

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	10/09/2018
Planning Development Manager authorisation:	AN	17/9/18
Admin checks / despatch completed	SB	19/09/18

ML

Application: 18/01167/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Colin Bridges - Reach 2

Address: Kirby Le Soken Primary School Halstead Road Kirby Cross

Development: Demolition of existing classroom block and erection of a new single storey two classroom building.

1. Town / Parish Council

Frinton & Walton Town Council Approved

2. Consultation Responses

n/a

3. Planning History

00/01375/FUL	New nursery classroom and toilet building (renewal of planning permission TEN/95/0528/FUL)	Approved	27.09.2000
92/01358/FUL	(Kirby le Soken County Primary School, Halstead Road, Kirby le Soken) (Ref No. CC/TEN/21/92) Continued use of one relocatable toilet block and two relocatable classrooms	Determination	25.02.1993
95/00528/FUL	(Kirby le Soken County Primary School, Halstead Road, Kirby Cross) New nursery classroom and toilet building	Approved	05.07.1995
98/00259/FUL	CC/TEN/09/98 - Continued use of 2 No. RL3 and 1 No. RL1 Relocatable classroom units and toilets	Determination	20.03.1998
98/00675/FUL	(CC/TEN/76/98) Provision of Relocatable Class Base	Approved	14.07.1998
03/02501/CMTR	Retention of 2 re-locatable class bases and associated accommodation until 30th April 2008 without complying with	Determination	27.06.2003

	Condition 1 (time limit) attached to planning permission CC/TEN/09/98 and Condition 1 (time limit) attached to planning permission CC/TEN/76/98.		
05/00698/CMTR	Construction of new playground area and formation of mound.	Determination	12.05.2005
08/00896/CMTR	Retention of relocatable classroom (for 3 year period).	Determination	07.08.2008
11/00058/CMTR	Replacement of existing timber framed windows to original school building with new double glazed timber window. Replacement of existing timber framed doors with new double glazed framed and panelled doors.	Determination	21.03.2011
11/00765/CMTR	The continued use a classbase for a temporary period until August 31 2016 without compliance with Condition 2 (time limit) attached to planning permission CC/TEN/66/08.	Determination	04.07.2013
13/00594/CMTR	Variation of Condition 2 of 08/00896/CMTR to provide additional teaching accommodation until 31st August 2018.	Determination	04.07.2013
18/01167/FUL	Demolition of existing classroom block and erection of a new single storey two classroom building.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

EN23 Development Within the Proximity of a Listed Building

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1 Presumption in Favour of Sustainable Development

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP2 Community Facilities

CP1 Sustainable Transport and Accessibility

PPL9 Listed Buildings

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the western side of Halstead Road, Kirby Cross and accommodates Kirby Primary Academy. The site is located in a predominantly residential area with access taken from Halstead Road. The part of the site relevant to this application is situated at the rear of the school adjacent to the northern boundary. This area of the site currently accommodates a 2 classroom de mountable building. To the east of the de mountable building is a pre-school building. To the south of the site are playing areas associated with the school. The northern boundary of the site is marked by a mature tree line beyond which is a public play area.

Appraisal

The proposal is for a two-classroom block with a group room and associated amenities to replace the existing two-classroom block which is in poor condition beyond economic repair.

The proposed building footprint area is 226.3m², which is to replace the existing block of 146.4m². Access to the building will be from the South, from the informal hard play area, in line with the existing block. Overall including the canopies at either end the building would measure 27.5m in length, 10.7m in depth and 3.8m in height.

Design/Impact

The proposed building will be single storey and consist of a flat roof. The building would be modular in form and appear contemporary in appearance due to the use of white and green cladding with grey engineering brick and aluminium openings. The building represents a suitable contrast to the traditional red brick and slate character of the existing school but picks up the white and green detailing present on the existing building.

In terms of the visual impact from surrounding vantage points, due to the height of the existing school building views of the development from Halstead Road are screened. Again views of the building would be limited from the public play area to the north due to the presence of mature trees on the shared boundary.

The development would therefore represent a visual improvement over what currently exists on site.

Residential Amenities

The rear boundary of the nearest property to the site is located approximately 30m to the east of the proposed development. Therefore the impact upon neighbouring amenity would be minimal. Further there would be no intensification of the use of the site as a school as the proposal represents a like for like replacement in terms of the no. of classrooms provided on site.

Listed Building

To the east of the site fronting onto Halstead Road is a Grade II listed building. The development, due to its single storey nature and the presence of surrounding buildings and vegetation, would not be seen in conjunction with this development. As such there would not be an adverse impact upon this heritage asset.

Other Considerations

Surface water and foul drainage will both discharge to public sewer which is situated within Halstead Road.

There is no change to any of the means by which the site is accessed from Halstead Road and the proposal is not considered to intensify the use of the site. As such no highway considerations arise.

The modular unit will be placed upon the existing concrete hard surface and therefore would not result in any impact upon the nature trees to the north.

Frinton & Walton Town Council recommends approval. No further letters of representation have been received.

6. Recommendation

Approval

7. Conditions

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

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: KIR-LFA-ZZ-YY-DR-A-0102 1, KIR-LFA-ZZ-00-DR-A-0200 1, KIR-LFA-ZZ-ZZ-DR-A-0300 1, KIR-LFA-ZZ-02-DR-A-0201 1 and KIR-LFA-ZZ-ZZ-DR-A-0400 1.

Reason - For the avoidance of doubt and in the interests of proper planning.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO