

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	6 th Jan 2020
Planning Development Manager authorisation:	AN	7/01/20
Admin checks / despatch completed	CC	8/01/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	8/1/2020

Application: 19/01460/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mrs Annette Burrows - Essex County Council

Address: Frinton On Sea Primary School Fifth Avenue Frinton On Sea

Development: Proposed wooden gazebo on school playing field to provide shelter and to be used as an outside games room/classroom. Proposed shed to be used as storage and to enclose exposed meter for existing electric supply, and to supply water to the playing field.

1. Town / Parish Council

Frinton and Walton Town Council Approval with the suggestion that the school contact/consult with the neighbours.

2. Consultation Responses

No comments received.

3. Planning History

01/00891/CMTR	Demolition of existing school and erection of new 210 place primary school together with associated play and parking area (CC/TEN/55/01)	Determination	29.08.2001
01/00892/CIR	Conversion of chalet bungalow to teaching accommodation (CC/TEN/56/01)	Determination	07.06.2001
01/00893/CIR	Relocation of mobile classroom (CC/TEN/57/01)	Determination	07.06.2001
92/00645/FUL	(Frinton County Primary School, Wittonwood Road, Frinton-on-Sea) (Ref: CC/TEN/10/92) - relocatable classrooms	Determination	21.07.1992
93/00806/FUL	(Frinton on Sea Primary School, Witton Wood Road, Frinton on Sea) (CC/TEN/19/93) Continued use of two relocatable classrooms	Determination	07.09.1993
93/00947/FUL	(Frinton County Primary School,	Determination	01.10.1993

	Witton Wood Road, Frinton on Sea) Relocatable classroom (CC/TEN/23/93)		
99/00563/FUL	CC/TEN/22/99 - The erection of a single storey front extension to provide for a new electrical store	Determination	08.06.1999
08/01040/FUL	Erection of steel framed canopy to side of reception class entrance to form a covered waiting area and erection of a tensioned shade sail adjacent to playground.	Approved	29.10.2008
19/01460/FUL	Proposed wooden gazebo on school playing field to provide shelter and to be used as an outside games room/classroom. Proposed shed to be used as storage and to enclose exposed meter for existing electric supply, and to supply water to the playing field.	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

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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 proposed development(s) would be located 'off-site' in the playing field to the south-east of the main school site. The field is roughly square in shape with a site area just over 6000sqm and surrounded by domestic properties (Fifth Avenue to the north, Upper Second Avenue to the east, Holmbrook Way to the south and Ferndown Road to the west). Pedestrian access to the field is gained in between nos. 27 and 29 Fifth Avenue.

Description of Proposal

It is proposed to site an open fronted/sided timber structure in the south-easterly corner of the field, separated from the west boundary by 5m and the south boundary by around 6.5m. The structure would have a footprint a little over 18sqm and be just over 3m in height.

It is also proposed to erect a timber shed which will serve a dual purpose of storage and housing the existing electric meter. The shed would be mounted on top of an existing concrete base, approximately 1m from the rear boundary with No. 29 Fifth Avenue. The structure would have a footprint a little over 10sqm and be just over 2.3m in height.

It is also proposed to provide the field with a water supply in the future.

The development(s) proposed are in direct connection with the use of the space inasmuch as it being ancillary to the main school.

Principle

The site is located within the Development Boundary therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National

Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The gazebo structure has an attractive, rustic, open appearance and for these reasons would be pleasing to the eye. The shed is extremely typical of the type found in a domestic garden and of a scale entirely appropriate to its surrounding. It is proposed to facilitate on-site drinking-water for the pupils and subterranean pipes will be laid with an above-ground stand-pipe.

Impact to Neighbouring Amenities

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The neighbours which would be the closest to the timber gazebo would be 8 & 10 Ferndown Road and 8 & 10 Holmbrook Way. The structure would be sited some distance away from the boundaries and have an overall height around 1m greater than a typical boundary fence. For these reasons there would no significant additional risk of loss of privacy, daylight or harm to the amenities of any of the adjacent neighbours.

Other Considerations

Front and Walton Town Council have no objection, suggesting that the school contact the neighbours.	The Local Planning Authority comment that this would be entirely within the control of the school and not a condition attached to any forthcoming permission.
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Seven contributions have been received, all objecting to the proposal. These are summarised as:-

I am also concerned that the TDC Officer has recommended approval of the application without the opportunity to take account of any views from the many residents whose properties back on to the field.	The school submitted a pre-application enquiry to ascertain whether or not the Local Planning Authority would support such a proposal.
This constitutes a change of use and character from a playing field into a recreation ground.	The use of the space is a school field; this is ancillary to the main use. No change of use would take place.
There is already a drainage problem on the site which on occasion becomes waterlogged. Additional buildings can only add to the problem.	The field is not located in an area at risk from flooding.
Noise levels are likely to increase when the gazebo is used as a classroom	The school day is typically 09.00 until 15.30 Monday to Friday. Any additional noise arising from the classroom is unlikely to be deemed materially damaging.
Is this the limit of building on the site?	Each application is considered on its own merits.
is it intended that a toilet block be built in future?	Each application is considered on its own merits.
Will there be lighting in the gazebo, or	Unknown. An application has not been made to

anywhere else on the site?	erect lighting elsewhere in the school field.
The site is not secure	This is a matter for the school.
Will the use of the site be limited to school pupil activities, in term times and not evenings and will any noise restrictions apply?	The use of the space is a school field; this is ancillary to the main use.
Will there be a limit on the size of the base for the buildings in order to ensure large bases do not encourage extra tables, activities, or drainage problems.	
Will there be provision for waste storage or collection?	
To have such a shed in the open field is open to abuse and security problems.	This is a matter for the school.
No need for the building	
No need to install water and electricity unless it is the intention to install outside toilets.	The water is to provide on-site drinking water; the electricity supply is existing.
The site is supposed to be a School Plaing Field ONLY.	The use of the space is a school field; this is ancillary to the main use. No change of use would take place.
Whilst you are reviewing the site can you also check on the validity of the exsisting PORTABLE TOILET on site which was installed without consent.	
The planned development, would I hope, ensure that the school field Is maintained in a much tidier state with equipment put away after each session and rubbish collected after lunch breaks taken in the field	Noted; enforcement of such requirement is not within the control of the Planning Authority.
The height of the gazebo. Is 10 feet really necessary for primary school children?	

Frinton and Walton Town Council

Approval with the suggestion that the school contact/consult with the neighbours.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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: XXX.

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

8. Informatives

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?		NO
Are there any third parties to be informed of the decision?		NO