

## Development Management Report

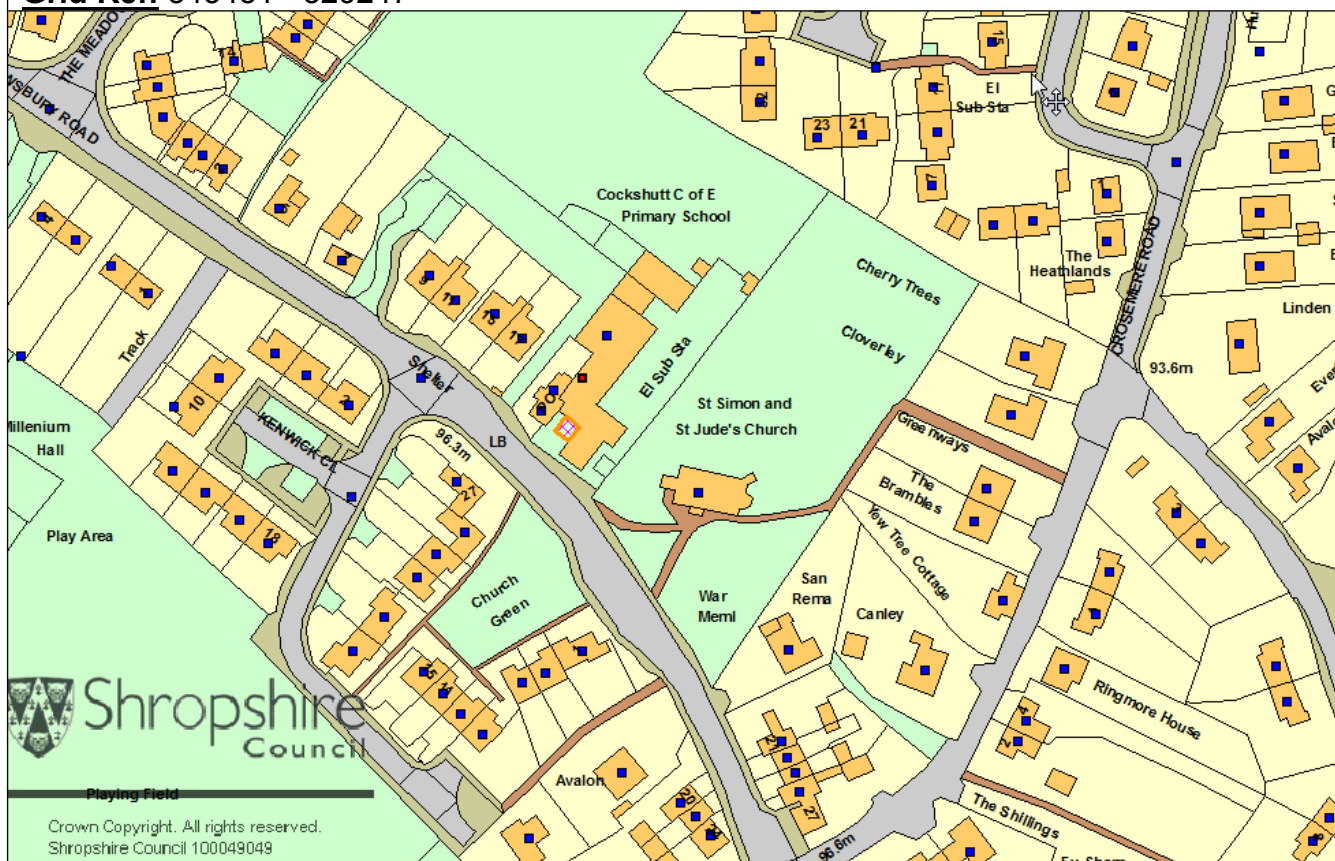
Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 17/00142/FUL	<b><u>Parish:</u></b>	Cockshutt-cum-Petton
<b><u>Proposal:</u></b> Erection of a single storey extension to front elevation to provide new reception and circulation space		
<b><u>Site Address:</u></b> Cockshutt C Of E School Shrewsbury Road Cockshutt Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Shropshire Council (Learning & Skills)		
<b><u>Case Officer:</u></b> Janet Davies		<b><u>email:</u></b> <a href="mailto:planningdmnw@shropshire.gov.uk">planningdmnw@shropshire.gov.uk</a>

