



PLANNING COMMITTEE

DATE: Wednesday, 17 March 2021

TIME: 6.00 pm

VENUE: Meeting to be held pursuant to Statutory Instrument 2020/392. Link to live stream will be found at <https://www.tendringdc.gov.uk/livemeetings>

MEMBERSHIP:

Councillor White (Chairman)
Councillor Bray (Vice-Chairman)
Councillor Alexander
Councillor Cawthron
Councillor Casey

Councillor Fowler
Councillor V Guglielmi
Councillor Harris
Councillor Placey

Most Council meetings are open to the public and press.

Agendas and Minutes are published on the Council's website www.tendringdc.gov.uk. Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting.

Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Ian Ford Email: democraticservices@tendringdc.gov.uk or Telephone on 01255 686584.

DATE OF PUBLICATION: Friday, 5 March 2021

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 1 - 10)

To confirm as a correct record, the minutes of the meeting of the Committee, held on Wednesday 17 February 2021.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

4 Questions on Notice pursuant to Council Procedure Rule 38

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

5 (A.1) Planning Application - 20-00822-FUL - The Laurels, Parsonage Lane, Tendring CO16 0DE (Pages 11 - 34)

Erection of 3 no. bungalows.

6 (A.2) Planning Application - 20-00385-OUT - Land East of Pond Hall Farm, Ramsey Road, Ramsey CO12 5ET (Pages 35 - 66)

Variation of conditions 1 and 19 of approved application 14/01431/OUT to allow up to 80 residential unit occupations prior to completion of associated highway works and improvements including a new roundabout off the A120 as prescribed by condition 19.

7 (A.3) Planning Applications - 20-01524-LBC & 20-01523-FUL - Alresford Hall, Ford Lane, Alresford CO7 8AY (Pages 67 - 82)

Proposed swimming pool in the south side of the walled gardens. Proposed repair of walls, the raising of the east wall, a flight of brick steps, and the reinstatement of the original and new gates to the existing openings of the garden. (Part retrospective).

8 (A.4) Planning Application - 20-01384-FUL - Land South of Primrose Hall, Primrose Lane, Ramsey CO12 5NB (Pages 83 - 126)

Placement of a ground-mounted solar farm including associated infrastructure, namely inverters, transformer, a DNO substation and grid connection.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held at 6.00 pm on Tuesday, 13 April 2021.

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON WEDNESDAY, 17TH FEBRUARY, 2021 AT 6.00 PM
THE MEETING WAS HELD ONLINE PURSUANT TO STATUTORY INSTRUMENT
2020/392.**

Present:	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Casey, Fowler, V Guglielmi, Harris and Placey
Also Present:	Councillor Bush
In Attendance:	Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Graham Nourse (Assistant Director (Planning)), Trevor Faulkner (Planning Manager), Joanne Fisher (Planning Solicitor), Keith Durran (Democratic Services Officer), Debbie Bunce (Legal and Governance Administration Officer) and Emma Haward (Leadership Support Assistant), Luke Rosier (IT Support Officer, Charlene Haynes (IT Support Officer).

94. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

95. MINUTES OF THE LAST MEETING

It was moved by Councillor Bray, seconded by Councillor Fowler and:-

RESOLVED that the minutes of the last meeting of the Committee held on Tuesday 19 January 2021 be approved as a correct record.

96. DECLARATIONS OF INTEREST

There were none.

97. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

98. A.1 - 20/01551/DISCON - REDHOUSE FARM OAKLEY ROAD WIX MANNINGTREE ESSEX CO11 2SF

Members were reminded that full planning permission (ref: 20/00194/FUL) had been granted by the Planning Committee in October 2020 for: 'Proposed erection of 2 No. agricultural buildings for poultry production together with associated infrastructure and a new highway access to Oakley Road'. This permission was made subject to 20 conditions. Condition 11 as agreed and amended by the Planning Committee related specifically to the Traffic Management of all HGV movements and construction vehicles associated with the development, providing certainty of routing through key local junctions.

In accordance with Members' previous request, the application to discharge condition 11 had been brought to the Planning Committee for its consideration. Importantly, for all HGV and construction traffic associated with the development, there was no 'right hand

turn' off the A120 proposed. Also, a system of management was in place to ensure that this was enforced.

The Committee was reminded that the principle of the development had been accepted by the granting of the original full planning permission, which had also established the position of the access. The details the subject of this application had been scrutinised by Highways England and ECC Highways, both of whom had offered no objections.

Officers felt that the detailed plans complied with the requirements of Condition 11 and were considered acceptable with no significant material harm to visual or residential amenity, or highway safety.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation that the Assistant Director (Planning) be authorised to discharge condition 11 (Traffic Management Plan) of the previously approved planning application 20/00194/FUL.

At the meeting, an oral presentation was made by the Council's Planning Manager (TF) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of:

- (1) An additional letter received from Councillor Bush in relation to the routing into the site via 'The War Memorial' Harwich Road/Oakley Road Wix junction. In Councillor Bush's opinion this route would cause significant material harm for highway safety and was totally unsuitable for HGV movements, with further potential risk of causing damage to the Wix War Memorial and therefore breached paragraph 109 of the NPPF impacting on road safety.

Councillor Bush had also requested more details on how the applicant would manage and monitor other vehicles using this junction and route from Harwich Road and the development site in Oakley Road as this was an area that had a regular bus service, school bus service and adjacent courier/transport facility.

Councillor Bush had concluded, that condition 11 relating to the submission and agreement to a Traffic Management Plan should not be discharged until those significant traffic safety issues were revisited and mitigated against.

The applicant had reviewed this letter and had responded with their explanation of the route chosen, countering Councillor Bush's claims that this application created 'significant material harm for highway safety'.

- (2) Within the Executive Summary of the Committee Report; section 1.2, line 3, should read: '... there is no 'right hand turn' off the A120 proposed.'

The Chairman of the Committee reminded Members that planning application 20/01551/DISCON Redhouse Farm Oakley Road Wix Manningtree Essex CO11 2SF was a previously deferred item and that therefore, there would be no public speaking allowed.

During the Committee's discussion, it was asked if the applicant had agreed to put up signage including a 7 days' notice for construction or operational purposes. The Planning Manager confirmed that the notice period was for the construction element of the project.

Following discussion by the Committee, it was moved by Councillor Cawthron, seconded by Councillor Alexander and **RESOLVED:-**

That the Assistant Director (Planning) (or equivalent authorised officer) be authorised to discharge condition 11 (Traffic Management Plan) of the previously approved planning application 20/00194/FUL.

99. A.2 - 20/01498/FUL LAND NORTH WEST OF REDHOUSE FARM OAKLEY ROAD WIX MANNINGTREE ESSEX CO11 2SF

It was reported that this application had been referred to the Planning Committee at the request of Councillor Bush due to his concerns relating to: *"the nature of the proposal being a substantial industrial process, rather than a typical agricultural facility; failure to satisfy Policy EN1 in that the design and size of the development would create an adverse visual impact on the surrounding countryside and rural landscape; highway access was unsuitable. If considered acceptable then conditions would be incorporated into the approval to ensure ongoing monitoring of emissions post construction and operation to ensure compliance. Also, to ensure that no associated vehicles carrying straw or other biomass burning materials were transported via Oakley Road, South of All Saints School."*

Members were informed that the proposal involved the installation of a biomass boiler and back up LPG boiler within a new building to be constructed 10m north of the recently approved two poultry sheds (via application 20/00194/FUL). The host building was of a similar design to the poultry sheds having a typical agricultural building appearance; being of a steel frame construction covered by olive green profiled sheeting. Part of the building (18.6m x 13.3m) had a ridge 2m higher than the poultry sheds, two flues were also proposed that extended 2m beyond the ridge. However, the nearest public views were limited, being over 200m away with few footpaths in the local area providing views of the buildings.

The Committee was made aware that the site was in a rural locality, between the settlements of Wix and Great Oakley, though within the parish of Wix. Although set within open countryside, the site was at a position which was not prominent in the landscape. The applicant had demonstrated the proposal would not unduly impact residential amenity, highway safety, drainage capabilities or local ecology. The proposal was in planning terms considered by Officers to be an agricultural use within an agricultural area, supported by the rural diversification policy of Paragraph 83 of the NPPF in particular.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Manager (TF) in respect of the application.

Councillor Mike Bush, the local Ward Member, spoke against the application.

Ian Pick, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Alexander and unanimously **RESOLVED:-**

that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following:

Conditions and Reasons:

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 drawings:

Ip/ah/b03 a Amended proposed elevations and plan
Ip/ahb/b02 Site layout plan

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

3. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence.
- vi. a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works
- vii. noise control
- viii. emission control
- ix. dust control

Reason - To ensure that parking on the highway does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to ensure that construction does not lead to excess water being discharged from the site.

4. The vehicle turning facility as shown on Site layout plan Ip/ahb/b02 shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

5. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction."

Reason - In the interest of visual amenity and the character of the area.

6. All changes in ground levels in relation to the soft landscaping, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure that the development provides a satisfactory setting, in the interests of the character and appearance of the landscape and the visual amenity of the site.

7. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

8. No means of external lighting shall be installed unless the prior written consent of the local planning authority is given in writing to any external lighting. Any external lighting shall be part of a lighting design scheme for biodiversity which shall have been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason - To 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) and in accordance with Policy EN6 of the adopted Local Plan.

9. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Update Letter (Emms & Barnett, January 2021) Preliminary Ecological Appraisal (Emms & Barnett, December 2019) and the Response to Ecology Comments (Emms & Barnett, April 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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 beneficial uses, 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).

11. All drainage and Suds features shall be carried out in accordance with the details contained in the Hydro International Drainage (L0321) report dated 28/01/2021, and maintained for the lifetime of the development.

Reason: To ensure the surface water drainage system is installed as intended to ensure mitigation against flood risk.

12. Prior to commencing operation of the boiler, the flues and ash auger shall be painted matt black to match that of the ventilation towers of the sheds permitted under 20/00194/FUL.

Reason: In the interest of visual amenity, in accordance with Policies QL9, EN1 and EN23 of the adopted Local Plan.

13. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

14. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

15. No development shall take place, including any grounds works or demolition, until an appropriate Traffic Management Plan and Route Card, to include inbound and outbound routings at the junctions of the A120/Harwich Road and Harwich Road/Oakley Road, and which shall outline a designated route to and from the development for all construction vehicles, has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The Traffic Management Plan and Route Card shall subsequently be implemented as approved, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To control the location and direction of construction vehicle movements to and from the site in the interests of highway safety.

16. All new external work and finishes shall match the materials used on the two poultry sheds approved via application 20/00194/FUL.

Reason: In the interests of visual amenity and the character of the area.

17. No building or use hereby permitted shall be occupied or use commenced until a waste management plan setting out how waste will be stored and collected has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved waste management plan for the lifetime of the development.

Reason: To ensure appropriate waste management facilities are provided to accommodate all waste generated by the development.

18. Only clean straw, unused for any purpose, shall be used in connection with the biomass boiler.

Reason: In the interests of air quality and the Clean Air Act 1993

19. The building shall be constructed so as to provide sound insulation against internally generated noise of not less than 25 dB, with windows shut and other means of ventilation provided. The sound insulation works shall be completed before the use of the building begins and retained thereafter.

Reason: To control the noise emitted from the site in the interests of residential amenity

20. No development shall take place until a monitoring and maintenance scheme to demonstrate the effectiveness and accuracy of the predicted air quality of the biomass boiler has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented, and records kept of a 5 year timeframe.

If any of these reports identifies any discrepancy with the Air Quality Assessment (AS Modelling and Data Ltd, December 2020) then a protocol, including timescale, for the necessary remediation shall be submitted to the local planning authority within a further 40 days and approved in writing within 40 days of receipt. Thereafter, any necessary remediation and verification shall be carried out in accordance with the approved protocol.

Reason: In the interests of public health and safety

21. The development hereby permitted shall only be commenced following implementation of/or simultaneously with the construction of the poultry production units approved under planning permission ref. 20/00194/FUL. Furthermore, the biomass boiler shall not be brought into first operation prior to the commencement of the poultry production activity.

Reason: The biomass boiler is considered to be intrinsically linked to the approved poultry production facility and has been assessed and supported on this basis. Furthermore, in the interests of visual amenity, the character of the area and highway safety.

22. No development shall commence until an assessment of the risks posed by any contamination is carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority within 20 days of the report being completed and approved in writing by the Local Planning Authority.

Reason - To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

100. A.3 - 20/00385/OUT - LAND EAST OF POND HALL FARM RAMSEY ROAD RAMSEY HARWICH ESSEX CO12 5ET

The Chairman informed the Committee that consideration of planning application **20/00385/OUT - Land East of Pond Hall Farm Ramsey Road Ramsey Harwich Essex CO12 5ET** had been deferred in order to allow both Ramsey and Parkeston Parish Council and Harwich Town Council to comment on the application.

101. REPORT OF THE MONITORING OFFICER - A.4 - THE PLANNING COMMITTEE'S PUBLIC SPEAKING SCHEME

Following a referral from the Portfolio Holder Constitution Review Working Party, the Planning Committee were asked to consider amending its Public Speaking Scheme and to re-arrange the order of speakers to ensure that the Ward Councillor spoke last on a planning application at a Planning Committee meeting rather than the Applicant/Developer who was currently listed last under the Committee's public speaking scheme.

Following detailed discussion by the Committee, it was moved by Councillor White, seconded by Councillor Bray and:-

RESOLVED that the Planning Committee agrees to its Public Speaking Scheme being revised to re-arrange the order of speakers so that the applicant (or their agent or their representative) speaks first after the Officer presentation of the planning application at the Planning Committee's meeting and are then followed by:-

- One member of the public who wishes to speak in favour of the application;
- One member of the public who wishes to speak against the application;
- A representative of the relevant Parish/Town Council for the application site;
- All District Councillors for the Ward in which the application site is situated.

For the avoidance of any doubt the Committee confirms that the rights of members of the Executive under the Scheme remain unchanged. In addition, the Committee will undertake a review after six months' operation of the amended Public Speaking Scheme (Planning Committee).

RECOMMENDED TO COUNCIL that the Planning Committee's Public Speaking Scheme be amended so that the applicant (or their agent or their representative) speaks first after the Officer presentation of the planning application at the Planning Committee's meeting.

102. EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 10 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A, as amended, of the Act.

103. EXEMPT MINUTE OF THE MEETING OF THE COMMITTEE HELD ON TUESDAY 19 JANUARY 2021

The Exempt Minute of the meeting of the Committee held on Tuesday 19 January 2021 was approved as a correct record.

The meeting was declared closed at 8:24pm

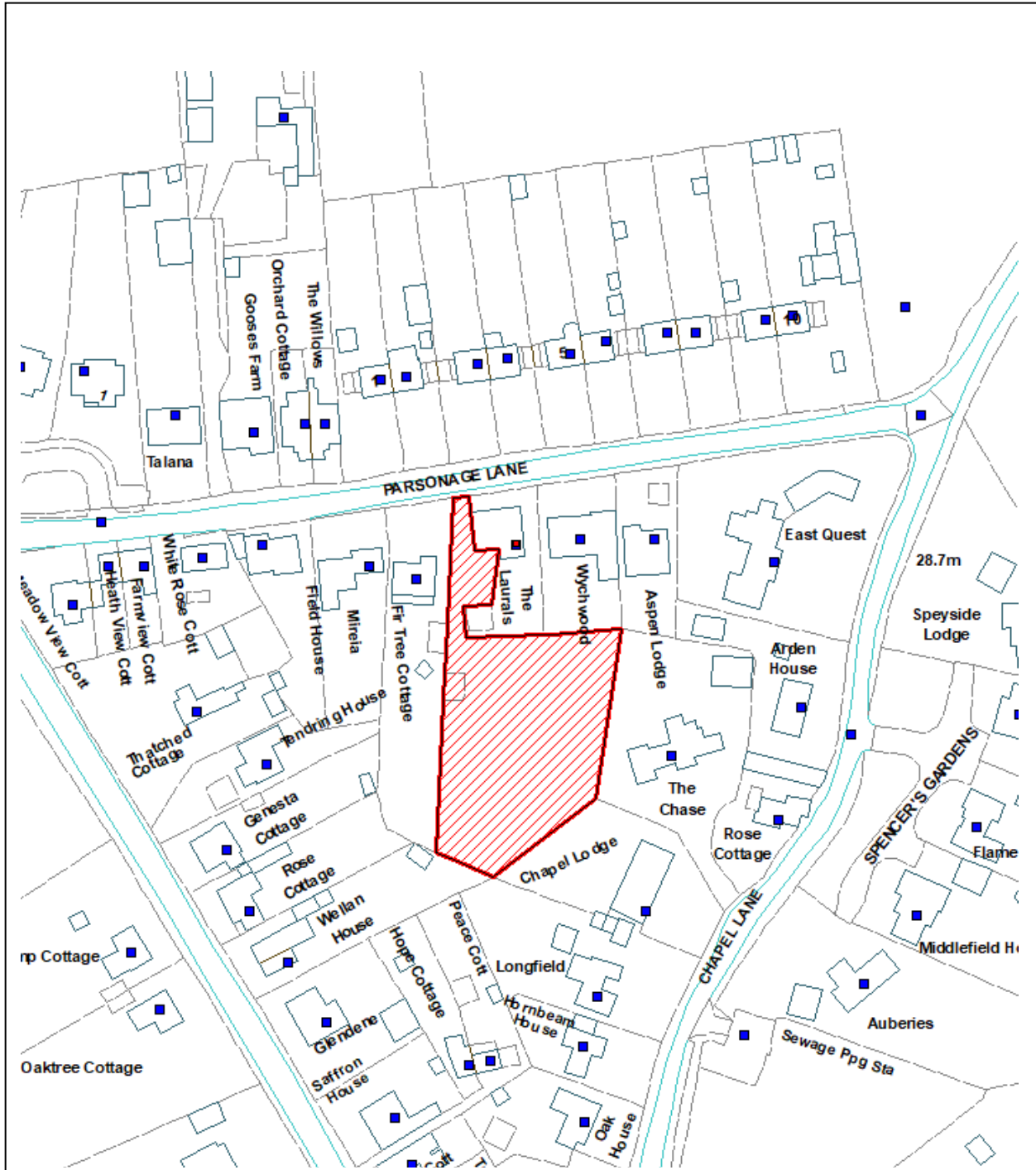
Chairman

PLANNING COMMITTEE

17th March 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.1 PLANNING APPLICATION – 20/00822/FUL – THE LAURELS PARSONAGE LANE TENDRING CLACTON ON SEA



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application: 20/00822/FUL

Town / Parish: Tendring Parish Council

Applicant: Pemberton, Copping and Holben - Maison Investments Ltd

Address: The Laurels Parsonage Lane Tendring Clacton On Sea CO16 0DE

Development: Erection of 3 no. bungalows.

