

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DB	14.04.2021
Planning Development Manager authorisation:	SCE	14.04.2021
Admin checks / despatch completed	DB	15.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	15.04.2021

Application: 21/00292/NDPNOT **Town / Parish:** Frinton & Walton Town Council

Applicant: Helen Pursord - Academies Enterprise Trust

Address: Tendring Technology College Rochford Way Frinton On Sea

Development: Proposed installation of roof mounted solar PV panels with a system capacity of 74 kWp, including all associated ancillary infrastructure.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL NOTED
04.04.2021

2. Consultation Responses

Environmental Protection I have reviewed the application and have no adverse comments to
02.03.2021 make.

3. Planning History

02/01118/FUL	1) additional science teaching space 2) provision for performing arts (music) 3) covered outdoor space for poor weather play 4) atrium space to form main pupil entrance	Approved	23.07.2002
91/01263/CMTR	[Ref No: CC/TEN/9/91] - Two RL3 relocatable classrooms.	Determination	20.12.1991
93/00861/FUL	Front porch extension	Approved	17.08.1993
94/00597/FUL	New Sports Hall	Approved	12.07.1994
94/01043/FUL	New Sports Hall (Design revision of permission TEN/94/0597)	Approved	04.10.1994
95/00301/FUL	New science block	Approved	20.04.1995

96/00208/FUL	Retention and part re-location of 7 No. relocatable classrooms	Approved	08.05.1996
96/00381/FUL	New Technology Building	Approved	08.05.1996
96/00855/FUL	Removal of existing glazed roof structure over the Gunfleet building and construction of new pitched roof to form new art studios	Approved	13.08.1996
97/01225/FUL	Proposed first floor classroom on roof of Gunfleet building together with perimeter handrail	Approved	03.11.1997
98/00657/FUL	Two storey extension to sports hall, new all weather sports pitch with floodlights and fencing and new practice court	Approved	27.10.1998
07/01098/FUL	Retention of 3 no. relocatable classrooms.	Approved	14.12.2007
07/01202/FUL	Retention of 3 no. relocatable classrooms.	Approved	14.12.2007
07/01787/FUL	Erection of single-storey extension and lift shaft.	Approved	03.01.2008
08/00504/FUL	Re-cladding works to various elevations, re-roofing to main 3 storey block, various DDA works and tennis court re-surfacing.	Approved	22.07.2008
08/00625/ADV	TTC logo to be fixed to front re-clad building.	Approved	16.07.2008
08/00918/FUL	First floor extension with two monopitch roofs above previously extended single storey classroom extension.	Approved	04.09.2008
97/00003/TELCO M	Telecomms equipment	Determination	12.03.1997
10/00293/FUL	Proposed new 6th form block with light weight link to existing 6th form area.	Approved	11.06.2010
10/00942/FUL	Proposed 6th form block with light weight link to existing 6th form area.	Approved	07.10.2010
10/01208/FUL	Retention of 3 no. relocatable classrooms. (Extension of time of previously approved 07/01202/FUL)	Approved	26.01.2011

10/01453/FUL	Install 21 no. wall mounted lights on approved new 6th form block and erect 2 no. bollards, 3 no. two sided lighting columns and 4 no. one sided lighting columns to car park.	Approved	13.04.2011
11/00730/FUL	Extend existing hard surfaced sports area and erect 3m high wire mesh fencing to the perimeter to create a multi-use games area.	Approved	17.08.2011
13/00586/FUL	Demolition of temporary teaching spaces and provision of new modular teaching space and associated accommodation.	Approved	30.07.2013
13/00884/FUL	Variation of condition 2 of approved application 13/00586/FUL to reduce footprint size.	Approved	30.09.2013
21/00292/NDPNO T	Proposed installation of roof mounted solar PV panels with a system capacity of 74 kWp, including all associated ancillary infrastructure.	Current	

4. Relevant Policies / Government Guidance

N/A

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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is Tendring Technology College, Rochford Way, Frinton On Sea. A large secondary and sixth form college, with associated teaching outbuildings surrounded by residential properties of varying scale and design.

Proposal

This application seeks prior approval under Schedule 2, Part 14, Class J of the General Permitted Development Order for the installation of roof mounted solar PV panels with a system capacity of 74 KW, including all associated ancillary infrastructure.

Appraisal

Class J states that the installation of solar equipment on non-domestic premises is permitted development providing the following criteria is met:

J.1 (a) the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope. **This criterion is met, as the equipment would not protrude more than 0.2 metres beyond the plane of the roof slope.**

(b) the solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney). **This criterion is met, as the solar PV equipment would not be higher than 1 metre above the highest part of the roof.**

(c) the solar PV equipment or solar thermal equipment would be installed within 1 metre of the external edge of that roof. **This criterion is met, as the solar PV equipment would not be installed within 1 metre of the external edge of the roof.**

(d) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway. **The building is not on article 2(3) land.**

(e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or

The building is not a scheduled monument.

(f) the solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building.

The building is not listed.

J.2 (a), (b) and (c) are not relevant as the solar PV equipment is not to be installed on a wall.

J.3 Development is not permitted by Class J(c) if the capacity of the solar PV equipment installed exceeds 1 megawatt.

The installation would generate 74 KW and would therefore be below 1MW.

Conditions

J.4—(1) Class J development is permitted subject to the following conditions:

(a) the solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area; and

The panels are to be located on a flat and pitched roof, however as the building is sited in large grounds, the impact of them on the appearance of the building would be minimal.

(b) the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

This is a matter for the applicant to adhere to.

(2) siting and design would not adversely impact on neighbours in terms of glare caused.

The siting of the building centrally within an extensive well-screened site ensure that no residential properties are located nearby.

Conclusion

The development is considered to meet the provisions of Schedule 2, Part 14, Class J of the General Permitted Development Order. As a result, prior approval is not required.

6. Recommendation

Prior Approval – Not required

7. Conditions / Reasons for Refusal

N/A

8. Informatives

N/A