and 13 which share the boundary with the school are sited at an angle away from the school. Number 11 Mountain Ash Close appears to be the only property with a first floor flank elevation window which overlooks the application site; this would suggest that the flank window may not be original to the dwelling.

## **3. PROPOSAL**

The planning application is for the installation of an aluminium frame and a fabric roofed canopy to the south west elevation of the infant school building.

The development has commenced at the time of the application's submission.

At the time of the site inspection the canopy had already been erected and the decking with associated fencing was yet to be implemented.

The canopy is measured at 31.5m in length, 3.5m in depth and 3m in height, and is a free standing structure which is proposed to be used as a play teaching area by the foundation stage classes.

No details of the decking or associated fencing have been submitted as part of the application. However, the area covered by decking would be underneath the canopy. It is unlikely to consist of volume by being raised due to the main buildings floor levels.

#### 4. POLICIES

The following policies of the Colchester Borough Local Plan adopted March 2004 (saved policies September 2007) provide the framework for this development. The following policies are of relevance:

	<u>CBLP</u>
Design	UEA11 & UEA13
Infrastructure and Community Facilities Provision	CF1
Landscape Features	CO4
Overall Development Control Policy	DC1
Pollution	P1

#### 5. CONSULTATIONS

COLCHESTER BOROUGH COUNCIL – No objection. However the attention was drawn to the objections raised by local residents which express concerns that the facility would result in an increase of noise nuisance.

COUNTY COUNCIL'S NOISE CONSULTANT – No comments received.

BUILT ENVIRONMENT (ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS) – No comment.

NATURAL ENVIRONMENT (Trees) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection. TPO trees at rear of 9 & 11 Mountain Ash Close are unlikely to be impacted upon as the proposed decking and fencing should have a minimal impact on roots that may encroach from these trees on to school land.

LOCAL MEMBER (Parsons Heath) – Any response will be reported verbally.

#### 6. REPRESENTATIONS

59 properties were directly notified of the application. Letters of representation have been received by occupiers of 9 and 11 Mountain Ash Close raising the following matters:

<u>Observation</u>	<u>Comment</u>
The provision of a canopy would result in an excessive level of noise generated by teachers, pupils and pupils' parents.	See appraisal.
Structure is close to boundary.	See appraisal.

Planning Investigations Officer had visited the school and, in her opinion, <i>'the design of the roof amplified the noise'</i> .	The application has been referred to County Council's noise consultant for a professional noise field opinion.
The area would not be used without the development.	The material relevant point is the area is capable of being used with or without the development.
The combined noise of canopy and extra play area is far in excess of what it had been.	See appraisal.
The use of the development has resulted in increased and intensified noise over the whole of the school day.	See appraisal.

## 7. APPRAISAL

The key issues for consideration are:

- A. Need and Principle of Development
- B. Design
- C. Amenity and Landscape Impact

### A. NEED AND PRINCIPLE OF DEVELOPMENT

Policy CF1 of the Colchester Borough Local Plan 2004 states that planning permission will not be granted for any development unless provision is secured for all community benefits and other infrastructure which are directly related to the development proposal and where such provision is fairly and reasonably related in scale and kind to it.

The aluminium free standing canopy would facilitate the school by providing a covered external hard play area and a teaching space for foundation stage classrooms to facilitate in teaching the curriculum. The canopy would not alter the existing access routes to the school building and the school would remain fully accessible to vehicles, cyclists and pedestrians.

Overall, it has been considered that there is a need for outdoor teaching space in accordance with Policy CF1 of the Colchester Borough Local Plan 2004 as outdoor activities require some degree of protection against undesirable weather conditions such as rain and sun.

### B. DESIGN

No details have been provided with regard to the decking details. However, should the development be acceptable these could be conditioned to be submitted for further approval.

The proposal measured 31.5m in length, 3.5m in depth and 3m in height and has been installed to the south west elevation of the infant school building. There is a distance of approximately 6 metres from the structure to the shared boundary fence of the nearest residential dwelling.