1. **Executive Summary**

- 1.1 The application was previously referred to the Planning Committee at the request of Councillor Harris on behalf of Tendring Parish Council by virtue of the site being 'backfill' development, the site is outside the settlement boundary; the site is an unsustainable development with insufficient infrastructure; overdevelopment, the development would lead to unacceptable disturbance to neighbours; unacceptable access and highways issues; and there is no proven need for this type of property in an area that has already seen significant development.
- 1.2 The application has now been referred back to the Planning Committee as clarification on matters regarding drainage has now been obtained. Other additional consultation responses, and contributions are included below in italics for ease of reference.

1.3 **Ecology**

The consultation response from Essex County Council Ecology was received too late to include in either the main report or the Committee Update sheet for the 17th November 2020 meeting. The response is summarised here:-

***ECC Ecology** have reviewed the submitted Preliminary Ecological Appraisal and Great Crested Newt Survey (Robson Ecology, June 2020) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and mitigation measures to minimise impacts. ECC Ecology are satisfied that there is sufficient ecological information available for determination.*

ECC Ecology are satisfied that the mitigation measures identified in the Preliminary Ecological Appraisal and Great Crested Newt Survey (Robson Ecology, June 2020) are appropriate and necessary to make the development acceptable. We recommend that these should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority Species.

Neighbour comments have also identified that there is an additional pond, adjacent to the site boundary, which has not been assessed for Great Crested Newts, and supports an unidentified species of newt. However, the Preliminary Ecological Appraisal and Great Crested Newt Survey (Robson Ecology, June 2020) identifies that the pond on-site supports a substantial number of smooth newts, and it is therefore considered likely that any adjacent ponds with newts, are also likely to contain smooth newts. Additionally, the Preliminary Ecological Appraisal and Great Crested Newt Survey (Robson Ecology, June 2020) poses that the majority of the site is closely mown amenity grassland, and is considered unlikely to support Great Crested Newts. However, there are records of Grass Snakes within 200m of the site, and neighbour objections state that Grass Snakes have been identified in adjacent gardens, and the site is considered suitable for Hedgehogs and foxes. With the exception of foxes, these species are protected under the Wildlife and Countryside Act 1981 (as amended) from killing and all reptiles and Hedgehog are also listed as Priority species under s41 Natural Environment and Rural Communities (NERC) Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. Submission for approval and implementation of the details below should be a condition of any planning consent.

The conditions required by ECC Ecology are stated in Section 8.2.

1.4 Drainage

Matters pertaining to (i) the nature of the sewer/drainage assets ownership and (ii) the capacity of said assets to accommodate the burden of three additional dwellings on such.

*The Pre-Development team at **Anglian Water** have provided the following responses:-*

Assets Affected:-

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

- Wastewater Treatment

The foul drainage from this development is in the catchment of Tendring Green Water Recycling Centre that will have available capacity for these flows.

Used Water Network:-

The sewerage system at present has available capacity for these flows via a gravity conveyance to manhole 0901 to the South of the development. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal:-

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

In response to the wastewater map, supplied to the Local Planning Authority on 30th November 2020 Anglian Water comment that:-

'The plan is a legitimate Anglian Water map which indicates a public combined sewer crossing the site running in a south easterly direction. The public sewer is shown as a combined sewer draining both foul and surface water. The Public sewer discharges flows to the Anglian Water, Water Re-cycling Centre (WRC) (TENGST). The flows are treated at the WRC and the final effluent discharged to the environment.'

1.5 Highways

The speed limit along Parsonage Lane is confirmed as 40mph.

The highways capabilities of the scheme are fit for a 60mph road, providing for 90m full and clear visibility splay along both the X and Y axis, which exceeds the minimum requirements for a 40mph road as per the case here.

In regards to the access width; a width of 5.5m would be required for roads which have a high speed limit or where traffic is heavy; if the road was lightly trafficked and visibility was good then 4.8m is an acceptable width.

Drawing 1810.20.01E, received 6th November 2020 shows that a width of 4.8m can be achieved for the first 6m into the site at the access. The eastern-entrance boundary wall is conditioned to be retain at a height no greater than 0.6m.

1.6 Additional objection

The applicant has constantly made a false statement in the application and not been completely honest: 'Existing wall & hedge to be reduced to 600mm high to gain 2.4m x 90m visibility' (see Medusa Design Ltd drawing no 1810/19/01 Rev E). This statement glosses over and ignores the actual hazard that would be created at the roadway junction of the proposed development. The stated 90m line of sight is NOT possible, the maximum distance is actually 19m (measured on site) as the front wall (1.8m high) and fence (currently 1.2m high) at Wychwood to the east of the site obscures the view of the highway from the junction at the development.

Conclusion: the maximum splay length heading east from the proposed junction is inadequate (19 metres) for the speed of the traffic using the roadway and would need to be at least 40 metres.

I am stating the obvious but if the existing driveway at the side of The Laurels becomes a roadway the restricted visibility will result in a road traffic accident and someone may be injured or worse. If this planning application is approved to a large degree Tendring Planning Office will be culpable for any of the subsequent accidents.

It is imperative that your office conducts a full and thorough investigation into the issues I have detailed in this communication.

I would recommend that this Planning Application is refused on the grounds of poor roadway egress and the creation of area where traffic accidents will occur.

1.7 The Chase

In paragraph 6.22 of the report it is reported that The Chase is an existing form of backland development in a rear/side garden, constructed in the 1970's. The property referred to by this statement is Rose Cottage; it may well be the case that Chapel Lodge was subsequently constructed 'forward' of The Chase – but the end result remains that The Chase is an example of a dwellinghouse which is clearly at odds with the established ribbon of development, yet its siting causes no harm for this reason.

- 1.8 The application relates to what is essentially the rear garden area of The Laurels, Parsonage Lane, Tendring. The site is roughly 'L' in shape and approximately 0.2 hectares in size. The Laurels is one of a variety of dwelling types in the locale which comprises detached and terraced two-storey, chalet and single-storey bungalows. The Laurels is unique in terms of its rear garden which is of a significant size in comparison to any other dwelling in the settlement.
- 1.9 The site is centrally located within the Tendring Green Settlement Development Boundary as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017. The principle of residential development in this location is therefore acceptable subject to detailed design and impact considerations.
- 1.10 The application seeks full planning permission for the erection of 3 detached three-bedroom

detached single-storey bungalows, served by way of a single access providing access to a parking/turning area. The dwellings are provided with surface parking and secure cycle-storage.

- 1.11 The proposal would not result in the loss of an area of public open space or safeguarded green space. The proposed bungalows are of a scale, design and appearance which is comparable with other bungalows in the vicinity. The retention of the brick-built garage provides a significant degree of screening from the public domain. The proposal would result in the loss of ten trees in total – the site does not benefit from any protection in the form of preservation orders, as such any trees can be removed without any consent required from the Local Planning Authority. Two of these are damaged/dangerous having limited life expectancy, five are small fruit trees and the remaining three are not mature or established specimens – all mature, established trees are to remain and offer a significant verdant backdrop to the site. The proposed dwellings are single storey and located sufficient distances from neighbouring dwellings so as not to result in a material loss of residential amenities. The new dwellings and retained dwelling are served by private garden areas and parking that accords with standards.
- 1.12 The proposed development is in a location supported by Local Plan policies and will not result in any material harm to the character of the area, residential amenities or highway safety.
- 1.13 The application is therefore recommended for approval subject to conditions and the completion of the required legal agreement.

Recommendation:

That the Head of Planning be authorised to grant planning permission for the development subject to:-

Subject to the conditions stated in section 8.2

2. Planning Policy

The following Local and National Planning Policies are relevant to this planning application.

National Policy:

NPPF National Planning Policy Framework February 2019

NPPG National Planning Practice Guidance

Local Policy:

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

HG1 Housing Provision

- HG9 Private Amenity Space
- HG13 Backland Residential Development
- LP1 Housing Supply
- COM6 Provision of Recreational Open Space for New Residential Development
- EN6 Biodiversity
- EN11A Protection of International Sites European Sites and RAMSAR Sites
- EN29 Archaeology
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

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

- SP1 Presumption in Favour of Sustainable Development
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- LP8 Backland Residential Development
- HP5 Open Space, Sports & Recreation Facilities
- PPL4 Biodiversity and Geodiversity
- PPL7 Archaeology

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

3. **Relevant Planning History**

20/00822/FUL	Erection of 3 no. bungalows.	Current
--------------	------------------------------	---------

4. **Consultations**

TDC UU Open Spaces 10.08.2020	There is currently a deficit of 1.33 hectares of equipped play/formal open space in the village of Tendring.
----------------------------------	--

Any additional development in Tendring will increase demand on already stretched facilities and increase the current deficit further.

Due to the significant lack of provision in the area if it is felt that a contribution is justified and relevant to the

planning application the contribution received would be used to upgrade and improve the play equipment and the only play area in Tendring. The play area is located on Heath Road, Tendring

ECC Highways Dept
11.08.2020

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to mitigation and conditions.

TDC Building Control and Access Officer
10.07.2020

No adverse comments at this time.

Essex Wildlife Trust

No comments received

TDC Tree & Landscape Officer
28.07.2020

The application site currently forms part of the residential curtilage of the host property and contains a range of shrubs and trees. There are some large trees on the boundary of the land. The location of the garden is such that none of the trees on the land feature prominently in the public realm and consequently have low amenity value. For this reason none merit formal legal protection by means of a Tendring District Council Tree Preservation Order.

TDC Environmental Protection
23.07.2020

I have reviewed the application and Phase 1 land contamination risk assessment and the Environmental Protection Team are satisfied with the findings of the Phase 1 land contamination risk assessment.

TDC Waste Management
20.07.2020

Access road to be constructed to suitable standard to allow full access to properties and withstand weight of 26 tonne refuse and recycling vehicles.

Essex County Council Archaeology
28.07.2020

The above planning application has been identified as having the potential to harm non-designated heritage assets with archaeological interest. It is recommended that a Programme of Archaeological evaluation is undertaken.

5. Representations

Twenty contributions were received in response to the display of the site notice and the written public consultation. The objections are tabulated here; those in bold indicate an objection from the Parish Council in this regard:-

Nature of objection	No. of Comments received	Where in the report this is addressed
The site is outside the settlement boundary	14	Paragraphs 6.11 to 6.12
Backland form of development	14	Paragraphs 6.19 to 6.23
Harm the amenity of neighbours (noise)	13	Paragraphs 6.29 to 6.33
Ecology/Protected Species	15	Paragraphs 6.26 to 6.28
Vehicle access	16	Paragraphs 6.24 to 6.26

Not a sustainable location	15	Paragraph 6.11 to 6.12
Out of keeping/cramped development	6	Paragraphs 6.15 to 6.18
Decrease property values	1	This is not a material consideration in the determination of this planning application
Loss of a garden	1	Paragraphs 6.29 to 6.33
No mains sewage on Parsonage Lane; only a communal sewer Are the gardens big enough for sub-surface irrigation systems It has not been demonstrated that surface water runoff from the site can be adequately dealt with without increasing localised flooding several local properties relying on septic tanks with soakaway beds	6	The application form states that there is a main sewer on Parsonage Lane. As this application is not defined as a 'major development' the requirement to incorporate a sustainable drainage system is not a material consideration in the determination of this planning application. As this application is not defined as a 'major development' the requirement to incorporate a sustainable drainage system is not a material consideration in the determination of this planning application.
Sufficient housing exists	5	This is not a material consideration in the determination of this planning application
Loss of privacy	1	Paragraphs 6.29 to 6.33
Speed limit	6	Paragraph 6.26
Removal of the garage	1	Paragraph 6.10
Smell - As there is no mains sewer in Parsonage Lane, it is likely there will be three additional septic tanks that will need emptying. Parking will increase pollution levels in the immediate surroundings. Light - Light intrusion into the back of Fir Tree Lodge will significantly increase.	1	The application form states that there is a main sewer on Parsonage Lane. The number of vehicular movements in association with the property was not objected to by Environmental Protection. Plot 3's flank elevation faces the rear of Fir Tree Lodge at a distance of 39m; this elevation contains one window which serves a bedroom. The light overspill resulting from this dwelling is not considered to have a materially damaging impact on the amenity of this adjoining property. The plans make no reference to security lights.
Loss of outlook	5	There is no "right to a view" which planning controls should seek to safeguard for the continuing benefit of an existing landowner, except where the view from a particular location is also a valued public asset. This was underlined by the judgement in <i>Wood-Robinson v Secretary of State for the Environment</i>

		(1998).
Security	1	It is the applicant's personal choice to have part of their un-enclosed; this is not a material consideration in the determination of this planning application.
Construction Noise	4	Noise generated during construction is not a material consideration in the determination of this planning application.

6. **Assessment**

Site Context

- 6.1 The application site is located south of Parsonage Lane, Tendring Green. The site forms part of the rear residential garden of The Laurels; it has a site area in the region of 0.2ha and this is the largest plot by some considerable size in comparison to other plots in the vicinity.
- 6.2 In regards to built form the plot contains two garages (one finished externally in a grey-type buff brick and the other in a traditional red brick with weatherboarding features), sheds, greenhouses, a walled vegetable garden and an established pond. In regards to soft landscaping the plot is mainly laid to lawn which undulates significantly; the garden contains a substantial number of established conifers to the southernmost boundary and a small established orchard of fruit trees beyond the rear boundary of Wychwood. The substantial hedges on the boundaries with Wychwood and The Chase are to remain.
- 6.3 The property benefits from two separate parking areas – one is accessed via the existing driveway alongside the west flank and the other is located to the left hand of the dwelling and is currently laid to lawn.
- 6.4 The site is surrounded by residential development to the east, south and west, and is located within the heart of the settlement boundary. The surrounding dwellings are of a mixed vernacular and comprise both two-storey, chalet and single-storey bungalows. Immediate neighbours comprise Wychwood (east) – a much-enlarged single-storey bungalow; Fir Tree Cottage (west) – a late twentieth century dwelling; The Chase (east) – a mid-1970's two-storey dwelling sited in the side/rear garden of Rose Cottage; Chapel Lodge (south east) – a large single storey bungalow; and Wellan House (south west) – a two-storey dwelling.
- 6.5 New residential developments exist close to the application site; namely on: land at the entrance to Parsonage Lane, allowed on appeal under reference 14/01435/OUT for five dwellings - this is approximately 80m from the application site; and east of Chapel Lane under reference 16/00668/OUT for five dwellings - this is approximately 170m from the application site.

Proposal

- 6.6 The proposal seeks the erection of three single-storey bungalows; following sub-division of the plot, the bungalows would be sited in what was the rear garden of The Laurels.
- 6.7 The dwellings would be accessed by utilising the first 32.5m metres of the existing driveway; a new internal access roadway would then sweep around behind the garage in a south-easterly curve providing driveway access to each of the dwellings.

- 6.8 Each of the three properties has variations in their external appearance but are of similar heights and have uniform eaves; all three dwellings have their own parking spaces, bin stores and secure cycle storage.
- 6.9 The sub-division of the site necessitates the provision of additional boundary treatment; a fence is proposed to delineate the new rear garden of the host property and this would be roughly in line with the existing fence panels to the boundary with The Chase and Chapel Lodge are also proposed. Along with additional boundary treatments, a new area of hardstanding for parking/turning for the host dwelling would be provided located forwards of the red-brick garage which is to remain.
- 6.10 In order to facilitate Plot 3 the grey-buff garage with its attached shed, the greenhouses and the pond will be removed.

