

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	13/03/2019
Planning Development Manager authorisation:	SCE	19.03.19
Admin checks / despatch completed	ER	21/03/19

Application: 19/00111/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Chase Nursery

Address: Kirby Cross Primary School Halstead Road Kirby Cross

Development: Replacement day nursery building.

1. Town / Parish Council

Frinton and Walton Town Council APPROVAL

2. Consultation Responses

Environmental Protection I have reviewed the application and have the following comments to make;

In order to minimise potential nuisance to nearby existing residents caused by construction works, Pollution and Environmental Control ask that the following below is conditioned;

' No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holidays

' The use of barriers to mitigate the impact of noisy operations will be used where possible.

' No materials produced as a result of the site development or clearance shall be burned on site.

' All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

' The selection and use of machinery to operate on site, and working practices to be adopted will as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.

' Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

' Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

' If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

' All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

' No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

' All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

' The design range should be complied with under BB 93.

Reason: To ensure that nearby noise sensitive premises do not suffer a loss of amenity.

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 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.	Determination	27.06.2003
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 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
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.	Approved	12.03.2019
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

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 pre-school demountable building. To the west of the demountable building is a further temporary building that contains 2 primary school classrooms. 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 proposes the replacement of the existing pre-school building. Supporting information states that the existing demountable building is no longer fit for purpose and due to planning permission being granted for a new school building to the west a rearrangement of the pre-school site is necessary. As such the proposal would be to move the new building through 90 degrees away from the existing buildings to the west. This would enable the relocation of the access ramp serving the building and the erection of fencing to sub-divide the site from the playground serving the school.

Overall the new building would measure 12.2m x 9.6m in footprint and would be clad in timber.

The number of children attending the pre-school and the operating hours are not changing.

Appraisal

Design/Impact

The proposed building will be single storey and consist of a flat roof. The building would be modular in form and represent an enhancement over the appearance of the current building. The building represents a suitable contrast to the traditional red brick and slate character of the existing school through the use of timber cladding.

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.

The proposal will not result in the loss of any play facilities for the primary school. The proposed building will not encroach on to the existing school playground, being set behind the edge of the playground boundary.

Residential Amenities

The rear elevation of the nearest property to the site is located approximately 26m 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 hours of use and the number of children attending the facility.

The Council's Environmental Health Dept has recommended a set of measures to ensure the construction phase of the development would not harm local resident's amenity. This will be communicated to the applicant through use of an informative on the permission.

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 supports the application. No further letters of representation have been received.

6. Recommendation

Approve

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: 1867-01 B and 1867-02 B

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.

Environmental Informative

- Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Friday. 0800-1300 on Saturdays with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- Emission Control

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Lighting control

1) Any lighting of the site under development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to adjacent residential properties/constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Professionals.

Adherence to the above will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

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