The canopy is designed with aluminium frames and fabric roof. It is considered that it would be in keeping with the school building in terms of size, design, bulk and siting. It is generally a light structure in material, colour and design hence not considered to be visually intrusive. Therefore, in terms of design the canopy is considered to accord with Policy UEA11 (e) of the Colchester Borough Local Plan 2004 which states that the external materials used should be of a good quality and sympathetic to the particular character of the area which it is desirable to retain and enhance.

## C. AMENITY AND LANDSCAPE IMPACT

According to the local residents whose properties are adjacent to the school site, the installation of canopy has caused intensification and higher levels of noise as pupils, teachers and pupils' parents would be using the hard play area more frequently, this combined with the 2003 approved play area. However, as stated by the applicant there is no alternative accommodation for the canopy at the school site, and it is considered that the noise levels would remain generally the same and not intensify after the proposal is completed.

However, it is generally accepted that the development would have brought more noticeable concentration of noise levels against the boundary. Nevertheless the area is capable of being used during teaching, playtimes and dry weather without the development in place. This was also true of the fenced play area to the east which was granted approval for hard surfacing.

It should be noted that the area along the shared boundary would only be used during school teaching hours, therefore any noise would be time constrained. The proposed development does not propose an increase in intensification in terms of the number of pupils, teachers or vehicle movement. Hence, it is considered to be in compliance with Policy P1 of the Colchester Borough Local Plan 2004 which states that development will not be permitted where either it or any ancillary activities, including vehicle movement, are likely to harm the amenities of people living nearby by reason of noise.

The proposal would be well screened and set back from the nearest residential dwelling by 6 metres from the fence line. The height of the proposal would be 3 metres, which is predominantly screened by the approximate 2 metre high fencing and vegetation along the shared boundary. Therefore, residential and visual impact is considered to be mitigated in compliance with Policy UEA11 (f), UEA13 and DC1 of the Adopted Review of Colchester Borough Local Plan 2004.

Policy UEA11 (f) states that the design and layout of the buildings should ensure that the amenity of adjacent property is not unreasonably affected.

Policy UEA13 seeks that an extension to a building or a new building adjoining existing or proposed residential buildings, will not be permitted where the development would be poorly designed or out of character with the appearance of the original building, the proposal has an overbearing effect on the outlook of neighbouring properties, the proposal leads to unreasonable loss of natural daylight or sunlight to an adjoining dwelling or its curtilage and where the proposal leads to undue overlooking of neighbouring properties.

Also, Policy DC1 states that all proposals for development, including changes of use will be permitted only if the development will be well designed, having regard to local building traditions, and should be based on a proper assessment of the surrounding built and natural environment. Where necessary, a clear written statement setting out the design principles followed, and showing how local distinctiveness will be promoted and retained, will be required.

The nearest tree would be situated within 1 metre of the proposal. However, it has been stated by the Tree Officer that the proposed installation would not result in tree damage due to the height of the proposal. This complies with Policy CO4 of the Colchester Borough Local Plan 2004 which states that development schemes should protect existing landscape features.

## **8. CONCLUSION**

On balance it is considered that there is an educational need because the proposal provides some degree of weather protection for pupils when undertaking outdoor activities in rain or sun. In design terms, due to its size, siting and design, minimal impact is considered. With regard to noise, the noise levels are capable of being achieved without the development in place along that boundary as the area is still used and is capable of being used which is a material consideration. Therefore, the development is considered generally acceptable.