**Grid Ref:** 343451 - 329247



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**Recommendation:- Grant planning permission subject to the conditions set out in Appendix 1.**

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 The application seeks full planning consent for the erection of a single storey extension to the front elevation of Cockshutt C of E Primary School to provide a new reception and circulation space and is submitted by Shropshire Council's Learning and Skills section.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 Cockshutt Primary School is a traditional building located at the centre of the village and is of red brick construction with stone surround windows. The building is set back from the main road behind boundary brick walls.
- 2.2 Part of the original school has been previously separated off to form a separate residential dwelling, The Old Schoolhouse. This is located within the left hand gable, which also houses the village post office, and separated off by way of a boundary fence with separate parking area.
- 2.3 Adjacent to the south east of the school is St Simon and St Judes Church and on the other side of the road is a small open space, the Church Green, but otherwise the site is surrounded by residential dwellings.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The ward member has requested that the application be considered by committee on account of this being an application submitted by Shropshire Council and on account of the daylight issue as it affects the attached neighbouring property.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 - Consultee Comments**

- 4.1.1 **SC Drainage** – no objection subject to an informative relating to the issue of sustainable drainage for the disposal of surface water.

#### **4.2 - Public Comments**

- 4.2.1 **Parish Council** - do not support or object to the application without further information.

Loss of light - The Council has sympathy with the neighbour's comments about loss of light and access for maintenance.

The oil tank will be moved and will be surrounded by the hall, new boiler room and reception area. There is no indication that the position of the oil tank or the tank itself will comply with appropriate regulations.

It is unfortunate that the applicant did not produce a Design and Access

Statement for this second application explaining the reasoning/justification of the proposal as it could have covered areas of concern and are sure that if these areas of concern are not resolved now they will be raised again at Committee stage.

**Neighbour objection –**

- although the previous, issue of trespass on our property has been resolved by leaving a small gap between our house wall and the side wall of the proposed extension, the window in our house wall has not been shown on the plans.
- The construction of a brick wall approximately 4 feet away from our window would restrict our legal right to light and does not comply with the 60 degree rule for single storey extensions.
- Proposal would also leave us little room to manoeuvre, should the need arise, to carry out any maintenance work on that part of our house.
- Question what would happen to the large, newly installed replacement double glazed window at the front of the school? Is the plan now to remove it and brick it up? Would be a shocking waste of public money and would result in loss of daylight in the school hall.
- We are aware of the reasons for the need of an office area at the front of the school, although to date we have not been invited to take part in discussions to try and find a solution which would be acceptable to all parties concerned.
- Believe that there is a way of creating the space that is needed for a reception area within the existing building, without building an extension at the front of the school, and without the need to replace and re-site the heating oil tank which the OFTEC website states, in order to comply with current regulations, should be sited "2 meters away from buildings or boundaries."

**5.0 THE MAIN ISSUES**

- Principle of development
- Siting, scale and design of structure
- Visual impact and landscaping

**6.0 OFFICER APPRAISAL**

**6.1 Principle of development**

- 6.1.1 Core Strategy Policies CS6 (Sustainable Design and Development), CS8 (Facilities, Services and Infrastructure Provision), CS17 (Environmental Networks) and SAMDev Policy MD2 (Sustainable Design) are all considered to apply to the consideration of this application.
- 6.1.2 Policy CS6 of the Core Strategy requires development to be designed to a high quality using sustainable design principles. It seeks to ensure that development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design to its local context. New development is also required to safeguard residential and local amenity.
- 6.1.3 Policy CS8 seeks to protect and enhance existing facilities, service and amenities that contribute to the quality of life for residents and visitors. It aims to defend against the loss of a range of existing service and facility provision including schools and recognises the need to adapt to changing circumstances.

6.1.4 CS17 requires development to protect and enhance the diversity, high quality and local character of the County's natural, built and historic environment without adversely affecting its visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.