Principle of Development

- 6.11 Tendring District Local Plan 2007 Policy QL1 defines (in general terms) the main focus for new sustainable patterns of development in the District. The Policy also defines the District's Settlement Development Boundaries. Development proposed within a settlement boundary is deemed to be sustainable.
- 6.12 The site is located centrally within the Development Boundary of Tendring Green therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

Appearance and Layout

- 6.13 The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.
- 6.14 Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.
- 6.15 Plot one is a three-bedroomed dwelling which would be located near the east boundary of the sub-divided plot; it is roughly 'L' shaped and a maximum of 11m wide and 9.5m deep. Its siting would require the loss of the four fruit trees, one sapling and one conifer; one sapling would be retained. Its rear elevation would be separated from the rear boundary with Wychwood by at least 4.2m. The main ridge runs in an east-west direction and this has a height of approximately 4.4m – in projecting forwards in a southerly-direction the ridge changes direction to north-south direction and this has a height in the region of 4.7m – this highest point is approximately 8.2m from the rear boundary with Wychwood. At its closet point (serving the dining room bay window) the side elevation would be approximately 9m from the rear boundary with The Chase – this separation distance increases to 11.3m. In regards to the higher of the two ridges, this would be over 14m away from The Chase's rear boundary.
- 6.16 Plot two is a three-bedroomed dwelling which would be located near the east boundary of the sub-divided plot. It would have a front-to-front relationship with plot one. It is roughly 'T' shaped and a maximum of 11m wide and 10.5m deep. Its siting would require the loss of one conifer. Its rear elevation would be separated from the rear boundary with Chapel Lodge by more than 9m. The main ridge runs in an east-west direction and this has a height of

approximately 4.5m; in extending sideways in an easterly direction the ridge changes direction to north-south direction and this has a height in the region of 3.7m – this lower ridge is the one that runs almost parallel with the rear boundary of The Chase. At its closet point the side elevation would be approximately 5m from the rear boundary with The Chase – this separation distances increases to 7m. In regards to the higher of the two ridges, this would be over 9.8m away from The Chase’s rear boundary.

6.17 Plot three is a three-bedroomed dwelling which would be located near the south boundary of the sub-divided plot. It is an irregular shape and a maximum of 11.1m wide and 10.3m deep. Its siting would require the loss of one cedar, one scots pine and two other trees. The cedar has suffered from a lightning-strike which has led to catastrophic damage to upper branches and the tree is at risk of being unstable. The damage to the cedar had a ‘knock-on’ effect on the adjacent pine which in turn has led to damage and this tree now has a limited life expectancy. This plot also requires the removal of the garage, shed, greenhouses and the infilling of the pond. Its rear elevation would be separated from the side boundary with Fir Tree Cottage by between 3.9m and 4.2m; The main ridge runs in an east-west direction and this has a height of approximately 4.7m; in extending sideways in a northerly direction the ridge changes direction to north-south direction and this has a height in the region of 4.4m, this direction change increases the separation distances to the boundary with Fir Tree Cottage to 6.9m. Separation distances between the flank elevation and the rear boundary of Chapel Lodge are a little over 10m.

6.18 The site layout makes provision for two undeveloped areas – one in excess of 140sqm and the other in excess of 230sqm; these are an extremely positive feature in the overall appearance of the development by reason of contributing and maintaining a verdant and low-scale characteristic. It is considered appropriate to attach a condition to any forthcoming permission that these areas remain un-enclosed. The single-storey height, footprint and external construction materials accord with the overall established form of development within the locale and for these reasons the development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design.

Backland Development

6.19 With regards to the siting of the proposed dwellings the development does constitute "Backland" development which is, for the purposes of the Policy, defined as the proposed erection of one or more dwelling houses on a parcel of land which lies generally behind the line of existing frontage development; has little or no frontage to a public highway; and which would constitute piecemeal development in that it does not form part of a large area allocated for development. Typical sites include the back gardens of existing dwellings, smallholdings, yards, or small vacant sites.

6.20 The District Council is committed to making effective use of land within existing built-up areas and this is reflected in the policies and objectives set out elsewhere in this Plan. However, clearly this should always be achieved through the development of sites well related to existing development and by schemes which would integrate well with their surroundings. It is often difficult to achieve this on backland sites and such sites also normally have restricted access potential. Consequently only in particular circumstances with careful planning and good design may such sites be acceptable for residential development.

6.21 There are seven criterion that must be met in order for backland development to be considered appropriate; these are listed here – alongside how the proposed development complies:-

The site is within a defined settlement development boundary	The site is located inside the defined settlement development boundary of Tendring Green
--	--

Where a proposal includes existing private garden land which would not result in less satisfactory access or off-street parking arrangements, an unacceptable reduction in existing private amenity space or any other unreasonable loss of amenity to existing dwellings	Access and off street parking is acceptable to the Highways Authority. An acceptable degree of private amenity space is retained
A safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will be discouraged	Access and off street parking is acceptable to the Highways Authority
The proposal does not involve "tandem" development using a shared access.	The layout of the scheme does not cause an unacceptable inter-relationship between existing and proposed development in terms of its spatial configuration
The site does not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution	The site is unique in shape and form, sat centrally amongst the cluster. The site does not disrupt the rhythm or form of the locality to a detrimental degree
The site is not on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular setting	The site sits centrally to the defined settlement
The proposal would not be out of character with the area or set a harmful precedent for other similar forms of development	The proposal is in-keeping with the character of the area which comprises a varied mix of dwellings

6.22 In terms of 'backland' developments nearby, the dwelling adjacent to the rear boundary - 'The Chase' - is the product of a late 1970's development in a rear/side garden. A subsequent planning approval for the dwellinghouse makes reference to it as "Due to its setback from the highway, and siting behind properties which front the highway, the dwelling is not prominent in the street scene." The current application would have similar circumstances, though the dwellings would be sited beyond a garage.

6.23 The proposal is defined as a backland form of development, it is however considered to adequately comply with the seven criteria and is therefore deemed an appropriate form of development.

Highways Safety/Parking

6.24 Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

- 6.25 Essex County Council Parking Standards requires that new dwellings provide a minimum of two off-street spaces; sufficient space for the remaining development must also be provided.

Landscaping and Biodiversity

- 6.26 Paragraph 175 of the National Planning Policy Framework requires that Local Planning Authorities "conserve and enhance biodiversity".
- 6.27 The application is accompanied by a very detailed Preliminary Ecological Appraisal which was dated 11th June 2020; the appraisal confirms that four surveys were undertaken during the peak great crested newt survey season (18th April to the 12th May 2020). The outcome of the survey is that no great crested newts were recorded in the on-site pond, or the pond 75m to the west (Fir Tree Cottage), which was the only other known pond within 500m of the site that was holding water at the time of the survey. The appraisal states that the pond in the neighbouring property had potential to support amphibians and was included within the newt survey. However, the pond had a very high fish population reducing the potential for presence of great crested newts, though other priority amphibians (e.g., toads) could be present. The majority of the area of impact was well-managed and short-mown lawn grassland, unlikely to support grass snakes, common lizards or other widespread reptiles.
- 6.28 In regards to the loss of existing trees on the site; the cedar has suffered from a lightning-strike which has led to catastrophic damage to upper branches and the tree is at risk of being unstable. The damage to the cedar had a 'knock-on' effect on the adjacent pine which in turn has led to damage and this tree now has a limited life expectancy. In regards to the loss of the fruit trees, these are of a low height typical of their species – there is negligible opportunity for nesting birds to occupy these trees and whilst they offer a small amount of positive biodiversity to the site, the significant benefit that the existing established tree line on the south boundary (which will remain as existing, save for the damaged trees), far outweighs the loss.

Impact on Residential Amenity

- 6.29 The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.30 Different dwelling sizes and types provide accommodation for individuals and families with a wide range of expectations and need for private amenity space. "Private amenity space" comprises a private outdoor sitting area not overlooked by adjacent or opposite living rooms or outdoor sitting areas. It will therefore not necessarily always amount to the entire rear garden. Apart from its private recreation function, private amenity space is also important in achieving well laid out development.
- 6.31 Private amenity space shall be provided to new dwellings in accordance with the following standards: a three or more bedroom house - a minimum of 100 square metres. It is also a requirement that the retained dwelling's amenity space also accords. The host dwelling would have an amenity space in the region of 240sqm, Plot 1's amenity space is in excess of 210sqm, Plot 2's amenity space is in excess of 270sqm and Plot 3's amenity space is in excess of 280sqm. In accordance with the policy requiring the area to not be overlooked by adjacent or opposite living rooms or outdoor sitting areas, the proposed dwellings would have more than sufficient private amenity space available.
- 6.32 In regards to the privacy, daylight or other amenities of occupiers of nearby properties:-

Privacy

The scheme presents no opportunity for overlooking, as there are no openings at first floor level. The upper parts of openings at ground floor level are approximately 2.1m above external ground level and, with boundary treatments of 1.8m proposed, there is potential of only 30cm of window visible above the fence-line. Plot 3 has two windows on their north facing flank, one window serves a bedroom and the other an en-suite – this flank is in the region of 40m away from the rear elevation of Fir Tree Cottage.

Daylight

The focus of the development is towards the southernmost boundary and, with the path of the sun moving from right to left, the siting of the development would be well contained beneath the extremely established and dense tree line.

Amenity

Built form visible from a private vantage point does not necessarily result in adverse residential amenity. The highest ridge of Plot 1 is some 27m away from the rear elevation of Wychwood, an oblique relationship exists between Plots 1 and 2 and The Chase – as such the rear elevation of Plot is closest to the flank of The Chase – notwithstanding this the highest ridge point of Plot 1 is at least 14m away from the boundary – with Plot 2's highest ridge being approximately 18m from the flank elevation. The highest ridge of Plot 3 is in excess of 46m from the rear elevation of Fir Tree Cottage. In regards to noise and pollution (vehicles etc); Fir Tree Cottage has a boundary fence in the region of 2m in height with established planting above it as well as a large detached outbuilding and both of these will contribute to a degree of protection.

- 6.33 For the reasons given above, the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Archaeology

- 6.34 Archaeological sites are a finite and non-renewable resource. In many cases they are highly fragile and vulnerable to damage or destruction. These sites contain information about our past, are part of our sense of place and are vulnerable for their own sake and for their role in education, leisure and tourism. As a result it is important that they are not needlessly or thoughtlessly destroyed. Within Tendring approximately 1880 sites of archaeological interest are recorded on the Essex Heritage Conservation Record (EHCR) of which 27 are Scheduled Ancient Monuments. These sites range from Palaeolithic deposits of international significance through those of the prehistoric Roman, Saxon and medieval periods and up to modern industrial and World War II/ Cold War monuments. However, the EHCR records only a proportion of the total with many more important sites remaining undiscovered and unrecorded. The nature of archaeological evidence means that all areas of high potential may not have yet been identified. Important archaeological evidence may exist on any site, and thus may be at risk from proposed developments. The District Council, in conjunction with the County Archaeologist and relevant bodies, is determined to identify and protect all-important remains through the use of appropriate policies and their implementation through the development control process. Where the Council believe important archaeological remains are likely to exist, it is reasonable to request a field evaluation funded by the developer, but carried out independently, is carried out prior to determining a planning application. Not all surviving archaeological remains are of equal importance and Policy EN29 reflects this hierarchy. Where permission is granted for development affecting archaeological remains, and preservation in situ is not possible or feasible, conditions will be imposed to ensure that the remains are properly recorded and evaluated and where practicable, preserved, prior to

development. Saved Policy EN29 states that development will not be permitted where the Council considers that it will adversely affect nationally important archaeological sites and their setting and permission will be refused where development proposals do not satisfactorily protect archaeological remains of local importance.

- 6.35 The Essex Historic Environment Record (HER) and Tendring Historic Environment Characterisation Project, demonstrate that the proposed development lies within an area of archaeological interest.
- 6.36 The site lies within a historic green, identified on the Chapman and Andre map of 1777 as Parsonage Green and later known as Tendring Green. Settlement around greens was common in the medieval period, Thatched Cottage lies to the west and dates from the 16th/17th century. Historic mapping shows that the green was infilled before c.1870. The 1st edition OS map shows a house and outbuildings located within the development area, it is identified as a beer house on the 2nd edition OS map. To the east aerial photographic evidence has recorded cropmark features of a rectangular enclosure which meets Chapel Lane and may be earlier in date than the green. In the surrounding area further cropmark evidence of circular enclosures may indicate prehistoric activity.
- 6.37 There is potential for the survival of below ground remains of the outbuildings and structures associated with the historic beer house on the site as well as earlier features relating to the nearby cropmarks. The Historic Environment Officer recommends that pre-commencement and post-excavation conditions in regards to requiring written scheme of investigation are attached to any forthcoming permission.

Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

- 6.38 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. The contribution is secured by unilateral undertaking.
- 6.39 The application scheme proposes three new dwellings on a site that lies within the Zone of Influence (Zoi) being approximately 5,400metres from Hamford Water Special Protection Area. Since the development is for 3 dwellings only, the number of additional recreational visitors would be limited and the likely effects on Hamford Water from the proposed development alone may not be significant. However, new housing development within the Zoi would be likely to increase the number of recreational visitors to Hamford Water; and, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.
- 6.40 A unilateral undertaking has been prepared to secure this legal obligation. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Public Open Space

- 6.41 Paragraph 54 of the National Planning Policy Framework (2019) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 56 of the NPPF states planning obligations must only be sought where they are necessary to make the

development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

6.42 Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built". These sentiments are carried forward within emerging Policy HP5.

6.43 In line with the requirements of saved Policy COM6 and emerging Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space. The outcome of the consultation is that there is a deficit of 1.33 hectares of equipped play/formal open space in the village of Tendring.

6.44 Due to the significant lack of provision in the area if it is felt that a contribution is justified and relevant to the planning application the contribution received would be used to upgrade and improve the play equipment and the only play area in Tendring. The play area is located on Heath Road, Tendring.

7. Conclusion

7.1 The principle of residential development in this locality is supported by Local Plan policy. The proposal does not amount to any visual harm, harm to residential amenities nor harm to highway safety that would warrant refusal of planning permission. The application is therefore recommended for approval.

8. Recommendation

The Planning Committee is recommended to grant planning permission subject to the following conditions, informatives and completed Section 106 Legal Agreement with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Financial contribution towards RAMS.	£125.58 per dwelling
Open Space	To fund improvements at the play area at Heath Road, Tendring

8.1 Conditions and Reasons

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:- 1810/19/02 A (Plot 1 - Proposed Floor Plan, Elevations), 1810/19/03 A (Plot 2 - Proposed Floor Plan, Elevations), 1810/19/04 A (Plot 3 - Proposed Floor Plan, Elevations) and Preliminary Ecological Appraisal; received 24th June 2020 and 1810/19/01, REV D (Amended Existing & Proposed Site Plan) received 4th September 2020.

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

3 Prior to occupation of the development, the road junction / access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 90 metres in both directions,

as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic from the development and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

- 4 Prior to the occupation of the development the internal layout shall be provided in principal with amended drawing number:- 1810/19/01 Rev. D Site plan existing and proposed block plan (received 4th Sept 2020).

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety

- 5 The development shall not be occupied until such time as a car parking and turning area has been provided in principal with proposed drawing no. 1810/19/01 Rev. D. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 6 Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 4.77 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary and provided with an appropriate dropped kerb crossing of the footway/verge.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

- 7 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 8 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 9 Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason - To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

- 10 Prior to occupation of the proposed dwellings, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 11 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 12 Prior to occupation the existing wall and hedgerow behind it located to the east front boundary shall be reduced to a height not exceeding 0.6m. The 0.6m height shall be permanently retained as such.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 13 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no dormers shall be inserted in the north-facing roofslope of plot 1 or the east facing roofslope of plots 1 and 2 except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To protect the privacy and amenities of the occupiers of adjoining properties.

- 14 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed on the open green space which encompasses either the west elevation of Plot 1 or the north elevation of Plot 3.

Reason - In the interests of visual amenity.

- 15 No development or preliminary groundworks of any kind shall take place until the applicant has secured and undertaken a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason - The site may be of archaeological interest.

- 16 The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - To enable full investigation and recording of this site of archaeological importance.

- 17 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Great Crested Newt Survey (Robson Ecology, June 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. 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 Local Planning Authority 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).

- 18 An invasive non-native species protocol shall be submitted to and approved by the local planning authority. This shall include details of the containment, control and removal of the New Zealand Pygmyweed and Wall Cottoneaster present on site. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason - To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 as amended and the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

- 19 No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement for Protected and Priority species has been submitted to and approved in writing by the local planning authority.

The content of the method statement shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

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

Reason - To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.

- 20 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).

- 21 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

This should also demonstrate how any lighting required during the construction phase of the development will not affect features sensitive for wildlife. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason - To 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).

8.2 Informatives

Determination of the Application:-

8.3 Application Approved Without Amendment

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.

8.4 Highways:-

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.

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 - 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.

