



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT: Miss Sophie McHale -
Lungfish Architects
2 Level, City Gate West
Tollhouse Hill
Nottingham
NG1 5FS

APPLICANT: Mr Colin Bridges - Reach 2
Reach 2 Office
Scientia Academy
Mona Road
Burton Upon Trent
DE13 0UF

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/02116/FUL **DATE REGISTERED:** 17th January 2019

Proposed Development and Location of the Land:

**Demolition of existing classroom block and erection of a new single storey two class room block. Amendment to application 18/01167/FUL.
Kirby Primary Academy Halstead Road Kirby Cross Frinton On Sea**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY GRANT PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, subject to the following 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.

DATED: 12th March 2019

SIGNED:

Catherine Bicknell

Catherine Bicknell
Head of Planning

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

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

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.

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

The attached notes explain the rights of appeal.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority, you may appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, you must do so within a strict time limit as outlined below. It is a condition of any appeal that you must first have obtained a decision from your local planning authority. A Planning Appeal Form is available online at <http://www.planningportal.gov.uk>.

If this is a proposed development, you must appeal within 6 weeks of the date of the decision. A Planning Appeal Form is available online at <http://www.planningportal.gov.uk>.

If you want to appeal a decision on a development which is not a proposed development, you must appeal within 6 months of the date of the decision. A Planning Appeal Form is available online at <http://www.planningportal.gov.uk>.

Appeals must be made using the relevant form as detailed above which you can get from the Secretary of State at: Planning Appeals, The Station, Farnborough, Hampshire, GU14 7AL. Please call 01329 443000 or email planningappeals@planningportal.gov.uk. Please note, only the applicant possesses the right of appeal.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power where there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State will not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have refused the application on the grounds of the provisions of the statutory instrument which give power to the Secretary of State to give permission or refuse to give permission.

In practice the Secretary of State will not consider an appeal unless the local planning authority has exercised its discretion to grant or refuse permission for the proposed development.

ENFORCEMENT

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, you will need to appeal against the local planning authority's decision on your appeal as well as the enforcement notice.

If an enforcement notice is served on the land or development to which the appeal relates, you must appeal against the notice within 28 days of the date of service of the enforcement notice, or within 6 months in the case of a notice of minor contravention. If the date of the notice is a Friday, the period of 28 days or 6 months will be extended to the following day.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by the Secretary of State.

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.