## **RECOMMENDED**

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be **granted** subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the details of the application CC/COL/05/09 dated 27 November 2008, together with a drawing number 08139-01 dated 27 November 2008 and Design and Access Statement dated 27 November 2008, except as varied by the following condition:
  2. Details of decking and fencing, including materials, elevations, plans, demonstrating heights, depth and width with type of fencing to be used shall be submitted to and approved in writing by the County Planning Authority within 1 month from the date of permission and thereafter implemented in accordance with the approved details.
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## **BACKGROUND PAPERS**

Consultation replies  
Representations

Ref: P/DC/mariatourvas/CC/COL/05/09

## **LOCAL MEMBER NOTIFICATION**

DISTRICT – Parsons Heath

# Appendix A

committee DEVELOPMENT & REGULATION

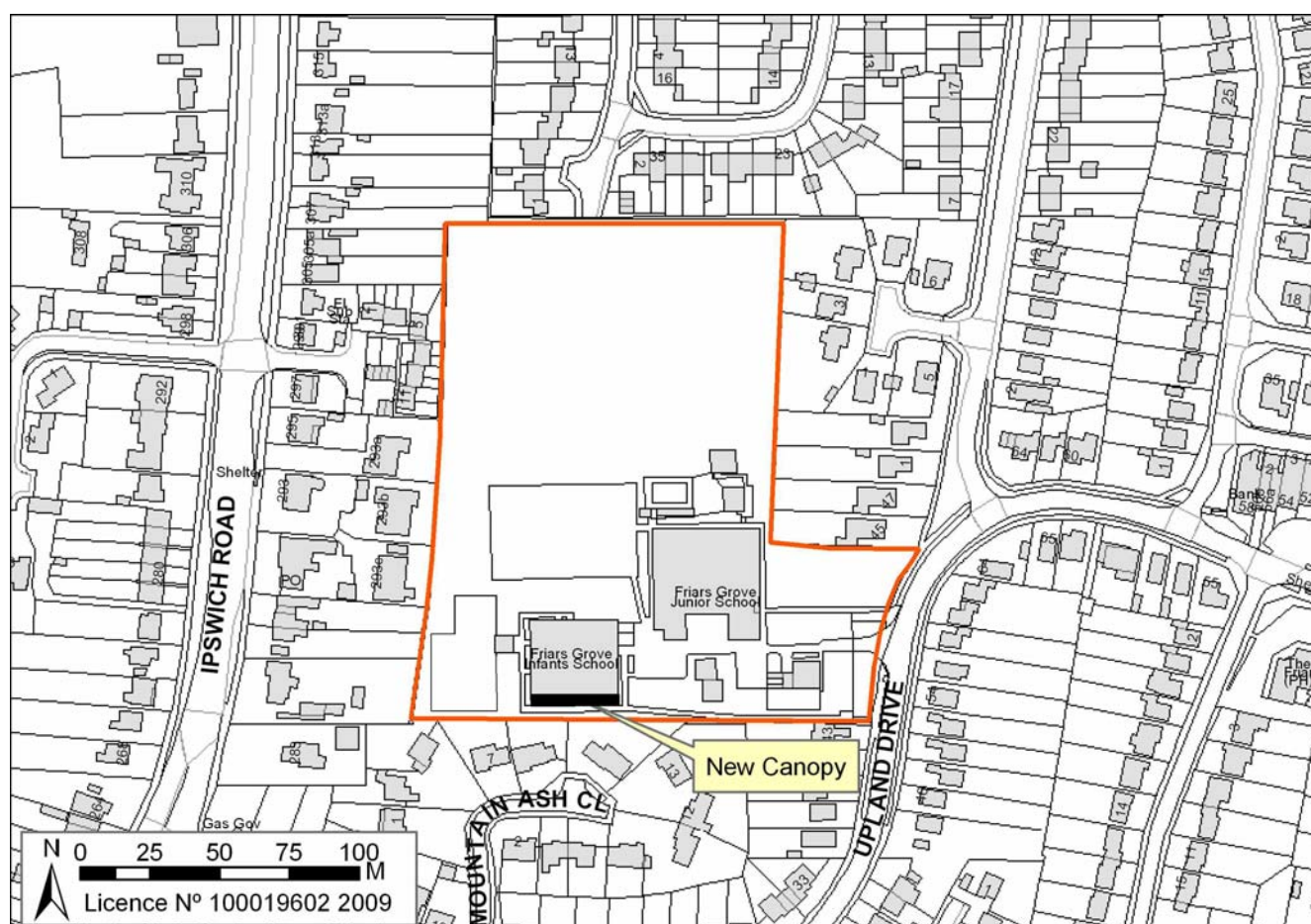
date 24 April 2009

## ESSEX COUNTY COUNCIL DEVELOPMENT

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Report by Head of Environmental Planning

Enquiries to: Sergei Zotin Tel: 01245 437523





## **1. BACKGROUND**

Recladding and refurbishment was undertaken at the infant school in 1988 under planning reference CC/COL/27/88. In October 2003 planning permission was granted for the extension of hard surface playground and a small extension of car park at the school site under planning reference CC/COL/76/03.