8.5 Environmental Protection:-

In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, the following should be considered:-

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.
- 6) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 7) No materials produced as a result of the site development or clearance shall be burned on site.
- 8) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 9) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Failure to follow the above may result in enforcement action under nuisance legislation (Environmental Protection Act 1990) or the imposition of controls on working hours (Control of Pollution Act 1974).

8.6 Legal Agreement Informative - Public Open Space:-

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: public open space in accordance with saved Policy COM6.

Legal Agreement Informative - Recreational Impact Mitigation:-

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

8.7 Anglian Water:-

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

9. **Additional Considerations**

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
 - C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.

- 9.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.4 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.5 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.6 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.7 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.8 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.9 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

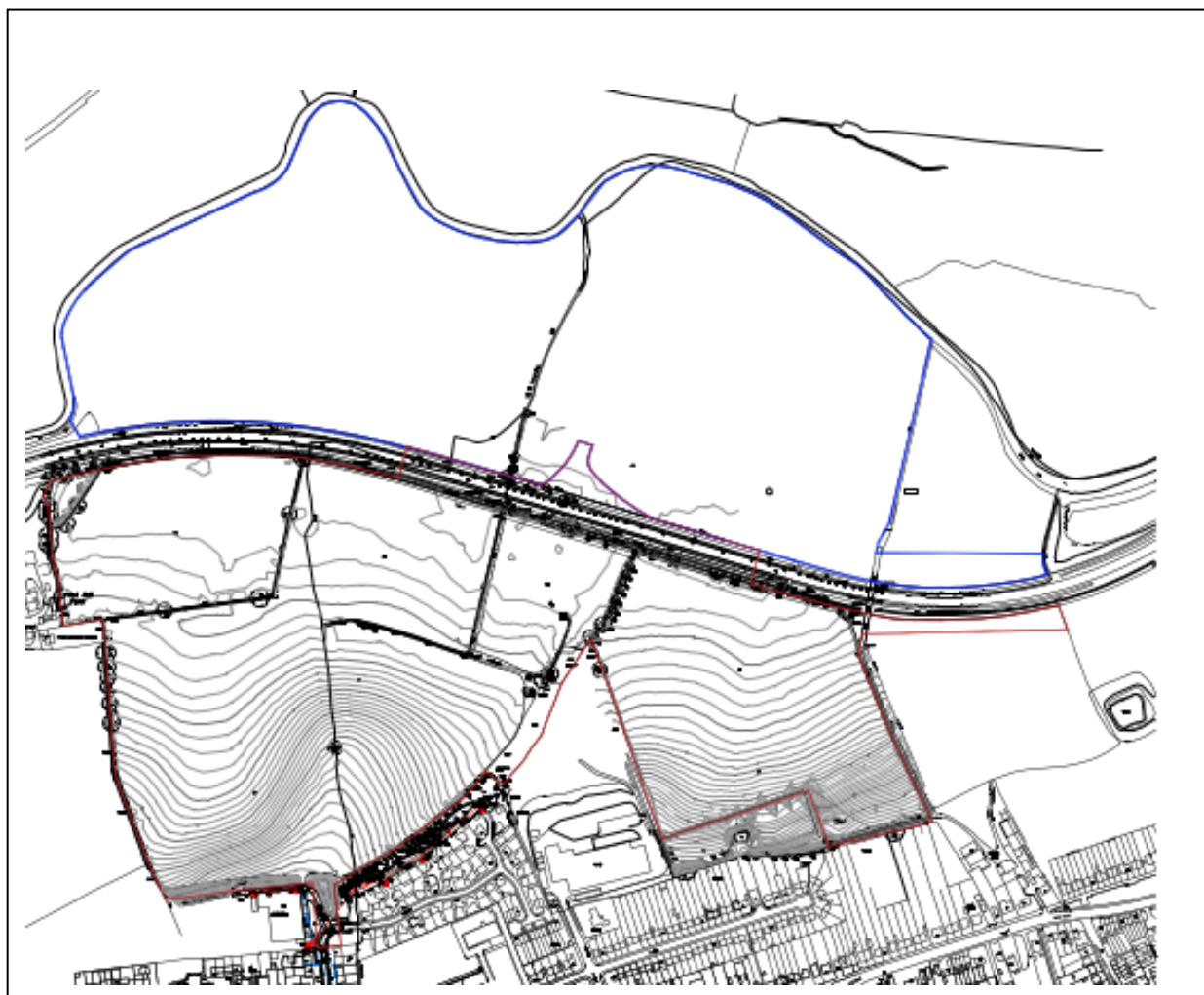
- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

PLANNING COMMITTEE

17th March 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.2 PLANNING APPLICATION – 20/00385/OUT – LAND EAST OF POND HALL FARM RAMSEY ROAD RAMSEY HARWICH CO12 5ET



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application: 20/00385/OUT

Town / Parish: Harwich Town Council

Applicant: Harding Estates (East Anglia) Ltd

Address: Land East of Pond Hall Farm Ramsey Road Ramsey Harwich CO12 5ET

Development: Variation of conditions 1 and 19 of approved application 14/01431/OUT to allow up to 80 residential unit occupations prior to completion of associated highway works and improvements including a new roundabout off the A120 as prescribed by condition 19.

1. Executive Summary

- 1.1 **This application was deferred from the February Planning Committee to allow time for re-consultation with the Ramsey & Parkeston Parish Council and Harwich Town Council, with respect to the scheme amendments limiting occupations to 80 units in advance of the completion of associated highway works and improvements. These comments are still awaited but will be reported on the Planning Committee Update sheet in advance of the meeting.**
- 1.2 The application site covers an area of approximately 30 hectares and is located between the A120 highway and the existing Dovercourt urban area of Harwich.
- 1.3 The applicant proposes revisions to the extant planning permission (14/01431/OUT) under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary Conditions 1 and with a substituted phasing plan and revised wording to Condition 19. In order to permit the development of 80 residential dwellings ahead of the proposed new access and roundabout.
- 1.3 The applicant originally sought to amend conditions 1 and 19 in order to bring forward all 297 residential dwellings ahead of the proposed new access and roundabout. Following discussions with Officers and Essex County Council Highways the application was amended to allow a reduced amount of 80 residential units ahead of the access road and roundabout by revision of the approved phasing plan, in order to incorporate a sub-phase of phase 3 to come ahead of phases 1 and 2 for the access and roundabout.
- 1.4 It should be noted that at the occupation of the 80th dwelling all existing planning conditions and Section 106 contributions revert back to the requirements of the original Outline consent (14/01431/OUT).
- 1.5 The site at land east of Pond Hall Farm was allocated within the Tendring District Local Plan 2007 under policy HAR 2 without a residential allocation. The site was also included in various iterations of the Tendring District Local Plan (2013-2033) during the draft and consultation stages with an allocation of 297 residential dwellings and a requirement for the residential units to be delivered via Stour Close. Taking into account the site is now consented the Tendring District Local Plan (submission Draft) part (2) refers to the site as 'mixed use consented' and therefore it is not necessary for the site to be considered as an allocation.
- 1.6 The extant Outline consent was subject to Environmental Impact Assessment with the application being accompanied by an Environmental Statement. In light of subsequent changes to environmental legislation and time lapse the applicant has reviewed and updated the Environmental Statement and has submitted an Environmental Statement Addendum (ESA) in order to review and mitigate any changes.

- 1.7 The review to the ESA was carried out taking into account the delivery of all 297 residential dwellings off Stour Close, which was prior to amending the application to restrict the number to 80 residential dwellings. The findings of the review have demonstrated that there are no severe adverse impacts resulting from the delivery of 297 residential dwellings off Stour Close.
- 1.8 The Council have received objections from the public primarily concerning traffic and vehicle movements to and from the site. Due to the current pandemic and unusually low levels of traffic on the network historic data has been used to assess traffic impacts and movements, which has confirmed that traffic impact would be at an acceptable level, again this was at the higher level of 297 dwellings. Whilst ECC Highways had concerns regarding the delivery of 297 dwellings off Stour Close they have 'No Objection' to the revised number of 80 dwellings subject to conditions including the improvement to a vision splay.
- 1.9 The applicant has informed the Council that the changes are necessary to secure a developer for the residential site in order to fund the delivery of the access and roundabout due to the lack of uptake of the retail, business and leisure uses and the inability to fund the access and roundabout.
- 1.10 The Councils Lawyer has confirmed that it is not necessary to amend the S106 and the necessary amendment of the approved phasing plan and agreement of 80 dwellings only can be undertaken through a Unilateral Undertaking which is currently being prepared.

Recommendation:

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) **Within 6 months of the date of the Committee's resolution to approve, the completion of a Unilateral Undertaking.**
 - **S73 application subject to the existing S106**
- b) Subject to the conditions stated in section 8.2
- c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

2. Planning Policy

The following Local and National Planning Policies are relevant to this planning application.

National Policy:

The National Planning Policy Framework
National Planning Policy Guidance

Local Policy:

Tendring District Local Plan 2007

QL1	Spatial Strategy
QL2	Promoting Transport Choice
QL3	Minimising and Managing Flood Risk
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
QL12	Planning Obligations
HG1	Housing Provision
HG3A	Mixed Communities
HG4	Affordable Housing in New Developments
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
COM2	Community Safety
COM6	Provision of Recreational Open Space for New Residential Development
COM21	Light Pollution
COM23	General Pollution
COM24	Health Care Provision
COM26	Contributions to Education Provision
COM29	Utilities
COM30	Electricity Supply
COM31A	Sewerage and Sewage Disposal
EN1	Landscape Character
EN2	Local Green Gaps
EN6	Biodiversity
EN6A	Protected Species
EN6B	Habitat Creation
EN11A	Protection of International Sites: European Sites and RAMSAR Sites
EN12	Design and Access Statements
EN13	Sustainable Drainage Systems
EN17	Conservation Areas
EN29	Archaeology
TR1A	Development Affecting Highways
TR1	Transport Assessment
TR2	Travel Plans
TR3A	Provision for Walking
TR5	Provision for Cycling
TR6	Provision for Public Transport Use
TR7	Vehicle Parking at New Development

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

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP2	Community Facilities
HP3	Green Infrastructure
HP4	Safeguarded Local Greenspace
HP5	Open Space, Sports & Recreation Facilities
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
LP5	Affordable and Council Housing
PPL1	Development and Flood Risk
PPL3	The Rural Landscape

PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL7	Archaeology
PPL8	Conservation Areas
PPL9	Listed Buildings
CP1	Sustainable Transport and Accessibility
CP3	Improving the Telecommunications Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide

Status of the Local Plan

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 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.

In relation to housing supply:

- 2.6 The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any

fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

2.7 With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

3. **Relevant Planning History**

14/01431/OUT	Hybrid application for proposed comprehensive development & the creation of employment floorspace (including start up units) consisting of: Outline approval for development of site to create employment units, cafe / restaurant units, public house, drive thru restaurants, cinema, hotel, up to 297 dwellings, landscaping, open space & associated means of access, internal estate roads & car parking. Full approval for the creation of retail shop units, foodstore, petrol filling station, associated highway works & improvements including a new roundabout off the A120 & link road, earthworks, service infrastructure & other associated works & improvements.	Approved	08.06.2016
19/00239/DISCON	Discharge of condition 17 (Roundabout Solution) to approved Planning Application 14/01431/OUT.	Approved	14.05.2019
19/00576/DISCON	Discharge of condition 2 (Strategic Phasing Plan) of application 14/01431/OUT.	Approved	17.10.2019
19/00754/DISCON	Discharge of conditions for Phase 1 only: 7 (Ecological Enhancement), 10 (Archaeology), 11 (Local Recruitment) and 15 (Construction Management) of approved application 14/01431/OUT.	Approved	17.10.2019
19/00851/DETAIL	Reserved matters application for the development of site to create employment units, cafe / restaurant	Current	

units, public house, drive thru restaurants, cinema, hotel, up to 297 dwellings, landscaping, open space & associated means of access, internal estate roads and car parking.

19/01632/LUEX

Construction of part of the permitted link road in accordance with permission 14/01431/OUT in order to begin development on the part of the permission granted in full in accordance with condition 21 and Section 56 of the Town and Country Planning Act 1990, as amended.

04.12.2019

20/00385/OUT

Variation of conditions 1 and 19 of approved application 14/01431/OUT to allow up to 80 residential unit occupations prior to completion of associated highway works and improvements including a new roundabout off the A120 as prescribed by condition 19.

Current

4. Consultations

ECC Highways Dept
25.01.2021

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980.

The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

The Highway Authority has considered all the information submitted with the previous planning application from last year. It is noted that that this revised proposal is to allow up to 80 residential unit occupations only, it is satisfied that the applicant has demonstrated (in accordance with the NPPF) the impact of the revised proposal on the highway network would be unlikely to be severe, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

i. the parking of vehicles of site operatives and visitors

- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. if required, temporary waiting restrictions

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

2. Prior to the commencement of any work on the site a joint inspection of the route to be used by construction vehicles should be carried out by the applicant and the Highway Authority, to include photographic evidence. The route should then be inspected again, after completion of the development, and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority. The Highway Authority may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access by vehicles servicing the application site.

Reason: To ensure all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the vicinity of 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 and in the interests of highway safety and Policy DM1.

3. No occupation of the development shall take place until the following have been provided or completed:

- a) A link road with a revised priority junction for part of Stour Close to provide access to the proposal site as shown in principle on planning application, block plan drawing number: C4-13027-011-a. The new priority junction shall include a minimum visibility splay of 2.4m x 70 metres in both directions.
- b) A new access for the Harwich indoor Bowls Club as shown in principle on planning application, block plan drawing number: C4-13027-011-a.
- c) For the residential development an affective 3 metre shared footway/cycleway shall be provided from the development to Stour Close as shown in principle on planning application, block plan drawing number: C4-13027-011-a.
- d) Residential Travel Information Packs and Residential Travel Plan with Travel Plan Co-ordinator (details shall be agreed with the Local Planning Authority prior to commencement of the development).

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Notes:

The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.

In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.

Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.

All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)

All highway related details should be agreed with the Highway Authority.

The proposed junction layout with Stour Close and footway proposals will require an initial Stage 1 Road Safety Audit.

The development should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.

Informative:

1: 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.

2: On the completion of the 80 units no further development shall take place, including any ground works or demolition, until the new roundabout off the A120 as prescribed by condition 19 has been completed.

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

With reference to the above application, Environmental Protection would like to make the following comments -

Should the outline application be approved; the EP Team are requesting the following information be submitted at the next phase of application:

Contaminated Land - Prior to the commencement of the development proposals, investigations shall be carried out to establish whether the site is contaminated in any way. Such investigations shall be carried out in accordance with a scheme which shall first be agreed in writing with the Local Planning Authority. If the investigations reveal contamination of the site, a further scheme shall be agreed in writing by the Local Planning Authority, setting out measures to ensure that the entire area of the site, in relation to soil conditions resulting from such contamination, will not be harmful or detrimental to human health, animal health, normal plant health or growth, to buildings, building surfaces or amenities. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

Construction Method Statement - In order to minimise potential nuisance to nearby existing residents caused by construction works, Pollution and Environmental Control ask that the following is conditioned; Prior to the commencement of any construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Environmental Protection Team -

' Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

' Emission Control

- 1) All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974

The reason for the above comments is to ensure the protection of amenity to residents.

TDC Environmental
Protection
25.09.2020

Environmental Protection have looked at the Noise Report for the above application and based on the recommendations in this report EP would have no further comments to make in relation to noise, notably from road use.

Representations

- 4.1 The Ramsey & Parkeston Parish Council made no comments on the 'original' consultation relating to the full 297 dwellings being delivered in advance of the approved new highway improvements to the A120.
- 4.2 With respect to the re-consultation on a restriction to 80 dwellings, the Parish Council has raised concerns with respect to the access/exit point of the development at the junction of Clayton Road/Main Road with increased traffic hazards and request consideration of the installation of a roundabout at that point to be installed using S278 Highways funding. The relevant proportion of S106 funding is requested, to be guaranteed to be used as part funding for the new proposed Ramsey Village Hall, planning permission granted, giving enhanced leisure facilities to local and visiting residents.
- 4.3 In addition, the Parish Council would wish to re-iterate their previous comments made on 25th November 2014 as below:
- 4.4 Comment submitted date: Tue 25 Nov 2014

The view of the Ramsey & Parkeston Parish Council is to support the application with:

Assurance is gained that works as described for Full approval (9.91 hectares) for the creation of retail shop units, foodstore, petrol filling station, associated highway works & improvements including a new roundabout off the A120 & link road, earthworks, service infrastructure & other associated works & improvements to be undertaken prior to any works as described in Outline approval (19.46 hectares) for development of site to create employment units, cafe/restaurant units, public house, drive thru restaurants, cinema, hotel, up to 297 dwellings, landscaping, open space & associated means of access, internal estate roads & car parking are undertaken following Full approval gained.

Assurance to be gained that vehicular access/egress to the site will be restricted via Clayton Road & Stour Close to emergency vehicles only.

