

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	AP	13/9/2023
Planning Manager / Team Leader authorisation:	ML	14/09/2023
Planning Technician final checks and despatch:	JJ	15/09/2023

Application: 23/00932/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Robert Ash - REAch2 Academy Trust

Address: Kirby Le Soken Primary School Halstead Road Kirby Cross

Development: Installation of roof mounted solar photovoltaic panels. Installation of air source heat pump with acoustic enclosure. Any existing single glazed windows will be changed to double glazed windows.

1. Town / Parish Council

FRINTON AND WALTON TOWN COUNCIL Recommends - Approval

2. Consultation Responses

Environmental Protection 31.07.2023 With reference to the above application, please see below for comments from the EP Team:

Noise: In relation to the erection of an acoustic enclosure as shown on drawing MP003; we are satisfied with the proposal; however, no information has been given outlining the potential noise output from the plant machinery, nor the level of sound dampening to be achieved by the enclosure. Having said this, the enclosure should have the ability to dampen the sound sufficiently, so as to minimise disturbance to nearby residential dwellings. We would suggest all equipment is maintained in accordance with the manufacturer's guidance, to assist in ensuring its efficacy and dampening abilities.

REASON: to minimise any disturbance and to protect the amenity of nearby residential dwellings.

*It should be noted that the above comments do not negate provisions for statutory nuisance investigations in relation to the noise emitted, should complaints be received from nearby residential dwellings.

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
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.	Approved	21.03.2019
23/00932/FUL	Installation of roof mounted solar photovoltaic panels. Installation of air source heat pump with acoustic enclosure. Any existing single glazed windows will be changed to double glazed windows.	Current	

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2023 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design

PPL10 Renewable Energy Generation

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

5. Officer Appraisal

Proposal

The application seeks permission for the installation of 18 roof mounted solar panels on the main school buildings, the installation of an air source heat pump and acoustic enclosure, and the replacement of the single glazed windows in the school building for double glazed units.

Kirby Le Soken Primary School is located in the busy village along Halstead Road, within the settlement development boundary.

Design and Appearance

The replacement of some of the single glazed windows with double glazed windows will take place in the main school building and will be on a like for like basis in terms of the size of the opening and to match as closely as possible to the existing double-glazed windows ensuring their acceptability.

The solar panels will be sited on the main school building on the pitched roof at the rear of the school on the roof slope that faces east. The solar panels will not be publicly visible and will not significantly impact the character of the school building or the immediate area.

The air source heat pump and the acoustic enclosure will be sited to the west of the existing school car park to the southwest of the main school building, it will not be publicly visible and will not significantly impact the character of the immediate area.

The scale, design and siting of the proposals will cause no adverse impacts to visual amenity.

Impact on Residential Amenity

The location of the school building on the school site where the solar panels will be sited ensures that the neighbouring properties would not be adversely impacted by glare. The solar panels are sited on an internal roof slope.

The air source heat pump and acoustic enclosure is sited a distance of 15 metres from the school boundary and a distance of at least 38 metres from the nearest residential property with intervening vegetation that surrounds the school car park and garden boundary fences. The acoustic enclosure is finished with aluminium louvred panels on which the louvred blades are filled with acoustic fibre designed to reduce mechanical equipment noise. The Council's Environmental Protection team have been consulted and they confirm that they are satisfied the acoustic enclosure will have the ability to dampen the sound sufficiently. A condition that secures the acoustic enclosure prior to the first use of the air source heat pump will be imposed on the grant of planning permission to minimise any disturbance and to protect the amenity of nearby residential dwellings.

Renewable Energy

Chapter 14 of the National Planning Policy Framework supports the transition to a low carbon future in a changing climate. Policy PPL10 of the Local Plan supports proposals for renewable energy schemes giving due consideration to their scale, impact (including cumulative impact) and the amount of energy which is to be generated.

The solar panels and air source heat pump will provide a renewable energy source for the school which is to be encouraged and is in line with the objective of Policy PPL10. Alongside this, the replacement windows will aid the reduction of heat loss from the building thereby reducing energy consumption.

Other considerations

Frinton and Walton Town Council recommend approval of the application.

No other representations have been received.

6. Recommendation

Approval - Full

7. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

The approved red line plan drawing is DWG REF: X001 received 18 July 2023

DWG REF: E002

DWG REF: E01

DWG REF: MP002

DWG REF: MP003

DWG REF: MP004

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3 NOISE MITIGATION

CONDITION: Prior to the first commencement of use of the Air Source Heat Pump hereby permitted by this decision it shall be enclosed by the Acoustic Enclosure specified on DWG REF: MP003. The Acoustic Enclosure and the level of insulation shall thereafter be maintained as approved.

REASON: In the interest of the amenity of neighbouring residents.

NOTE/S FOR CONDITION:

This condition is imposed due to concern/s over potential noise that may harm amenity and is imposed as it is considered necessary to control potential noise that would have otherwise warranted a refusal. This condition as detailed will apply to the development at all times unless varied or removed legally.

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