



## TENDRING DISTRICT COUNCIL

### Planning Services

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

**APPLICANT:** Mr Alex Phillips  
 Birch Hall Adventures  
 Dale Hill  
 Kirby Le Soken  
 Frinton On Sea  
 Essex  
 CO13 0EL

**AGENT:**

#### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 18/00251/FUL

**DATE REGISTERED:** 31st July 2018

Proposed Development and Location of the Land:

**Change of use to D2 adventure centre which includes classroom, kitchenette and kitchen, changing rooms, toilets, indoor multi-activity area, equipment store, staff area, campsite, outdoor activity areas, rebuild of former granary into overnight accommodation and widening of the farm lane access at its junction with Dale Hill.**

**Birch Hall Dale Hill Kirby Le Soken 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 residential accommodation building 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 materials details and following approved plans: Site Block Plan Scale 1:1000 received 17th June 2018, Site Plan Scale 1:200 received 17th June 2018, Ground Floor Plan Scale 1:75 received 17th June 2018, First Floor Plan (labelled as Ground Floor Plan) Scale 1:75 received 17th June 2018, Elevations Scale 1:100 received 17th June 2018, Section AA Scale 1:50 received 17th June 2018, Road Plan A received 17th June 2018, Building B - Former Bull Pen & Store Room Scale 1:75 received 17th June 2018, Building C - Former Dairy and Milking Parlour - Proposed Building Scale 1:100 received 17th June 2018, Building D - Former Cow Shed - Scale 1:200 received 17th June 2018.

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



- 3 Prior to the commencement of any access improvements the applicant shall provide the following:
- A topographical survey for the access improvements
  - Scaled drawings of the proposals
  - Full construction details
  - Ingress and egress swept path analysis drawings of a 12m long coach (52 seater) confirming satisfactory access manoeuvres
  - A Stage 1 Road Safety Audit and Designers Responses for the proposals

These shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

- 4 Prior to the commencement of any access improvements, details of the proposed roads improvements (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

- 5 All demolition and clearance works to facilitate the development hereby approved shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting within the building to be demolished.

- 6 Prior to the commencement of any above ground works an Ecological Management Scheme and Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority that accords with sections 5.0 CONCLUSIONS AND RECOMMENDATIONS and 6.0 ENHANCEMENTS of the Ecological Appraisal by Liz Lord BSc (Hons) MCIEEM dated 14th February 2018 Ref: 1435. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - To preserve and enhance the biodiversity of the site in accordance with the Preliminary Ecological Appraisal recommendations and enhancements.

- 7 The residential accommodation building hereby approved shall not be used/occupied until the access improvement works have been completed in accordance with the approved details.

Reason - In the interests of highway and pedestrian safety.

- 8 The residential accommodation building hereby approved shall only be used/occupied ancillary to the adventure centre use.

Reason - The site is unsuitable for residential development due to its unsustainable location, lack of parking and private amenity space.

**DATED:** 30th October 2018

**SIGNED:**




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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 July 2018

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

EN1 Landscape Character

ER7 Business, Industrial and Warehouse Proposals

ER10 Small Scale Employment Sites in Villages

ER11 Conversion and Reuse of Rural Buildings

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL3 Sustainable Design

PP13 The Rural Economy

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

**Positive and Proactive Statement**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### Highways Informatives

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 ' Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

### Ecology Informative

Barn owls are not currently using the site to breed, however the raised platform at the southern end of the roof space is suitable for use by breeding barn owls. A check of the roof space for barn owls should be undertaken by a licensed barn owl surveyor immediately prior to commencement of demolition works.

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.**



## 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.