4.5 5 objections were received from the public to the 'original' consultation and 9 objections from the public following the second round of consultation. These objections and concerns can be summarised as follows:

- Will create too much traffic;
- Road not wide enough;
- Noise from development and traffic;
- Inconvenience to existing residence from extra traffic;
- Construction traffic will use Clayton Road/ Stour Close, which isn't wide enough;
- Shouldn't build houses before the road is built;
- Excessive vehicle movements all houses could end up being accessed via Stour Close;
- Extra pressure on already stretched services;
- Delays due to construction traffic at Clayton Road/ Stour Close may cause delays to Harwich Ambulance Station; and
- Essential road improvements necessary before the development of houses.

5. Assessment

Site Context

5.1 The application site covers an area of approximately 30 hectares and is located between the A120 trunk road and the existing Dovercourt urban area of Harwich. It is currently in agricultural use with field boundaries demarcated by hedgerows and trees. Most of the area is located in Flood Zone 1 although the northern area is located in Flood Risk Zone 2 and 3. There are no environmental designations within the boundary of the site.

Proposal/ Planning History

5.2 The application proposes revisions to the extant planning permission (14/01431/OUT) under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions 1, with a substituted phasing plan and revised wording to condition 19, in order to permit the development of 80 residential units ahead of the proposed new access and roundabout.

5.3 The consented scheme (14/01431/OUT) is for the development of employment floorspace including employment units, café / restaurant, public house, cinema and hotel together with 297 residential dwellings, retail units, petrol filling station, landscaping, open space and access to roads. The main access to the site as consented is via a new link road connecting the A120 to Stour Close.

5.4 This planning application proposes that a residential sub-phase of phase 3 of plan (0106 G) for the development of no more than 80 residential units with the construction and access via Stour Close ahead of the remainder of the development.

Principle of Development / Planning History

5.5 Application (14/01431/OUT) was approved in principle on 31st March 2015 subject to signing a legal agreement within 6 months of the decision date. The application was subsequently referred to the Secretary of State (SoS) although it was not 'called in' but referred back to the Council by the SoS for determination. Approval was granted following the signing of a S106 legal agreement.

- 5.6 The application site was allocated for business and industrial development in the 2007 adopted Local Plan. Due to the high development costs which included the need for a roundabout on the A120 the Council's then emerging Local Plan allocated the site for mixed-use development including a number of employment uses and housing development which was considered to be a more viable mix of use to ensure delivery.
- 5.7 The site at Land East of Pond Hall Farm was allocated within the Tendring District Local Plan (2007) under Policy HAR2. In the (2013) Local Plan (Draft) Policy HAR2 was replaced with Policy HAD4 which provided the principal point of access for the residential element of the development via Stour Close. This policy, was subsequently removed, in the 2017 update of the Local Plan as the site had already been consented in 2016.
- 5.8 Emerging Policy HAD4: 'Development East of Pond Hall Farm' (removed 2017) had allocated the site for a mix of residential development, community facilities, commercial development and public open space. It stated that the Council would *"... work with the landowner to prepare a development brief for the site prior to the submission of a planning application and ensure that alongside relevant policy requires in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements:*
- a) The principle point of vehicular access for commercial uses will be via a new roundabout on the A120;*
 - b) The principle point of vehicular access for housing development will be via Stour Close;*
 - c) A minimum of 5 hectares of land will be restricted to employment related development in Classes B1, B2 or B8, or port-related uses;*
 - d) No more than 9 hectares of the site will be allowed to accommodate alternative employment uses, which could include retail and pub/restaurant/hotel use;*
 - e) No more than 8 hectares of the site will be used for residential development; and*
 - f) The development will contribute toward the delivery of the new Harwich linear Park through the provision of land north of A120, the creation of pedestrian and cycle links between the development and that land and the provision of vehicular access and a parking area via the new roundabout."*
- 5.9 In the most up-to-date version of the Tendring District Local Plan, a submission draft dated 2017, Policy HAD4 was removed, to reflect the previously mentioned outline planning permission being granted on the site. Instead, the site is recognised on the Local Plan Policies Map as a "mixed use site with consent".
- 5.10 The Hybrid application was for detailed approval for a food store, five non-retail units, a petrol filling station and associated earth works, infrastructure and road improvements. Outline approval for a cinema restaurant/ café, Employment units (warehouse and start-up units) and up to 297 new homes.

Environmental Impact Assessment

- 5.11 Application (14/01431/OUT) was subject to Environmental Impact Assessment; the application was supported by an Environmental Statement (ES). Since the production of the 2014 ES new regulations have come into place (The Town and Country Planning (Environmental Impact Assessment) Regulations 2017).
- 5.12 Part 1 (3) of the 2017 EIA regulations states;
The relevant planning authority, the Secretary of State, or an Inspector must not grant planning permission or subsequent consent for EIA development unless an EIA has been carried out in respect of that development.

- 5.13 The 2017 Regulations also require the submission of an Environmental Statement to support the application. The applicant has prepared an Environmental Statement Addendum (ESA) to support the application and has highlighted any subsequent changes in the legislation and areas which may need updates to the 2014 ES, which supports the consented Outline application. The ESA goes above and beyond the proposed 80 units and takes into account all 297 dwellings.
- 5.14 The aim of the ESA is to identify the likely significant environmental effects associated with the proposal and to provide sufficient information for the local planning authority and statutory consultees in full knowledge of the likely significant effects to determine the application.
- 5.15 An ESA must contain the information specified in Regulation 18 (3) of the EIA Regulations as well as meeting the requirements of Regulation 18 (4) Schedule 4 of the EIA Regulations and list additional information, which if relevant to the specific characteristics of the development or type of development and to the environmental features likely to be significantly affected, should also be included.
- 5.16 Whilst no formal Screening Opinion under Regulation 37 of the EIA Regulations or a formal Scoping Opinion under Regulation 15 was requested by the Council, informal scoping discussions have been undertaken with Essex County Council, the relevant Highways Authority also with the Local Planning Authority and Environmental Health Authority.
- 5.17 The further EIA work was limited to those effects likely to have changed by the proposal to amend the access arrangements to the site; these cover:
- Traffic and Transport.
 - Noise and
 - Air Quality
- 5.18 These assessments consider the effects during the construction and operational phases of the development.

Traffic and Transport

- 5.19 The transport chapter and technical note provides an updated assessment based on recent traffic survey information and considers the residential development independently of the larger consented scheme.
- 5.20 The number of peak trips for the permitted 297 has been calculated as follows although it must be noted that this application is for 80 dwellings which represents 27% of the overall figures below. This does not include construction traffic.

AM Peak Time 7.30-8.30	297 Dwellings	80 Dwellings (27%)
Movements entering	30	8
Movements leaving	98	26
PM Peak Times 16.45-17.45		
Movements entering	97	26
Movements leaving	52	14
Saturday Peak Times 13.00-14.00		
Movements entering	69	19
Movements leaving	19	19

- 5.21 The provision of a bus service to the permitted residential development remains the same, with at least one bus visiting per hour based on 07.00-19.00 timetable already permitted to the site and travelling via Stour Close.

5.22 It is considered that at worst the traffic impacts would be moderate in connection with the residential development. However, this has considered all 297 residential dwellings which was found to be acceptable from a traffic and transportation prospective.

Noise

5.23 The effects of the road traffic noise on residents, as a result of the proposed amendment to the access arrangements, has been assessed by the applicant's consultants. The study area focused on Claydon Road. The survey included background noise levels representative of the front gardens in Claydon Road.

5.24 When compared to existing noise levels the future noise environment, as a result of the amended access arrangements will have a low impact on acoustic character of the area but will not result in a change in quality of life.

Air Quality

5.25 The 2014 Air Quality Assessment has been reviewed in order to take account of the changes to the legislation since the assessment and additionally to take account of any changes in air quality in the local area. During construction works a range of best practice mitigation measures will be implemented to reduce dust emissions, through the Construction Management Plan. The overall effect is not considered to be significant.

5.26 The effects of the emissions from HGV movements generated during the construction stage and the operational effects of traffic emissions from the new house occupants will not be significant even taking into account the revised and more stringent significant guidance, and most recent available monitoring data.

5.27 Overall, the conclusion of the Air Quality Assessment prepared in 2014 remains valid and air quality for existing and future residents will be acceptable.

Climate Change

5.28 Air quality is predicted to improve by the reduction of vehicle emissions although climate change long-term effect (2050-2080) is not a consideration for the ESA.

Highway Considerations

5.29 Paragraph 108 of the NPPF (2019) relates to transport and requires Councils, when making decisions, to ensure that:

- Appropriate opportunities to promote sustainable transport modes can be made - or have been - taken up, given the type of development and its location;
- safe a suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree

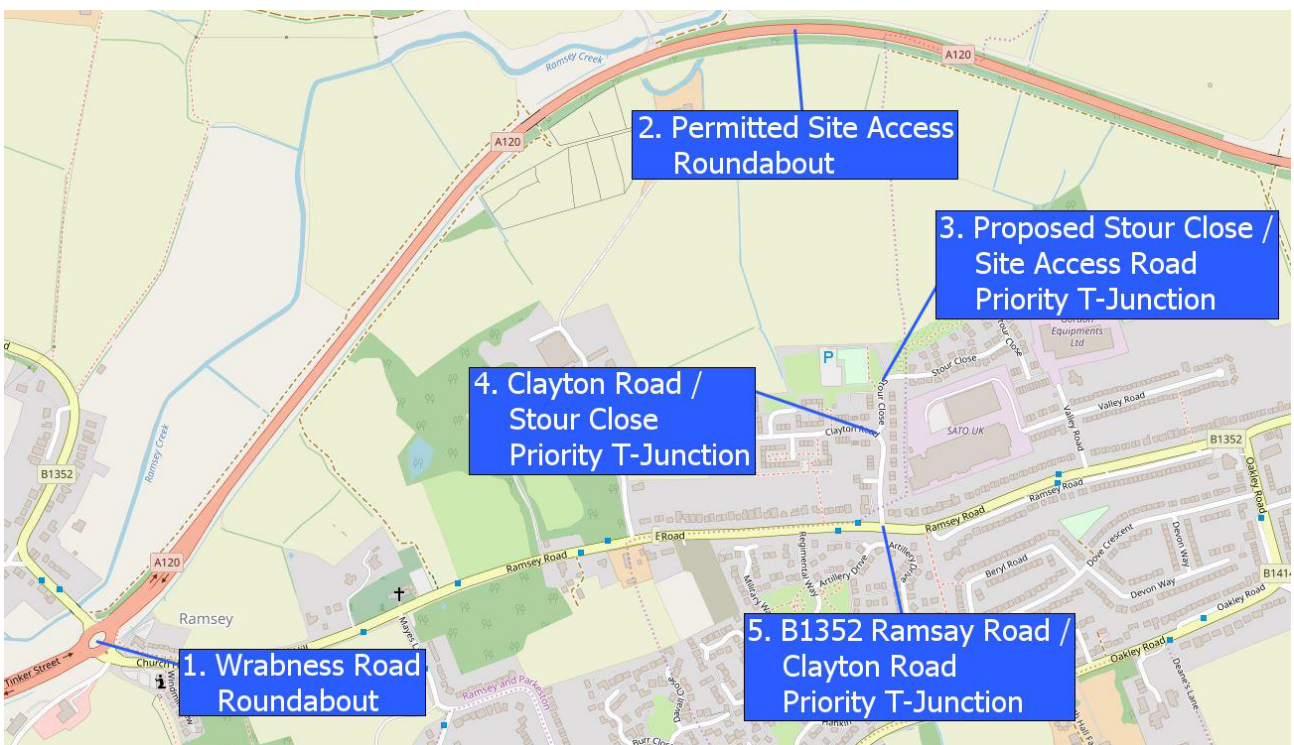
5.30 Policy QL2 in the adopted Local Plan, Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. The application site performs relatively well in this regard.

5.31 Policy TRA1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic

including the capacity of the road network. Policy CP2 in the emerging Local Plan states that proposals which would have any adverse transport impacts will not be granted planning permission unless these are able to be resolved and the development made acceptable by specific mitigation measures which are guaranteed to be implemented.

Transport Assessment

- 5.32 The permitted development includes the construction of a four-arm roundabout on the A120 to provide access to the site from the north, as well as a connection to Stour Close to the south. A bus gate was proposed between the development and Stour Close that would prevent private vehicle traffic from accessing the site on Stour Close.
- 5.33 The applicant's original intention was for the retail uses permitted (phase 1) to fund the infrastructure, including the roundabout to the A120. This would mean that all proposed traffic to the development including the residential phases. The original technical evidence was based on this position.
- 5.34 However, the current proposal is to deliver the residential phase ahead of the retail uses on the site. As such this application seeks to vary conditions 1 and 19 to enable 80 dwellings to be occupied via Stour Close prior to the construction of the roundabout.
- 5.35 The transport note considers the traffic impact of the residential development on the following junctions,
- 1) The A120 / B1352 Wrabness Road / B1352 Church Hill Roundabout (the 'Wrabness Road Roundabout').
 - 2) The permitted A120 / Site Access Roundabout (the 'Permitted Site Access Roundabout')
 - 3) The proposed Stour Close / Site Access Road Priority T-Junction.
 - 4) The Clayton Road / Stour Close Priority T-Junction.
 - 5) The B1352 Ramsay Road / Clayton Road Priority T-Junction.



- 5.36 In the 2014 Transport Assessment (TA), the assessment considered the larger permitted development in the assessment years of 2019 (Application year + five years – Local Highway Authority test) and 2025 (Application year + 10 years – Highways England test).
- 5.37 The updated note considers the residential development in the assessment years of 2025 (Application year + five years) and 2030 (Application year + 10 years).
- 5.38 Growth factors have been applied to the December 2019 surveys to represent the future year to account for projected economic growth and local development forecasts.
- 5.39 (The growth factors have been derived based on the TEMPro (Version 7.2) database for car drivers in the periods of 2019 – 2025 and 2019 – 2030 for the geographical area of 'Tendring 004', with area type 'All' and road type 'All').
- 5.40 The PICADY computer modelling software module has been used to model the operation of the Stour Close / Site Access Road, Stour Close / Clayton Road and B1352 Ramsay Road / Clayton Road junctions as PICADY is an industry standard software module for modelling the operation of priority T-junctions.
- 5.41 The PICADY9 computer program has been used to assess the operation of the Stour Close / Clayton Road junction and the B1352 Ramsay Road / Clayton Road Junction based on their existing geometries, as well as the Site Access Road / Stour Close junction based on the geometries proposed as part of the 2014 application.
- 5.41 PICADY relates the geometry of the junction combined with traffic flow information to predict capacity. The software provides a number of results in its output, the most meaningful of which is the Ratio of Flow to Capacity (RFC), where an RFC of 1.00 reflects a demand equal to the theoretical capacity of the junction approach.
- 5.42 The operation of the B1352 Ramsay Road / Clayton Road and Stour Close / Clayton Road junctions have been assessed in weekday AM, weekday PM and Saturday midday peaks in the 2019 Surveyed Flows, 2025 Base Flows, 2025 Base + Proposed Development scenarios using the existing junction geometries, measured from Ordnance Survey mapping.
- 5.43 The operation of the Stour Close / Proposed Access Road junction has been assessed in the weekday AM, weekday PM and Saturday midday peaks in the 2025 Base + Proposed Development scenarios using geometries measured from the highways proposals within the 2014 TA.
- 5.44 The 2030 Base and 2030 Base + Proposed Development scenarios have not been tested as none of the above three junctions are / will be under the jurisdiction of Highways England.
- 5.45 All of the models have been run in 'One Hour' mode. The 'One Hour' mode estimates the traffic profile for an hour long period using a bell shaped curve with a 15-minute 'Warm Up' period before and a 15-minute 'Cool Down' period after, the central period. This simulates the effect of a peak within the peak hour.
- 5.46 The software indicates that all three of the assessed junctions will operate within capacity in the future with the proposed development in place of all 297 dwellings.

Impact on Residential Amenity

- 5.47 It is considered that the increase in traffic in relation to 80 new dwellings will create an acceptable increase in traffic, the applicant has successfully demonstrated that there is sufficient capacity on the existing road network to accommodate the extra traffic. ECC Highways have no objection subject to conditions.
- 5.48 A Construction Management Plan is required in order to ensure that all construction traffic is accommodated for parking within the site and that deliveries can be controlled by management. Also that both air and noise pollution are managed throughout the duration of the development.
- 5.49 In relation to impact associated with the build out period, the applicant has advised that they expect the 80 dwellings to be completed within a two year period.
- 5.50 The updated ESA has demonstrated that there are no significant adverse increases associated to environmental impacts from the changes to the residential access route via Stour Close for 80 dwellings.

6. Legal Implications

- 6.1 This application seeks to vary the outline permission. The legal agreement at that stage will not need to be amended, although a Unilateral Undertaking will be required in order to transfer the obligations to the new planning permission.

