

MAIDENHEAD DEVELOPMENT CONTROL PANEL

6 January 2010

Item: 3

Application No.: 09/02489/FULL

Location: Lowbrook Primary School The Fairway Maidenhead SL6 3AR

Proposal: Amendment to approved application 09/00562 to re-position the sun pavillion

Applicant: Lowbrook Primary School

Agent: Cornerstone Thomson Roddick

Parish/Ward: Cox Green Parish

If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk

1. SUMMARY

- 1.1 The application seeks retrospective permission for the re-siting of a sun pavilion at Lowbrook Primary School. The pavilion was originally approved under application 09/00562 in June 2009, as the Panel considered that its position would not harm the amenities of neighbours and accepted the school's assertion that it needed to be visible from the school office. Since the approval the pavilion has been erected in a different location and closer to the boundaries of neighbouring residential properties. As the pavilion is a place where the school children and parents can congregate, given its close proximity to the neighbours it is considered to be detrimental to the enjoyment of their properties. In order to protect the neighbours amenities it is considered necessary to attach a condition to any permission granted requiring a two metre high close-boarded fence to be erected along the length of the boundary with No.4 The Fairway.

It is recommended the Panel grants planning permission with the conditions listed in Section 9 of this report.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning & Development delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Lowbrook Primary School is located within a residential area of Cox Green. The school is accessed off The Fairway and is sited between Cox Green Comprehensive School to the north and residential properties to the south. The main school building is single-storey and caters for mixed gender pupils aged 4 to 11 years.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

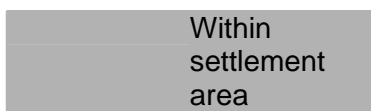
- 06/00840 Construction of a nursery unit, new car park layout to provide 53 bays and a new play area. Approved 08.06.06.
- 08/02331 Construction of a detached single storey classroom building. Approved 13.11.08.
- 09/00562 Erection of a climbing frame, pirate ship style apparatus and sun pavilion. Approved 25.06.09.

- 4.1 This application seeks retrospective permission for the re-siting of the sun pavilion that was presented to Panel on 24th June under application 09/00562 and subsequently approved.
- 4.2 The sun pavilion was originally approved to be sited on an area of ground to the side of the playground, 4 metres from the boundary with No.4 The Fairway and adjacent to its flank wall. However, the pavilion has been erected approximately 1 metre from the side boundary with No. 4 The Fairway behind its rear elevation and approximately 2 metres from the rear boundary of 22 Bedford Close.

5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

- 5.1 The main strategic planning considerations applying to the site and the associated policies are:



Local Plan DG1

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issue for consideration is:

- i The impact on the living conditions of nearby residents

The impact on the living conditions of neighbours

- 6.2 Under the previous application, the issue of the location on the pavilion was carefully considered. The neighbour at 4 The Fairway raised an objection to the position of the sun shelter on the grounds that it may become a meeting place for local youths as it would be close to the school gates. The school responded to this by stating the proposed location was the only place the pavilion could be sited, as it had to be visible from the school office and could not go on the playground. Consequently, the Panel approved the siting of the pavilion on the basis that there were no alternative locations and that it would not impact on the living conditions of the neighbours.
- 6.3 Given the circumstances of the previous application it is unfortunate that the pavilion was not erected in its approved position. The structure is now very close to the boundaries of the neighbouring properties in The Fairway and Bedford Close, and whilst children can play in this area, the pavilion is a place where children and parents can congregate. This is considered to be un-neighbourly and detrimental to the living conditions of the neighbours.
- 6.4 During the course of the previous application, the school offered to erect a higher fence along the side boundary. This was not considered necessary under the previous application, but is considered necessary now in order to protect the privacy of the neighbours.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

18 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 2nd December 2009

1 letter has been received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. The sun pavilion is sited approximately 1.5 metres from our boundary fence (22 Bedford Close). As the school grounds are higher than our property/garden people in the pavilion can see right into our garden and lounge which is a complete invasion of our privacy. We did not object to the original position of the pavilion, but this new application makes a farce of planning regulations	Section 6.

Theresa May MP has written to ask that the above comments be borne in mind when considering this proposal.

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Site plan

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 A 2m high close boarded fence shall be erected and maintained along the north-east side boundary for the full length of the existing playground by 5th February 2010.
Reason: In order to protect the amenities of neighbouring residents. Relevant Policy – Planning Policy Statement 1.