

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	11/03/2019
Planning Development Manager authorisation:	SCE	11.03.19
Admin checks / despatch completed	AW	12/3/19

**Application:** 18/02116/FUL **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Colin Bridges - Reach 2

**Address:** Kirby Primary Academy Halstead Road Kirby Cross

**Development:** Demolition of existing classroom block and erection of a new single storey two class room block. Amendment to application 18/01167/FUL.

### 1. Town / Parish Council

Frinton and Walton Town Council Approval

### 2. Consultation Responses

Environmental Protection EP has no comments to make in relation this application.

### 3. Planning History

00/01375/FUL	New nursery classroom and toilet building (renewal of planning permission TEN/95/0528/FUL)	Approved	27.09.2000
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
09/01290/CMTR	Replacement of existing timber framed windows to original school building with aluminium framed sealed double glazed windows. Replacement of existing timber framed doors with aluminium framed and panelled doors. (CC/TEN/94/09)	Withdrawn	14.01.2010
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	Determination	21.03.2011

	panelled doors.		
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.	Determinati on	04.07.2013
13/00594/CMTR	Variation of Condition 2 of 08/00896/CMTR to provide additional teaching accommodation until 31st August 2018.	Determinati on	04.07.2013
15/00258/FUL	To increase the numbers for full day care and holiday club from 16 to 24 at any one time.		10.04.2015
18/01167/FUL	Demolition of existing classroom block and erection of a new single storey two classroom building.	Approved	19.09.2018
18/02116/FUL	Demolition of existing classroom block and erection of a new single storey two class room block. Amendment to application 18/01167/FUL.	Current	
19/00111/FUL	Replacement day nursery building.	Current	

#### 4. **Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

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.

## **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.

### **Proposal**

This application is further to planning approval 18/01167/FUL which granted planning permission for a two-classroom block with a group room and associated amenities to replace the existing two-classroom block. This application proposes revisions to the earlier scheme including changes to the building level, elevational treatments and the inclusion of external air conditioning units and access ramps.

The proposed footprint of the building is 229m<sup>2</sup>, which is to replace the existing block of 146.4m<sup>2</sup>. Access to the building will be from the south, from the informal hard play area, in line with the existing block.

## Appraisal

### Visual 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 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. The main changes from the previous approval concern a slight reduction in the height of the building, the removal of the grey cladding to the parapet and the inclusion of access ramps and an air conditioning unit to the rear. These changes do not significantly alter the appearance of the building which, due to its position to the rear of the school, is largely screened in views from public vantage points.

### 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 in terms of outlook and noise from the air conditioning unit 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

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 Rev P04, KIR-LFA-ZZ-00-DR-A-0200 Rev P02, KIR-LFA-ZZ-ZZ-DR-A-0300 Rev P04, KIR-LFA-ZZ-02-DR-A-0201 Rev P03 and KIR-LFA-ZZ-ZZ-DR-A-0400 Rev P02.

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.

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