7. Conclusion

- 7.1 The application site comprises of mixed use development which includes 297 residential dwellings. Over the past twelve months there has been a significant change in the market place for retail and business use development due to the pandemic. In order to ensure this important site comes forward it is essential for the access road and roundabout to be funded.
- 7.2 The applicant seeks an amendment to the consented scheme (14/01431/OUT) in order to bring forward the residential development to fund the infrastructure. The initial application was for all 297 dwellings but following discussions with officers and ECC Highways the applicant has amended the application to 80 dwellings. ECC Highways have no objection subject to conditions.
- 7.3 The applicant seeks to amend two of the planning conditions in order to change the phasing. Originally, Phase 1 and 2 dealt with the delivery of infrastructure and Phase 3 residential. An inclusion of a sub-phase will allow the delivery of 80 residential dwellings without any further changes to any of the other requirements set out in (14/01431/OUT) and the agreed S106 legal agreement.
- 7.4 Whilst it must be noted that there will be an increase in traffic on Stour Close the impact is considered to be acceptable with access points working within capacity.
- 7.5 It is still a requirement of the consent for the bus gate to be installed at the time the new access road and roundabout come into use.
- 7.6 It is considered that the proposal meets the requirements of both national and local policy and subject to conditions and the signing of a unilateral undertaking the application is recommended for approval.

8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a Unilateral Undertaking.

8.2 Conditions and Reasons

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

- 13977/0200 Rev A Location Plan
- 0106 Rev G Sub Phase Plan
- CWA_13_168_517 Rev P2 Proposed Cut/Fill Isopachytes (Sheet 1 of 2)
- CWA_13_168_518 Rev P3 Proposed Cut/Fill Isopachytes (Sheet 2 of 2)
- CWA_13_168_515 Rev P3 Proposed Earthworks Contours (Sheet 1 of 2)
- CWA_13_168_516 Rev P3 Proposed Earthworks Contours (Sheet 2 of 2)
- 13977/0301 Rev B Parameters Plan - Detailed for Determination
- 13977/0300 Rev B Planning Application Boundaries
- 13977/0310 Rev C Masterplan - Detailed for Determination
- 13977/0311 Rev B Foodstore Elevations - Detailed for Determination
- 13977/0312 Rev B Retail Elevations - Detailed for Determination
- 13977/0313 Rev A PFS (Petrol Filling Station) Elevations - Detailed for Determination
- C4-13027-011 Proposed Site Access - Highway General Arrangements
- 13977/0305 Rev B Foodstore - Ground Floor Plan
- 13977/0306 Rev B Retail Plan
- 13977/0307 Rev A PFS (Petrol Filling Station) Plan
- 13977/0341 Rev C Proposed Typical Retail Bay Section & Elevation for Determination
- CWA_13_168_511 Rev P2 Proposed Drainage Strategy (Sheet 1 of 2)
- CWA_13_168_512 Rev P3 Proposed Drainage Strategy (Sheet 2 of 2)
- CWA_13_168_513 Rev P2 Proposed Surface Finish Contours (Sheet 1 of 2)
- CWA_13_168_514 Rev P3 Proposed Surface Finish Contours (Sheet 2 of 2)

Reason - For the avoidance of doubt and in the interests of proper planning. To ensure the phases of development are delivered in a complementary manner that ensures the appropriate mix of uses for this key site and to restrict the height of buildings to an acceptable level in the interest of visual impact, given the sensitive topography of this urban fringe site. To ensure the phases of development are delivered in a complementary manner that ensures an appropriate mix and spatial distribution of uses across this key development site, to the maximum benefit of the community.

2. No development shall commence until a Strategic Phasing Plan has been submitted to and approved in writing by the Local Planning Authority. The Strategic Phasing Plan shall include details of the following:

- the number of phases;
- the physical extent of each proposed phase of development and the development proposed within it;
- an indicative timescale for implementation of each phase;
- technical design details and timing of any temporary site access (if applicable) for the construction phases of the development
- highways infrastructure including the roundabout junction from the A120 (T) and internal access ways; estate roads; parking (including cycle parking and two wheeler powered vehicle parking) and servicing areas and communal areas;
- strategic landscaping;

- earthworks and changes in existing ground levels including details of the volumes of any materials that are to be exported from or imported to the site
- pedestrian linkages and connections;
- utilities infrastructure including foul and surface water drainage; and
- the order in which the phases are to be developed/delivered

The development shall be carried out in accordance with the details of the Strategic Phasing Plan as approved.

Reason - To ensure that the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning; highway safety; amenity and the character and appearance of the area and to ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties.

3. Notwithstanding the details submitted with the application, no development shall commence in any phase identified within the approved Strategic Phasing Plan (excluding operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of services; and groundworks) until precise details and samples of the external materials to be used in the construction of the development in that phase and the surfacing materials for any car park and all other public circulation areas in that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - In order for the Local Planning Authority to retain control over the materials to be used for the proposed development in the interests of visual amenity and to protect and enhance the character and appearance of the area.

4. Notwithstanding the details submitted with the application, no development shall commence in any phase identified within the approved Strategic Phasing Plan (excluding operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of services; and groundworks) until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the phase, which shall include a timetable for implementation and completion; any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection (during the construction phase and thereafter) which shall comply with the recommendations set out in the British Standards Institute publication 'BS 5837: 2012 Trees in relation to design, demolition and construction'.

Reason - To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

5. The approved landscaping details for each phase (referred to in Condition 4) shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development in the phase to which it relates or in such phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

6. Notwithstanding the details submitted with the application, no development shall commence in any phase of the development identified within the approved Strategic Phasing Plan (excluding operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of services; and groundworks) until a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaping; landscaped areas; Sustainable Urban Drainage features; public open space; amenity space and play areas and equipment has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall be carried out as approved in accordance with the details and the timescales in the Plan.

Reason - To ensure the proper planning, management and maintenance of the approved landscaping; landscaped areas; Sustainable Urban Drainage features; public open space; amenity space and play areas and equipment in the interests of amenity; sustainability and the character and appearance of the area. The site is large and currently exposed open countryside. It will form a new edge to the urban area and it is essential that the development includes adequate provision for structural tree planting and for the soft landscaping to mature and create an appropriate landscaped context for the built development, as permitted.

7. Phase 1 of the development hereby approved shall be carried out in accordance with the Biodiversity and Ecological Enhancement and Mitigation Scheme and Management Plan approved under 19/00754/DISCON.

No development shall commence in any other phase identified within the approved Strategic Phasing Plan until a Biodiversity and Ecological Enhancement and Mitigation Scheme and Management Plan for that Phase (incorporating the recommendations and proposals from the submitted Environmental Statement, September 2014) has been submitted to and approved, in writing, by the Local Planning Authority. The document shall include:

- (i) A survey to confirm (or otherwise) the presence of protected species on the application site.

If protected species are present, the survey shall be accompanied by a scheme of appropriate mitigation measures (including precise details of the timing and method/s of protection). No development shall be undertaken except in full accordance with any such approved scheme of mitigation.

- (ii) A management plan to demonstrate how biodiversity within the site will be encouraged by the development.

Reason - In order to safeguard protected wildlife species and their habitats and in the interests of biodiversity and to ensure best practice measures are used on the site and during both the construction and occupation phases of the development to minimise the impact on birds and wildlife and promote biodiversity.

8. Notwithstanding the details submitted with the application, no development shall commence in any phase identified within the approved Strategic Phasing Plan (excluding operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of services; and groundworks) until precise details of the external appearance and design of any click and collect canopies; trolley

shelters; cycle shelters and other ancillary items of street furniture in that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - In order for the Local Planning Authority to retain control over the design of the proposal in the interests of visual amenity and to protect and enhance the character and appearance of the area.

9. No development shall commence in any phase identified within the approved Strategic Phasing Plan (excluding operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of services; and groundworks) until a detailed scheme for the provision and implementation of water, energy and resource efficiency measures for that phase, during the construction and occupational phases of the development is submitted to and agreed in writing by the Local Planning Authority. The scheme shall follow the principles outlined in the submitted Sustainability Statement dated 06/08/14 and shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

Reason - To enhance the sustainability of the development through better use of water, energy and materials.

- 10 Other than Phase 1, which was agreed in writing on 17 October 2019 under discharge of conditions application ref. 19/00754/DISCON, no development or preliminary ground-works shall commence until a programme of archaeological trial trenching and building recording (including that of the World War II Pill Box occupying the site) has been secured and undertaken in accordance with a Written Scheme of Investigation to be submitted to and approved in writing by the Local Planning Authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/perseveration in situ through re-design of the development, shall be submitted to the Local Planning Authority. No development or preliminary groundwork shall commence on any part of the site identified as containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the approved mitigation strategy. Within six months following the completion of the archaeological fieldwork, a post-excavation assessment shall be submitted to the Local Planning Authority which will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - To ensure the archaeological value of the site is properly assessed and recorded.

11. Other than Phase 1, which was agreed in writing on 17th October 2019 under discharge of conditions application ref. 19/00754/DISCON, no development shall commence in any phase of the development identified within the approved Strategic Phasing Plan until details of a local recruitment strategy for that phase have been submitted to and approved in writing by the Local Planning Authority. The local recruitment strategy shall include details of how the applicants/developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site for the construction of the development and for the uses of the development thereafter. The approved local recruitment strategy shall be adhered to therein after.

Reason - In order to recruit and procure services locally to help and improve employment and training opportunities for local residents.

12. No phase of development shall commence identified within the approved Strategic Phasing Plan (excluding operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of services; and groundworks) until a foul water strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. No buildings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

Reason - To prevent pollution and environmental and amenity problems arising from flooding.

13. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (Environmental Statement 2014) and no phase of development identified within the approved Strategic Phasing Plan shall commence (excluding operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of services; and groundworks) until a surface water drainage scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

i) Incorporate the SuDS "Management Train" and ensure all features are designed in accordance with CIRIA (C697) The SuDS Manual, so ecological, water quality and aesthetic benefits can be achieved in addition to the flood risk management benefits. In addition, the maintenance requirements for the SuDS element of the proposed surface water drainage system should be formulated as per the recommendations within the CIRIA SuDS Manual (C697).

ii) Fully investigate the feasibility of infiltration SuDS as a preference and provide evidence to establish if the principles of any infiltration based surface water drainage strategy are achievable on site, based on the ground conditions, such as infiltration or soakaway tests which adhere to BRE365 guidance.

iii) Provide drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate that the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features. In addition, full design details, including cross sections of any proposed infiltration or attenuation features will be required.

iv) Attenuation storage shall be provided to cater for the 1 in 100 year critical storm plus 30% allowance for climate change and there should be consideration given to long-term storage solutions.

v) Provide calculations to demonstrate that the proposed surface water management scheme has been adequately sized to accommodate the critical duration 1 in 100 year rainfall event including allowances for climate change without causing nuisance or damage. The management strategy should consider both storage and conveyance of surface water.

vi) Provide calculations of the piped network performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change.

vii) Provide sufficient information to demonstrate that people and property will be kept safe from flooding, with consideration given to exceedance flows and overland flow routing from on and off site sources, in accordance with CIRIA C635.

viii) Ensure that any surface water discharged to the receiving ordinary watercourse/ditch shall be no greater than existing present day Greenfield runoff rates for a range of equivalent return

period events up to and including the 1 in 100 year rainfall event with allowances for climate change.

ix) Provide details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.

x) Confirm that the receiving watercourse is in a condition to accept and pass on flows from the discharge proposed.

A scheme for the provision of compensatory storage shall also be submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the surface water strategy and compensatory storage schemes so approved.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason - To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.

14. Notwithstanding the details submitted with the application, the following details (including a date for installation or a timetable for implementation where applicable) shall be submitted for each separate phase of development identified within the approved Strategic Phasing Plan and shall be approved in writing by the Local Planning Authority:

- a. CCTV;
- b. All external lighting, including details of measures to minimise light pollution to adjoining residential properties;
- c. All external plant and machinery;
- d. All boundary treatments (both in the residential; commercial and industrial areas) including the siting, height, design and materials of all boundary walls and fences which face onto public spaces/highways or private drives including engineering and facing material details of all retaining walls;
- e. outside storage of goods, materials or containers shall be stored, stacked or deposited on the site outside the buildings hereby permitted;
- f. A recycling collection point in the retail area and refuse and recycling collection points in the residential and commercial areas; and
- g. A Service Management Plan (specifying delivery times and the means of securing and managing the car parking areas)

The approved details shall be constructed/implemented and adhered to therein after, unless otherwise agreed in writing with the Local Planning Authority.

Reason - In order to prevent crime and create safer, sustainable communities and in order to ensure the location of CCTV protects the privacy of neighbouring residential properties.

15. Other than Phase 1, which was agreed in writing on 17th October 2019 under discharge of conditions application ref. 19/00754/DISCON, no phase of development identified within the approved Strategic Phasing Plan shall commence until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority for that particular phase. The statement shall include:

- i. the parking of vehicles of site operatives and visitors

- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoardings
- v. wheel washing facilities
- vi. HGV Routing plan
- vii. measures to control the emission of dust and dirt during construction
- viii. noise monitoring
- ix. construction site lighting
- x. a scheme for storing; recycling and disposing of waste resulting from demolition and construction works
- xi. construction work hours

The development shall be carried out in accordance with the details so approved.

Reason - To control the construction phase in order to ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and to protect the amenities of the occupiers of nearby residential properties and the efficient operation of nearby commercial properties.

16. The highways and access arrangements for the site shall be carried out in general conformity with the Proposed Site Access/Highway General Arrangements drawing C4-13027-011 dated August 2014. No phase of development identified within the approved Strategic Phasing Plan shall be occupied before these arrangements, as are relevant to the phase being developed, have been delivered and are fully open to traffic.

Reason - To ensure that the A120 trunk road, will continue to fulfil its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, Circular 02/2013 'Planning and the Strategic Road Network'.

17. Other than works approved discharge of conditions application ref. 19/00239/DISCON, no phase of development identified within the approved Strategic Phasing Plan shall commence until drawings and documents containing the following design details relating to the proposed A120 Pond Hall Farm roundabout solution shall have been submitted to and approved in writing by the Local Planning Authority:

i) how the roundabout solution interfaces with the existing highway alignment and carriageway markings including land destinations;

ii) full construction details relating to the roundabout solution including any modification to existing structures or proposed structures, with supporting analysis;

iii) full signing and lighting details where applicable;

iv) confirmation of full compliance with Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards);

v) evidence that the scheme is deliverable within land in the control of either the Highway Authority or the Applicant notwithstanding that this may require a reasonable departure from normal standards; and

vi) an independent stage 2 Road Safety Audit (taking account of any stage 1 Road Safety Audit recommendations) carried out in accordance with Departmental Standards (DMRB) and Advice Notes.

The development shall thereafter be carried out in accordance with the approved details.

Reason - To ensure that the A120 trunk road, will continue to fulfil its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, Circular 02/2013 'Planning and the Strategic Road Network'.

18. No phase of development identified within the approved Strategic Phasing Plan shall commence (excluding operations consisting of site clearance; demolition works; archaeological investigations; investigations for the purposes of assessing ground conditions; remedial work in respect of any contamination or other adverse ground conditions; diversion and laying of services; and groundworks) until details of the following have been submitted to and approved in writing by the Local Planning Authority:
- a) a bus service or services serving the development
 - b) on site bus stop locations and specification
 - c) new off site and/or improved existing off site bus stops, on site bus turn around and/or layover facilities (temporary and/or permanent)

No development shall be occupied until these requirements, as approved, have been delivered.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

19. No phase of the development identified within the approved Strategic Phasing Plan shall be occupied until the following have been provided or completed, relevant to the phase being developed, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority:
- A. A 4-arm roundabout (with a minimum 3 metre wide shared footway/cycleway between all four arms) on the A120 to provide access to the overall proposal site other than up to 80 residential units in the approved residential phase which can be accessed from Stour Close in accordance with drawing 04-13027-011 Proposed Site Access - Highway General Arrangements Rev A. Once 80 residential units have been constructed and occupied, access to the residential phase will use the approved roundabout on the A120;
 - B. A 4-arm roundabout (with a minimum 3 metre wide shared footway/cycleway between all four arms) on the proposed link road to provide access to part of the non-residential element of the proposal;
 - C. A dual carriageway (with a minimum 3 metre wide shared footway/cycleway on both sides) between the two roundabouts mentioned above;
 - D. A left in/ left out priority off the dual carriageway mentioned above to provide access to the hotel. Junction shall include a minimum 2.4x70 metre visibility splay to the right for exiting vehicles;
 - E. A link road between the roundabout mentioned under item B) above and Stour Close. Link road shall have a minimum 6.75 metre wide carriageway and two minimum 3 wide shared footway/cycleways;

- F. A priority junction off the link road mentioned above to provide access to the residential dwellings. Junctions shall include a minimum 70 x 2.4 x 70 metre visibility splay;
- G. Two priority junctions off the link road mentioned above to provide access to the residential dwellings. Junctions shall include a minimum 70 x 2.4 x 70 metre visibility splay;
- H. A bus gate;
- I. Reconfiguration of Stour Close to provide a priority junction off the link road mentioned above. Junction shall include a minimum 70 x 2.4 x 70 metre visibility splay;
- J. For the non-residential phases of the development, a travel plan to include but shall not be limited to provision of a Travel Plan Co-ordinator;

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as transport, cycling and walking.