6.1.5 Policy MD2 of the Council's adopted SAMDev Plan requires development to contribute to and respect local distinctive or valued character and existing amenity value.

6.1.6 The proposal is considered to fall broadly into line with the above policy framework and is therefore supported in principle.

**6.2 Siting, scale and design of structure**

6.2.1 The proposed extension is to be located at the front of the school between the two front gables and is to take the place of the existing fenced off oil tank.

6.2.2 The proposed brick structure is to be single storey and of a lean to form with a largely square plan measuring approximately 4.3m x 4.5m. The new accommodation is to provide a new reception area and circulation space. It is explained that other options for creation of the new entrance were considered but that this could not be otherwise achieved on account of the existing amount of internal circulation space available at the front of the building and on account of security concerns involved relocating the entrance to the side or rear of the building.

6.2.3 The only proposed new openings are to be located within the front elevation and concerns have been raised regarding the horizontal design of the proposed right hand window which is considered out of character with the existing fenestration. The applicant has indicated that he would be in agreement to a condition requiring that the design of this opening is amended and relating to the introduction of a suitable detail window surround to reflect those on the existing building.

6.2.4 Further to comments lodged during the consultation process the applicant has agreed that the previously installed aluminium windows to be removed as part of the proposal can be put in storage with a view to their future use in other Council run building projects.

6.2.5 Comments have also been received stating that the proposed relocation of the heating oil tank would fail to meet fire regulations. However, the 2 metre distance requirement referred to applies to combustible walling material whilst in this case the tank is to be located alongside existing brick walling.

**6.3 Impact on Amenity**

6.3.1 The nearest affected neighbouring property to the site is The Old Schoolhouse and Post Office which is located within the attached gable.

6.3.2 The applicant has explained that they met with the neighbour on site to discuss the proposal. The affected window referred to in the neighbour's objection would

be at a distance of approximately 1.5 metres from the side wall of the proposed single storey extension and it is considered that this would adequately allow for future maintenance work to be carried out without too much difficulty.

- 6.3.3 As regards the daylight issue it is noted that this is small opening which currently lights an existing storage cupboard which appears to be used in association with the post office. Therefore, it is considered that it would be difficult to sustain an objection on the grounds of loss of amenity to any existing dwelling.

## **7.0 CONCLUSION**

- 7.1 The siting, scale and general design of the proposed extension is deemed to be acceptable for its location, subject to conditional agreement over the design and finish of the front window, and there are not deemed to be any significant issues of loss of amenity to be overcome. The application is therefore recommended for approval.

## **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### **8.1 Risk Management**

There are two principal risks associated with this recommendation as follows:

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

### **8.2 Human Rights**

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

**8.3 Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

**9.0 Financial Implications**

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

**10. Background**Relevant Planning PoliciesRelevant planning history:

NS/09/00203/DEEM Formation of extension to existing car park NOOBJC 25th February 2009  
11/04425/VAR Variation of Condition No.2 attached to planning permission ref CC2001/0026 dated 14th September 2001 to allow for the retention of the demountable unit for a further temporary period of ten years GRANT 15th December 2011

NS/01/00682/DEEM Installation of 5 bay demountable classroom unit, extensions to existing hard play area and car park NOBJ 11th September 2001

NS/97/00124/FUL erection of single storey extension to provide staff room, headmasters office and a classroom CONAPP 30th June 1997

SC/CC2009/0002 Construction of extension to existing staff car park NOOBJC 17th March 2009

SC/CC2001/0026 Installation of 5-bay demountable classroom unit and extension of existing car park and play area PERMIT 14th September 2001

**11. Additional Information**

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Brian Williams
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Appendices APPENDIX 1 - Conditions
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## **APPENDIX 1**

### **Conditions**

#### **STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

#### **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

3. Notwithstanding the existing elevation plans, the exact scale, and detail of the proposed windows and window surrounds shall be submitted to the local planning authority for approval in writing prior to development commencing on site and shall be carried out as approved.

Reason: To safeguard the visual amenities of the area.