## **2. SITE**

Friars Grove Infant School is located in Colchester to the north-east from the town centre within approximately 1.5km.

The school site is situated to the north-west of Upland Drive and to the east of Ipswich Road. Upland Drive provides the only vehicular and pedestrian access to the site.

The site is surrounded by residential dwellings and by school buildings. Screening is provided by trees and hedgerows planted alongside the site boundaries shared with 7, 9, 11 and 13 Mountain Ash Close.

## **3. PROPOSAL**

The planning application is for the installation of an aluminium frame and a fabric roofed canopy to the south west elevation of the infant school building.

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At the time of the site inspection the canopy had already been erected and the decking with associated fencing was yet to be implemented.

The canopy is measured at 31.5m in length, 3.5m in depth and 3m in height, and is a free standing structure which is proposed to be used as a play teaching area by the foundation stage classes.

No details of the decking or associated fencing have been submitted as part of the application. However, the area covered by decking would be underneath the canopy. It is unlikely to consist of volume by being raised due to the main buildings floor levels.

## **4. POLICIES**

The following policies of the Adopted Review of Colchester Borough Local Plan published in March 2004 provide the framework for this development. The following policies are of relevance:



Design	UEA11 & UEA13
Infrastructure and Community Facilities Provision	CF1
Landscape Features	CO4
Overall Development Control Policy	DC1
Pollution	P1

## 5. CONSULTATIONS

COLCHESTER BOROUGH COUNCIL – No objection. However the attention was drawn to the objections raised by local residents which express concerns that the facility would result in an increase of noise nuisance.

BUILT ENVIRONMENT (Environment, Highways and Sustainability) – No comment.

BUILT ENVIRONMENT (Trees) – No objection. TPO trees at rear of 9 & 11 Mountain Ash Close are unlikely to be impacted upon as the proposed decking and fencing should have a minimal impact on roots that may encroach from these trees on to school land.

LOCAL MEMBER (Parsons Heath) – Any response will be reported verbally.

## 6. REPRESENTATIONS

59 properties were directly notified of the application. Two letters of representation have been received raising the following matters:

<u>Observation</u>	<u>Comment</u>
The provision of a canopy would result in an excessive level of noise generated by teachers, pupils and pupils' parents.	See appraisal.
Structure is close to boundary.	See appraisal.

## 7. APPRAISAL

The key issues for consideration are:

- A. Need and Principle of Development
- B. Design
- C. Amenity and Landscape Impact

## A. NEED AND PRINCIPLE OF DEVELOPMENT

Policy CF1 of the Adopted Review of Colchester Borough Local Plan 2004 states that planning permission will not be granted for any development unless provision is secured for all community benefits and other infrastructure which are directly related to the development proposal and where such provision is fairly and reasonably related in scale and kind to it.

The aluminium free standing canopy would facilitate the school by providing a covered external hard play area and a teaching space for foundation stage classrooms to facilitate in teaching the curriculum. The canopy would not alter the existing access routes to the school building and the school would remain fully accessible to vehicles, cyclists and pedestrians.

Overall, it has been considered that there is a need for outdoor teaching space in accordance with Policy CF1 of the Adopted Review of Colchester Borough Local Plan 2004 as outdoor activities require some degree of protection against undesirable weather conditions such as rain and sun.

## B. DESIGN

No details have been provided with regard to the decking details. However, should the development be acceptable these could be conditioned to be submitted for further approval.

