



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Mr Peter Le Grys - Stanfords
The Livestock Market
Wyncolls Road
Colchester
CO4 9HU

APPLICANT: Yellow Brick Nursery
St Barts Church Hall
Frinton Road
Holland On Sea
Essex
CO15 5UL

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 20/00996/FUL

DATE REGISTERED: 13th November 2020

Proposed Development and Location of the Land:

**Use of land for a woodland day nursery.
Land West of The Hawk Hawk Lane Weeley Clacton 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:

Car Park Layout 1:200 Plan received on 19th October 2020

Indicative Layout Plan received on 19th October 2020 (allowing a bell tent with a maximum diameter of 7m and 2 portable toilet units on site only)

- 3 The development hereby permitted shall be carried out in strict accordance with the use as described within the application form, accompanying Planning Statement and additional information received via email dated 13th March 2021, namely:

- Operate between the hours of 8.30am and 6.30pm Monday to Friday only.
- No weekend opening.
- Operate on pre-booked sessions only comprising one 4 hour morning session and one 4 hour afternoon session per day.
- Operate in connection with the Yellow Brick Road Nursery and used solely by children registered with Yellow Brick Road Nursery.
- A maximum of 25 children per day split between the AM/PM sessions meaning a maximum of between 10-13 children allowed on the site at any one time.
- Direct drop offs or collections by parents to be discouraged and kept to a minimum with the 7-seater minibus service being the main mode of transport to and from the site.

Reason - To ensure that the use is appropriate within its semi-rural setting and in the interests of highway safety.

- 4 Prior to any above ground works, details of the surface treatment of car park shall be submitted and approved in writing by the Local Planning Authority. The details shall comprise of a 'No Dig' specification with the use of a cellular confinement system backfilled with loose material to ensure free movement of surface water and gaseous exchange for tree roots. The development shall be carried out in accordance with the above details unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the protection of the retained trees in the interests of visual amenity as insufficient information has been submitted with the application.

- 5 Prior to the proposed use becoming operational, a minimum of 8 no. vehicle parking bays (minimum dimensions of 2.9 metres x 5.5 metres) including 1 no. larger parking space for the minibus, as shown on the approved Car Park Layout 1:200 Plan received on 19th October 2020 shall be provided, and set out in bays. The vehicle parking area and associated turning area shall be retained in this approved form at all times.

Reason - To ensure that adequate space for parking off the highway is provided and to ensure that on street parking of vehicles in the adjoining lane does not occur in the interests of highway safety.

- 6 The public's rights and ease of passage over public footpath no. 1 (Tendingr_182) shall be maintained free and unobstructed at all times.

Reason - To ensure the continued safe passage of the public on the definitive right of way and accessibility.

- 7 All new hardstanding and parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 8 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures shall be erected on the site except in complete accordance with details which shall previously have been approved, in writing, by the Local Planning Authority following the submission of a planning application for such development.

Reason - In the interests of visual amenity and landscape impact.

- 9 The development hereby permitted shall be carried out in strict accordance with the mitigation and enhancement measures and/or works as contained within the Preliminary Ecological Appraisal (Liz Lord Ecology, March 2021). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC

Act 2006 (Priority habitats & species).

- 10 Prior to any above ground works, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason - To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

DATED: 21st April 2021

SIGNED:



Graham Nourse
Assistant Director
Planning Service

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

QL7 Rural Regeneration

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

COM1 Access for All

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

COM22 Noise Pollution

- COM31A Sewerage and Sewage Disposal
 - COM11 Formal Recreation Facilities in the Countryside
 - EN1 Landscape Character
 - EN6 Biodiversity
 - EN6A Protected Species
 - EN6B Habitat Creation
 - EN11A Protection of International Sites European Sites and RAMSAR Sites
 - TR1A Development Affecting Highways
 - TR7 Vehicle Parking at New Development
 - ER7 Business, Industrial and Warehouse Proposals
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
- SP1 Presumption in Favour of Sustainable Development
 - SP3 Meeting Housing Needs
 - SPL1 Managing Growth
 - SPL3 Sustainable Design
 - HP1 Improving Health and Wellbeing
 - HP5 Open Space, Sports & Recreation Facilities
 - PP13 The Rural Economy
 - PPL3 The Rural Landscape
 - PPL4 Biodiversity and Geodiversity
 - 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 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.

Environmental Permit Required

Due to proposal involving a new package treatment plant with the discharge of waste into the existing ditch and Environmental Permit from The Environment Agency will be required. Please follow the link for guidance and the necessary application forms:
<https://www.gov.uk/topic/environmental-management/environmental-permits>

Highways Informatives

1: Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway to ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

2: Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence.

3: 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 or by post to:

SMO1 - Development Management Team
 Ardleigh Depot,
 Harwich Road,
 Ardleigh,
 Colchester,
 CO7 7LT

4: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

5: Although it is not envisaged that any more than 2 car spaces will be required, and the existing clearing within the woodland can accommodate 8 vehicles, and has been shown as a maximum, consideration should be given to increasing this by an additional 2 spaces to facilitate staff who may drive to the site and/or for collection and dropping off purposes. This would require the submission of planning application to vary this permission.

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.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

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.