- 20. No occupation of any part of the phases of the development identified within the approved Strategic Phasing Plan development shall occur, until such time as the service yard and car parking areas related to that phase indicated on the approved plans, including any spaces for the mobility impaired have been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 21. The development hereby permitted within the full application area of the approved planning application boundaries Plan (reference 13977/0300 Rev B) 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.

- 22. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 (or any order revoking or re-enacting those Orders with or without modification), the foodstore and retail units (shown on drawing 13977/306 Rev B) hereby permitted shall be used for Class A1 (Retail) purposes only.

Reason - In order for the Local Planning Authority to retain control over the uses on the site because the retail impact of the development on the town centres of Dovercourt and Harwich has been made on the basis of the information submitted for the scale and nature of the development hereby permitted.

- 23. Notwithstanding the provisions of Article 3, Schedule 2, Part 8 or Part 42 Class A, B or C of the Town and Country Planning (General Permitted Development) Order 1995, as amended, (or in any order revoking or re-enacting that order with or without modification) there shall be no extension to the hereby permitted foodstore and retail units (shown on drawing 13977/306 Rev B) and the A1 retail floor space in the hereby permitted development shall not exceed the following:

- (i) The foodstore shall be limited to 6,422 square metres gross internal area and 4,078 square metres net sales floorspace of which no more than 1,223 square metres shall be used for the sale of comparison goods; and
- (ii) The retail units shall be limited to 6,352 square metres gross internal area and 5,399 square metres net sales floorspace of comparison goods floorspace, of which no unit shall be less than 1,000 square metres.

There shall be no subdivision of the gross internal floor areas or net sales floor areas or the creation of any mezzanine floors in addition to those permitted as part of this application.

Reason - In order for the Local Planning Authority to retain control over the uses on the site because the retail impact of the development on the town centres of Dovercourt and Harwich has been made on the basis of the information submitted for the scale and nature of the development hereby permitted.

- 24. No A1 retail floor space hereby approved shall be occupied by any retailer that, at the date of the grant of this planning permission, or within a period of 6 (six) months immediately prior to the occupation of a phase of development that includes retail, occupies retail floor space within Dovercourt or Harwich town centre.

Reason - To minimise harmful direct competition with Dovercourt and Harwich town centre in the interest promoting their continued vitality and viability and to ensure the retail offer is different to, and does not detract from, that of Dovercourt and Harwich town centre, in the interest of promoting their continued vitality and viability.

- 25. For at least the first 6 (six) months following first occupation, a minimum of two of the Class A1 non food units hereby permitted shall use at least 50% of the net sales area for the sale and display of clothing and footwear and ancillary items in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason - To promote a diverse retail offer in the Harwich area and minimise unnecessary direct competition with Dovercourt and Harwich town centre in the interest promoting its continued vitality and viability.

- 26. No development hereby permitted shall commence within the outline application area of the approved planning application boundaries Plan (reference 13977/0300 Rev B) until plans and particulars of "the reserved matters" relating to appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 27. Application for approval of the reserved matters (listed above) within the outline application area of the approved planning application boundaries Plan (reference 13977/0300 Rev B) shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 28. The development hereby permitted within the outline application area of the approved planning application boundaries Plan (reference 13977/0300 Rev B) shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

29. The maximum number of dwellings to be contained in the residential phase of the development shall be 297 and dwellings shall be erected only within the residential area indicated on the parameters plan 13977/0301 Rev. B.

Reason - To ensure that the functional needs of the development are met within the application site.

30. The A3, A4 and A5 Use Class floor space in the hereby permitted development shall not exceed the following:
- (i) 2,138 square metres gross internal area Class A3 restaurants and Café;
 - (ii) 651 square metres gross internal area Class A4 public House ; and
 - (iii) 651 square metres gross internal area Class A5 drive thru restaurants.

Reason - In order for the Local Planning Authority to retain control over the town centre uses on the site because the impact of the development on the town centres of Dovercourt and Harwich has been made on the basis of the information submitted for the scale and nature of the development hereby permitted.

31. Notwithstanding the provisions of the Town and Country Planning (Use Class) Order 1987, as amended by the Town and Country Planning (Use Class) (Amendment) (England) Order 2005 (or any order revoking or re-enacting those Orders with or without modification), the permitted C1 floorspace shall be used as a hotel and for no other purpose in Class C1 and the gross internal area shall not exceed 2,463 square metres.

Reason - The hotel use has been assessed to be acceptable because it has been shown that the impact on car parking, Dovercourt and Harwich town centres and the interests of sustainability will be within acceptable bounds. Other uses within Class C1 would need to be assessed on their own merits in relation to these criteria to ensure that Dovercourt and Harwich town centres and the interests of sustainability are not harmed.

32. Notwithstanding the provisions of the Town and Country Planning (Use Class) Order 1987, as amended by the Town and Country Planning (Use Class) (Amendment) (England) Order 2005 (or any order revoking or re-enacting those Orders with or without modification), the permitted D2 floorspace shall be used as a cinema and for no other purpose in Class D2 and the gross internal area shall not exceed 2,509 square metres.

Reason - The cinema use has been assessed to be acceptable because it has been shown that the impact on car parking, Dovercourt and Harwich town centres and the interests of sustainability will be within acceptable bounds. Other uses within Class D2 would need to be assessed on their own merits in relation to these criteria to ensure that Dovercourt and Harwich town centres and the interests of sustainability are not harmed.

33. At least 10% of the gross residential site area shown on the approved parameters plan 13977/0301 Rev. B shall be laid out for use as play space and other amenity open space in accordance with a scheme submitted to and approved, in writing, by the Local Planning Authority before any development within the residential site area commences and such spaces shall subsequently be provided as specified in the scheme so approved and made available for use within 12 months of the occupation of any dwelling within that phase of development and thereafter retained for public use.

Reason - To ensure a satisfactory development in terms of public play space and open space in the interests of local amenity.

34. The amount and type of business floor space within the development hereby permitted shall be a maximum of 26,678 square metres floor space in Class B1 , B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall be erected only within the employment areas as specified in the approved Strategic Phasing Plan.

Reason - To ensure that the functional needs of the development are met within the application site.

35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended or the Town and Country Planning (use Classes) Order 1987 as amended (or any Orders revoking and re-enacting those Orders with or without modification) no more than 2,607 square metres gross internal area of the floor space hereby approved shall be used as an office (whether in whole or in part) except as ancillary to the principal use of that building hereby approved.

Reason - In order to ensure that the development is sustainable for its lifetime in accordance with the National Planning Policy Framework and because Class B1 office uses are defined as 'town centre uses' by the National Planning Policy Framework (March 2012) and the accompanying National Planning Policy Guidance: Ensuring the Vitality Viability of Town Centres (March 2014).

9. 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.

Informatives

Informative: This decision is also subject to a planning obligation under section 106 of the Town and Country Planning Act 1990 the purpose of which is to exercise controls to secure the proper planning of the area and to ensure that the development is sustainable for the lifetime. The planning obligation runs with the land and not with any person or company having an interest therein.

Informative: The applicant's attention is drawn to the advisory comments of Essex County Council Highway Authority in its letter of 22nd January 2015.

Informative: The applicant's attention is drawn to the advisory comments of Essex County Council Archaeological Officer dated 20th December 2014.

Informative: The applicant's attention is drawn to the advisory comments of Essex County Council Lead Flood Authority in its letter of 4th November 2014.

Informative: The applicant's attention is drawn to the advisory comments of the Highways Agency (now Highways England) in its letter of 25th November 2014.

Informative: The applicant's attention is drawn to the advisory comments of the Environment Agency in its letter of 30th December 2014.

10. Additional Considerations

Public Sector Equality Duty (PSED)

- 10.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 10.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 10.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 10.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 10.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 10.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 10.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 10.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 10.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 10.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 10.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

10.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

11. Background Papers

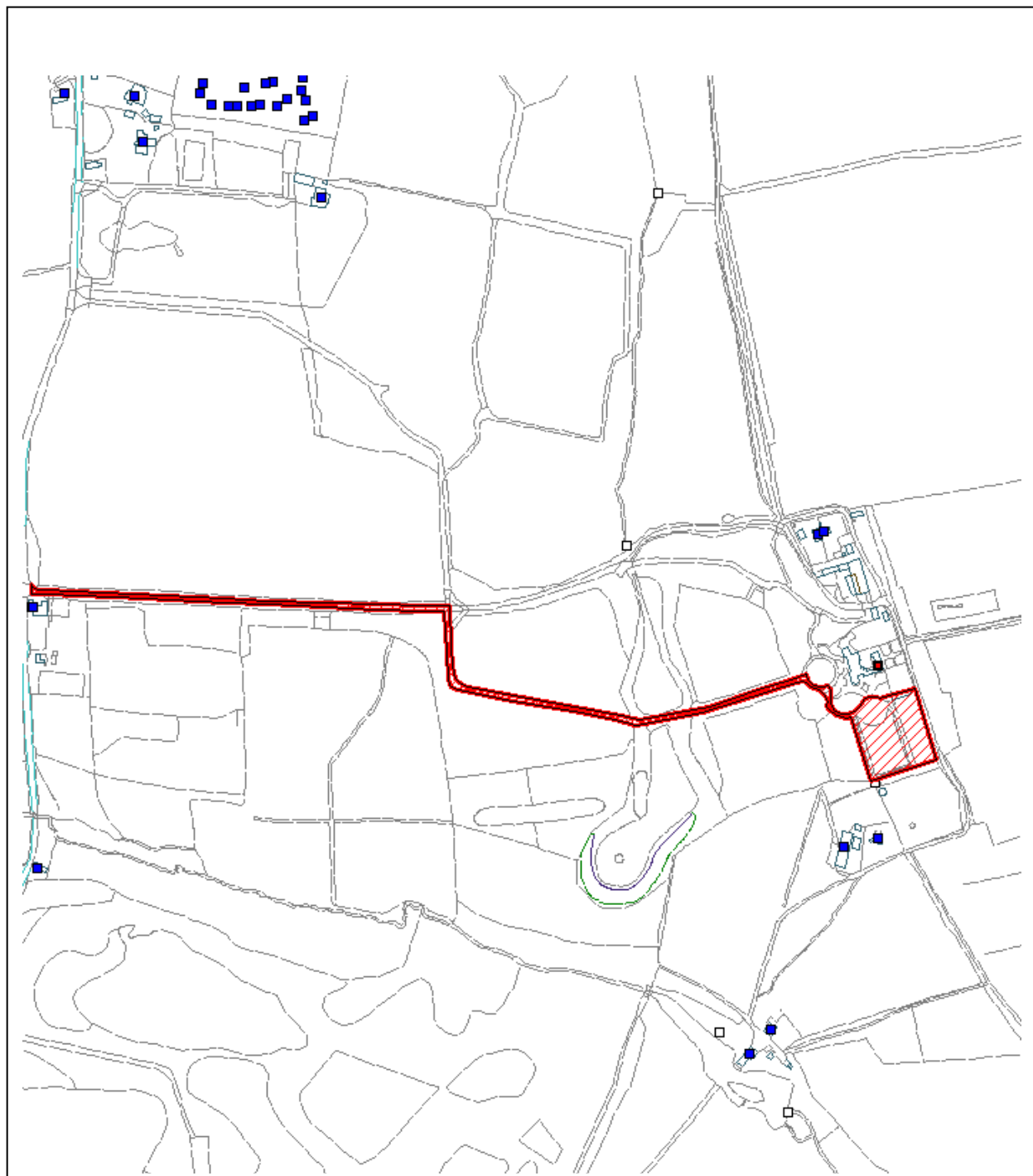
11.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

PLANNING COMMITTEE

17th March 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.3 PLANNING APPLICATION – 20/01523/FUL AND 20/01524/LBC – ALRESFORD HALL FORD LANE ALRESFORD COLCHESTER



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application: 20/01523/FUL and 20/01524/LBC **Town / Parish:** Alresford Parish Council

Applicant: Mr and Mrs Marsden

Address: Alresford Hall Ford Lane Alresford Colchester CO7 8AY

Development: Proposed swimming pool in the south side of the walled gardens. Proposed repair of walls, the raising of the east wall, a flight of brick steps, and the reinstatement of the original and new gates to the existing openings of the garden. (Part retrospective.)

1. **Executive Summary**

- 1.1 The application is referred to the Planning Committee by Councillor Scott on grounds that a full archaeological investigation scheme was not undertaken, the requirement of a justification for an increase in wall height, the need for new materials to be assessed by experts in the field of historic building restoration. For example, the type of lime mortar being considered and for samples provided of bricks that are to be used in any works, and mortar samples should be taken of completed works to ensure the lime/sand/mortar mix is acceptable.
- 1.2 The applications seek retrospective planning permission and retrospective listed building consent for a swimming pool in the south walled gardens, repair to part of a wall that was storm damaged and a flight of steps.
- 1.3 The applications seek planning permission and listed building consent to repair and raise the east garden wall, reinstate the original and new gates to the existing openings in the garden, and build a small section of wall to infill next to the shed to be able to install a gate.
- 1.4 It is regrettable that some works have been completed which have not allowed the necessary archaeological investigations to take place, however the application presents a development that is acceptable in terms of design, visual impact and heritage considerations and is recommended for approval subject to the necessary conditions set out below.

Recommendation:

That the Head of Planning be authorised to grant planning permission and listed building consent for the development subject to:-

- a) The conditions stated in section 8.2 and 8.3

2. **Planning Policy**

2.1 The following Local and National Planning Policies are relevant to this planning application.

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

- QL9 Design of New Development
- QL11 Environmental Impacts and Compatibility of Uses
- EN22 Extensions or Alterations to a Listed Building
- EN23 Development Within the Proximity of a Listed Building
- EN29 Archaeology

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

- SPL3 Sustainable Design
- PPL7 Archaeology
- PPL9 Listed Buildings

Status of the Local Plan

- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 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.
- 2.6 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.

3. Relevant Planning History

01/00154/FUL	New private drive and entrance wall/piers to Alresford Hall and the estate	Approved	25.04.2001
91/00962/FUL	Change of use of private residence to residential home for the elderly plus new sewage treatment plant.	Approved	15.10.1991
96/00927/LBC	Repairs and renovations as per schedule of works	Approved	03.03.1997
04/00910/FUL	Erection of lean-to extension, chimney and enclosure of existing covered way	Approved	25.06.2004
04/00911/LBC	Erection of lean-to extension, chimney and enclosure of existing covered way	Approved	25.06.2004
04/01125/FUL	Erection of brick wall in kitchen garden	Approved	10.12.2004
04/01204/LBC	Erection of brick wall in kitchen garden		29.11.2004
05/00444/FUL	Renovation, conversion and change of use of barn to form two dwellings and all ancillary works.	Approved	01.06.2006
05/00472/LBC	Renovation, conversion and change of use to form two dwellings.	Approved	01.06.2006
83/00006/FUL	Dwelling house	Approved	12.04.1983
83/00219/FUL	Continued use and extn of part as wholesale nursery garden, retention of two multispan polythene tunnels	Approved	12.04.1983
88/01172/FUL	Retention of polythene tunnels and potting shed related to horticultural nursery (part of renewal of 83/00219/FUL)	Approved	09.08.1988
93/00001/AGRIC	Agricultural Glasshouses	Determination	18.02.1993
10/01245/FUL	Alterations to the north east wing of house including replacement of roof coverings, internal alterations to the	Approved	24.01.2011

	kitchen, alterations to the main bathroom, reinstatement of chimney to courtyard and other ancillary works.		
10/01246/LBC	Alterations to the north east wing of house including replacement of roof coverings, internal alterations to the kitchen, alterations to the main bathroom, reinstatement of chimney to courtyard and other ancillary works.	Approved	24.01.2011
11/00403/FUL	Alterations to the north east wing of house including replacement of roof coverings, internal alterations to the kitchen, alterations to the main bathroom, reinstatement of chimney to courtyard and other ancillary works.	Approved	13.06.2011
11/00406/LBC	Alterations to the north east wing of house including replacement of roof coverings, internal alterations to the kitchen, alterations to the main bathroom, reinstatement of chimney to courtyard and other ancillary works.	Approved	31.05.2011
11/01305/FUL	Installation of 10kw ground mounted solar pv system.	Approved	04.01.2012
12/01328/FUL	Installation of community biomass system, to include a new plant room/fuel store building.	Approved	17.01.2013
12/01329/LBC	Installation of community biomass system, to include a new plant room/fuel store building.	Approved	
19/30144/PREAPP	Proposed farm diversification to create a childrens adventure playland within Alresford Hall Estate.		09.10.2019
19/01856/FUL	Proposed farm diversification to create a childrens adventure playland within Alresford Hall Farm	Approved	17.08.2020
20/01151/DISCON	Discharge of condition 7 (reptile mitigation) of approved application 19/01856/FUL.	Approved	08.09.2020
20/01404/DISCON	Discharge of conditions 2 (gates) and 3 (walls and piers) of approved application 01/00154/FUL.	Approved	08.12.2020

20/01523/FUL	Proposed swimming pool in the south side of the walled gardens. Proposed repair of walls, the raising of the east wall, a flight of brick steps, and the reinstatement of the original and new gates to the existing openings of the garden. (Part retrospective.)	Current	
20/01524/LBC	Proposed swimming pool in the south side of the walled gardens. Proposed repair of walls, the raising of the east wall, a flight of brick steps, and the reinstatement of the original and new gates to the existing openings of the garden. (Part retrospective.)	Current	
20/01603/DISCON	Discharge of conditions 3 (Materials), 5 (Play Equipment), 8 (Biodiversity Enhancement Layout), 9 (Lighting), 11 (Construction Traffic Management Plan), 20 (Mitigation Strategy), 21 (Contamination), 22, 25 and 26 (Foul and Surface Water) of approved planning application 19/01856/FUL.	Current	
21/00060/AGRIC	Proposed development for the creation of a concrete pad for agricultural use.	Determination	08.02.2021

4. Consultations

Essex County Council Archaeology
15.02.2021

The above application lies within a historic site and an area of high potential for archaeological remains as evidenced by the EHER, aerial photographic evidence and recent archaeological evaluation in the adjoining fields.