The proposal measured 31.5m in length, 3.5m in depth and 3m in height and has been installed to the south west elevation of the infant school building. There is a distance of approximately 6 metres from the structure to the shared boundary fence of the nearest residential dwelling.

The canopy is designed with aluminium frames and fabric roof. It is considered that it would be in keeping with the school building in terms of size, design, bulk and siting. It is generally a light structure in material, colour and design hence not considered to be visually intrusive.

Therefore, in terms of design the canopy is considered to accord with Policy UEA11 (e) of the Adopted Review of Colchester Borough Local Plan 2004 which states that the external materials used should be of a good quality and sympathetic to the particular character of the area which it is desirable to retain and enhance.

## C. AMENITY AND LANDSCAPE IMPACT

According to the local residents whose properties are adjacent to the school site, the installation of canopy would cause a high level of noise as pupils, teachers and pupils' parents would be using the hard play area more frequently. However, as stated by the applicant there is no alternative accommodation for the canopy at the school site, and it is considered that the noise levels would remain generally the same and not intensify after the proposal is completed. The area is capable of being used during playtimes and dry weather without the development in place. It should be noted that the area along the shared boundary would only be used during school hours, therefore any noise would be time constrained. Hence it is considered to be in compliance with Policy P1 of the Adopted Review of Colchester

Borough Local Plan 2004 which states that development will not be permitted where either it or any ancillary activities, including vehicle movement, are likely to harm the amenities of people living nearby by reason of noise.

The proposal would be well screened and set back from the nearest residential dwelling by 6 metres from the fence line. The height of the proposal would be 3 metres, which is predominantly screened by 2 metre high fencing and vegetation along the shared boundary. Therefore, residential and visual impact is considered to be mitigated in compliance with Policy UEA11 (f), UEA13 and DC1 of the Adopted Review of Colchester Borough Local Plan 2004. Policy UEA11 (f) states that the design and layout of the buildings should ensure that the amenity of adjacent property is not unreasonably affected. Policy UEA13 seeks that an extension to a building or a new building adjoining existing or proposed residential buildings, will not be permitted where the development would be poorly designed or out of character with the appearance of the original building, the proposal has an overbearing effect on the outlook of neighbouring properties, the proposal leads to unreasonable loss of natural daylight or sunlight to an adjoining dwelling or its curtilage and where the proposal leads to undue overlooking of neighbouring properties. Also Policy DC1 states that all proposals for development, including changes of use will be permitted only if the development will be well designed, having regard to local building traditions, and should be based on a proper assessment of the surrounding build and natural environment. Where necessary, a clear written statement setting out the design principles followed, and showing how local distinctiveness will be promoted and retained, will be required.

The nearest tree would be situated within 1 metre of the proposal. However, it has been stated by the Tree Officer that the proposed installation would not result in tree damage due to the height of the proposal. This complies with Policy CO4 of the Adopted Review of Colchester Borough Local Plan 2004 which states that development schemes should protect existing landscape features.

## 8. CONCLUSION

On balance it is considered that there is an educational need because the proposal provides some degree of weather protection for pupils when undertaking outdoor activities in rain or sun. In design terms, due to its size, siting and design, minimal impact is considered. With regard to noise, the noise levels are capable of being achieved without the development in place along that boundary as the area is still used and is capable of being used. Therefore, the development is considered generally acceptable.

## RECOMMENDED

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be **granted** subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the details of the application CC/COL/05/09 dated 27 November 2008, together with a drawing number 08139-01 dated 27 November 2008 and Design and Access Statement dated 27 November 2008, subject to the following condition:

2. Details of decking and fencing, including materials, elevations, plans, demonstrating heights, depth and width with type of fencing to be used shall be submitted to and approved in writing by the County Council's Planning Authority within 1 month from the date of permission and thereafter implemented in accordance with the approved details.
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## **BACKGROUND PAPERS**

Consultation replies  
Representations

Ref: P/DC/Sergei Zotin/CC/COL/05/09

## **LOCAL MEMBER NOTIFICATION**

COLCHESTER – Parsons Heath