The 2020 evaluation in the adjacent fields recorded ditches that formed part of ring ditches, enclosures and a possible track way, and the archaeological features partially correlate with the cropmarks recorded on the HER with additional features being identified. More significantly the trackway recorded is dated to the Roman period and would lead towards the site recorded on the HER in the vicinity of Stable Cottage where evidence for a Roman building was reported and Roman finds were recovered. The Heritage Statement submitted with this application incorrectly reports that archaeological investigation of the cropmarks failed to identify them and concludes that "it seems unlikely that they represent archaeological features, let alone extend into the Site" The NPPF (Paragraph 199) states that "Local planning

authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. This development has taken place without a suitable archaeological investigation taking place and any evidence for prehistoric and historic remains has been disturbed or destroyed by the work undertaken. It is understood that no further groundworks are proposed for the above application, so all damage has already occurred. Should the soil excavated from the swimming pool area be accessible there is potential for archaeological artifacts to be present within it which would be out of context though could provide some evidence of any potential archaeological activity within the area.

If the soil is still present on site the only means of recovering information would be for this to be investigated through metal detecting and observation by an archaeological contractor to recover artefacts.

Essex County Council Heritage
04.01.2021

This application is for a proposed swimming pool in the south side of the walled gardens. Proposed repair of walls, the raising of the east wall, a flight of brick steps, and the reinstatement of the original and new gates to the existing openings of the garden. (Part retrospective.)

The main heritage assets for consideration are:

- Grade II listed Alresford Hall (List Entry ID: 1111422);
- Grade II Listed Barn 70 Metres north east of Alresford Hall (List Entry ID: 1111423); and
- Walled Gardens to the rear and right of Alresford Hall (List Entry ID: 1168865).

ECC Heritage have no objections to this application. There appears to be a discrepancy in the drawings of the proposed garden wall which illustrates 9 and 7 courses in height (we believe 7 courses should be on both to retain step in wall height) which should be clarified.

ECC Heritage recommend conditions are attached to any permission requiring samples of new bricks and details of mortar to be used.

National Amenity Societies

No comments received

5. Representations

5.1 Alresford Parish Council object to the applications and make the following comments:

Insufficient justification is provided for certain aspects of the work and insufficient information is provided regarding important details relating to materials to be used in future works. In addition, detailed specifications and samples of materials used in works carried out have not been

forthcoming. The Council suggests that fresh and revised applications are submitted in preference to conditions attached to any possible approval of the current applications that Tendring District Council officers might consider in the circumstances. It is not being suggested by Alresford Parish Council that the main works already carried out are completely reversed rather it is now a question of making sure all future above ground features are acceptable to experts in the field of historic building preservation and restoration and that below ground archaeology is not ignored. Materials used so far need examination. All members of the Parish Council who have considered the applications were particularly disappointed that Listing Building Consent and Planning Permission was not obtained before commencement of demolition and rebuilding of walls took place and that full archaeological surveys were not undertaken when the swimming pool was excavated.

M-Arc Heritage who have prepared a report for the applicant, in affirming that there is nothing of archaeological consequence in relation to the Alresford Hall Grade II Listed Walled Gardens appear to have overlooked the Essex Archive records of the area. It is stated that COVID-19 restrictions prevented this, but surely the MH report should have been delayed until such time as potentially important evidence might be found in the archives. It will be found that 1st and 2nd century Roman remains were discovered at Stable Cottage in the late 1980's and early 1990's by Philip Clarke of the Essex County Council Archaeological section. The garden of nearby Stable Cottage actually adjoins the Alresford Hall Grade II Listed Walled Gardens at one end and therefore provides another very important reason for further examination. Unfortunately, the 100's of tons of spoil already excavated for the swimming pool have obviously not been examined.

Allowing listed building consent and planning permission applications to be retrospectively passed with a nod sets an important precedent for anyone with a listed building who might decide it would be much cheaper and less problematic to just go ahead and develop, assuming a retrospective approach will win the day.

Alresford Parish Council suggests revised applications that cover the following are submitted by the applicant:

- i. A full archaeological investigation scheme. Local Plan policy EN29 mentions the importance of archaeological surveys.
- ii. The justification for an increase in wall height. Page 2 of 4.
- iii. The need for new materials to be assessed by experts in the field of historic building restoration. For example, the type of lime mortar being considered and for samples provided of bricks that are to be used in any works.
- iv. Mortar samples should be taken of completed works to ensure the lime/sand/mortar mix is acceptable. This will determine if the work complies with both the Planning (listed buildings and conservation) Act – section 7 and clause 31 of the IHBC guidance note

Further comments: Alresford Parish Council understands the need to “breathe new life into old buildings” and acknowledges that the applicant has apologised for departures from the usual, lawful, planning procedures, however, the 970 Listed Buildings in Tendring are listed for very good reasons and we must all address the need for conservation of our heritage assets. The Tendring Heritage Strategy published in July 2019 highlights the need for conservation and collaboration to protect listed buildings.

We also draw the attention of Tendring District Council officers to the following: Under Section 9(1) of Chapter II of the Planning (Listed Buildings and Conservation Areas) Act, Authorisation of works affecting listed buildings/ Control of works in respect of listed buildings - it is an offence to contravene section 7 which provides that: "No person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which

would affect its character as a building of special architectural or historic interest, unless the works are authorised”

5.2 Three letters of objection have been received. The concerns raised are summarised below.

- Lack of archaeological assessment and survey of excavated area
- Inaccurate description of demolished/rebuilt listed garden wall and lack of record of the original before demolition
- Loss of any historical record and loss of the lean to structure
- Works have been executed without planning permission or listed building consent

The points raised above have been addressed in the main assessment.

6. Assessment

Site Context

6.1 The Site occupies the grounds of the Grade II Listed Building of Alresford Hall. Alresford Hall is set in a rural landscape mainly surrounded by pasture and arable land. The walled garden subject of this application lies to the south of Alresford Hall. The walls enclosing the garden are listed at Grade II. The south garden is divided by a wall thereby creating an eastern and western side.

6.2 The Listing information dates the brick walls enclosing the gardens on the south side of the hall to the 18th century, which suggests that the gardens were laid out when the hall was built. However, historic maps demonstrate that the garden was extended to the south during the mid-19th century.

6.3 While the walls at the north end of the gardens possibly date to the 18th century, those that fall within the site all appear to be mid-19th century in date, evidenced by imperial brick in the walls, rather than the slightly narrower Georgian brick.

Planning History

6.4 There is various planning history relating to Alresford Hall, most recently the childrens adventure playland incorporating a large area of the estate, however there is no planning history relating to the south walled garden areas subject of this application.

Proposal

6.5 The applications seek retrospective planning permission and retrospective listed building consent for a swimming pool in the south walled gardens, repair to part of a storm damaged wall that divides the eastern and western side of the garden and a flight of steps.

6.6 The applications seek planning permission and listed building consent to repair and raise the east garden wall, reinstate the original and new gates to the existing openings in the garden, and build a small section of wall to infill next to the shed to be able to install a gate.

Design, Appearance and Heritage

6.7 Saved Policies QL9 and QL11 of the adopted Tendring District Local Plan (2007) seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Emerging Plan.

- 6.8 Policy EN22 of the adopted Tendring District Local Plan (2007) states that development involving proposals to extend or alter a Listed Building will only be permitted where it would not result in the damage or loss of features of special architectural or historic interest; and the special character and appearance or setting of the building would be preserved or enhanced. Policy EN23 of the adopted Tendring District Local Plan (2007) concerns development within the proximity of a Listed Building and confirms that proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted. These sentiments are carried through in Policy PPL9 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.9 A modest-sized swimming pool has been excavated at the north end of the site, close to the existing entrance to the East Garden. The pool has been located between the west wall of the garden and the outbuilding bordering the north end of the site. The pool is rectangular with steps on the east side. It is surrounded by plain, stone edging and a brick border. Its interior is covered by a blue, water-proof lining. A hedge has been planted on the south side of the pool and further planting is proposed.
- 6.10 The pool lies within the settings of the listed walls and the outbuilding, and that of Alresford Hall itself. The introduction of the swimming pool has altered the settings of these designated heritage assets however the setting is enclosed and the pool does not obscure any views either within or outside the gardens. The pool has not directly affected the fabric of the listed buildings. The addition of planting in the area surrounding the pool will help to take the eye away from the blue pool. It is acknowledged from the evidence submitted that the eastern garden has seen many changes over a long period of time and that many walled gardens are no longer in use for their original purposes. The swimming pool is considered to result in less than substantial harm to the character or appearance of the listed building settings.
- 6.11 The north end of the wall between the East and West Gardens has been repaired after storm damage. Both the wall and the supporting buttresses on the east side have been rebuilt in imperial brick, laid in Flemish bond to the dimensions of the damaged wall. The original bricks were reused where possible and they were bonded using lime mortar.
- 6.12 The wall between the East and West Gardens is likely to be a later addition to the garden, however the wall is still of architectural and historic interest. It is also mostly intact, apart from the repaired section. There is no indication that the wall has been either raised or altered, which enhances its significance. Evidence suggests that there was a lean to or structure on the east side of the wall, possibly adjoining the wall and offering support. The removal of the structure which is not recorded may have weakened the wall in this area. The rebuilding of the wall has been carried out sensitively and has preserved the significance of the wall by restoring it to its state prior to damage.
- 6.13 A flight of five brick steps has been built at the east end of the curved terrace wall in the West Garden. The steps have been built out of metric brick and rise from the garden up to the raised walkway around the perimeter of the West Garden. The steps have stepped brick sides with brick coping. The north side of the steps has been built on top of the curved terrace wall. The steps lead to an area paved in brick by the entrance to the East Garden.
- 6.14 The only fabric affected by the works is the curved terrace wall at the north end of the West Garden. The wall is a 21st century introduction into the garden that was granted consent in 2004 (04/01125/FUL and 04/01204/LBC). The steps are in-keeping with the brickwork of the garden walls and Alresford Hall. The introduction of the brick steps has not resulted in any harm to historic fabric and result in less than substantial harm to the settings of either the hall or the garden walls.

- 6.15 The proposal includes raising the height of the north section of the east wall in the East Garden by nine courses of red brick laid in stretcher bond. The proposed wall would be one course lower than the south section of the existing wall.
- 6.16 The south section of the wall is intact, but the condition of the north section is much poorer. The upper part of the wall has already been raised by six to seven courses of brick laid in stretcher bond. The brickwork suggests that the upper courses were added during the mid to late 20th century. Some of the top course, or the brick coping is missing, and the top of the wall is uneven. The top seven rows of bricks would be removed and relaid and two further rows added to increase the height to maintain privacy.
- 6.17 Because the upper part of the north section of the east wall has already been raised, no significant fabric would be compromised by the proposal. The existing height of the south section of the east wall provides a historic precedent for raising the north end of the wall. The one course reduction in the height of the proposed wall would demonstrate that the raised wall was a later alteration. The proposal would not harm the significance of the wall but would serve to strengthen and improve its appearance. Details and samples of the new bricks and confirmation of the mortar will be secured by condition.
- 6.18 The proposed new section of wall which will infill a small section between the brick outbuilding and the dividing garden wall and new gate will measure 1.23 metres in width and 1.2 metres in height.
- 6.19 A new section of wall in this location is considered acceptable and will not significantly harm the character, fabric or appearance of the listed buildings and will allow the new wrought iron gates to be suitably secured. Details and samples of the new bricks and confirmation of the mortar will be secured by condition.
- 6.20 The proposed gates, one of timber and the others of ornate wrought iron exemplify the use of traditional materials with traditional designs which complement the character and appearance of listed buildings. The gates will be secured on wooden posts and wrought iron posts respectively ensuring that there will be no harm to the historic fabric of the walls.
- 6.21 A comprehensive Heritage Impact Assessment has been submitted as part of the planning application and listed building consent and which provides the appropriate level of detail in this case.
- 6.22 Essex County Council Heritage were consulted on the applications and conducted a site visit. An inspection of the completed works was carried out and they raise no objections to the retrospective or proposed works. The Heritage Team recommend conditions are attached to any permission requiring samples of bricks and details of the mortar to be used.
- 6.23 The retrospective and proposed works would result in less than substantial harm to the historic fabric and setting of the listed buildings. The retrospective and proposed work specifically to the walls will rather preserve what is there for future generations and sympathetically add to it ensuring the gardens can continue to be used and enjoyed by the family and any future occupiers.

Archaeology

- 6.24 Policy EN29 of the adopted Tendring District Local Plan (2007) confirms that where applications are submitted on sites where information indicates that there are likely to be archaeological remains, the Council will expect to be provided with the results of an archaeological evaluation prior to the determination of an application. Policy PPL7 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) follows up these sentiments.

- 6.25 Paragraph 189 of the NPPF states “Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate deskbased assessment and, where necessary, a field evaluation.”
- 6.26 Paragraph 199 of the NPPF states that “Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.”
- 6.27 The submitted Heritage Impact Assessment makes reference and provides a desk based assessment of the archaeological interest. It concludes that it is not expected to hold significant remains of archaeological interest however this is considered incorrect.
- 6.28 Essex County Council Archaeology confirms that the site is historic and an area of high potential for archaeological remains as evidenced by the EHER, aerial photographic evidence and recent archaeological evaluation in the adjoining fields.
- 6.29 The 2020 evaluation in the adjacent fields recorded ditches that formed part of ring ditches, enclosures and a possible track way, and the archaeological features partially correlate with the cropmarks recorded on the HER with additional features being identified. More significantly the trackway recorded is dated to the Roman period and would lead towards the site recorded on the HER in the vicinity of Stable Cottage where evidence for a Roman building was reported and Roman finds were recovered.
- 6.30 It is deeply regrettable that this development has taken place without a suitable archaeological investigation taking place and any evidence for prehistoric and historic remains has been disturbed or destroyed by the work undertaken.
- 6.31 The groundworks have been completed on site and therefore there is not an opportunity to discover evidence of any potential archaeological activity within the area.

7. Conclusion

- 7.1 The proposal will not result in any adverse impact on the character, appearance and historic fabric of the listed buildings and therefore in the absence of any material harm resulting from the development, the applications are recommended for approval.

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission and listed building consent subject to the following conditions in 8.2 and 8.3.

8.2 Conditions and Reasons - 20/01523/FUL

- 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:

Proposed east garden wall works revision 2.2 received 10th February 2021
Drawing titled 'gate design for opening between tennis court lawn and pool garden'
Drawing titled 'Gate design for opening between main lawn and tennis court - left hand gate'
Photo titled 'Gate design for the wooden gate to be located in the existing opening in the north east corner of the walled garden'
Drawing titled 'Gate design for opening between main lawn and tennis court - right hand gate'
Drawing titled 'The proposed view of the gates for the gap between the shed and the repaired wall'.

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

- 3 Prior to relaying and replacing the bricks on the east wall and prior to laying the bricks to infill the section next to the shed the following shall be submitted to and approved in writing by the Local Planning Authority:
A sample of the red brick proposed;
Details of the mortar mix, profile and finish.

Reason - To ensure that special regard is paid to the architectural interest and integrity of the walls surrounding the garden.

8.3 Conditions and Reasons – 20/01524/LBC

- 1 The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason - To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) 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:

Proposed east garden wall works revision 2.2 received 10th February 2021
Drawing titled 'gate design for opening between tennis court lawn and pool garden'
Drawing titled 'Gate design for opening between main lawn and tennis court - left hand gate'
Photo titled 'Gate design for the wooden gate to be located in the existing opening in the north east corner of the walled garden'
Drawing titled 'Gate design for opening between main lawn and tennis court - right hand gate'
Drawing titled 'The proposed view of the gates for the gap between the shed and the repaired wall'.

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

- 3 Prior to relaying and replacing the bricks on the east wall and prior to laying the bricks to infill the section next to the shed the following shall be submitted to and approved in writing by the Local Planning Authority:
A sample of the red brick proposed;
Details of the mortar mix, profile and finish.

Reason - To ensure that special regard is paid to the architectural interest and integrity of the walls surrounding the garden.

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

10. Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

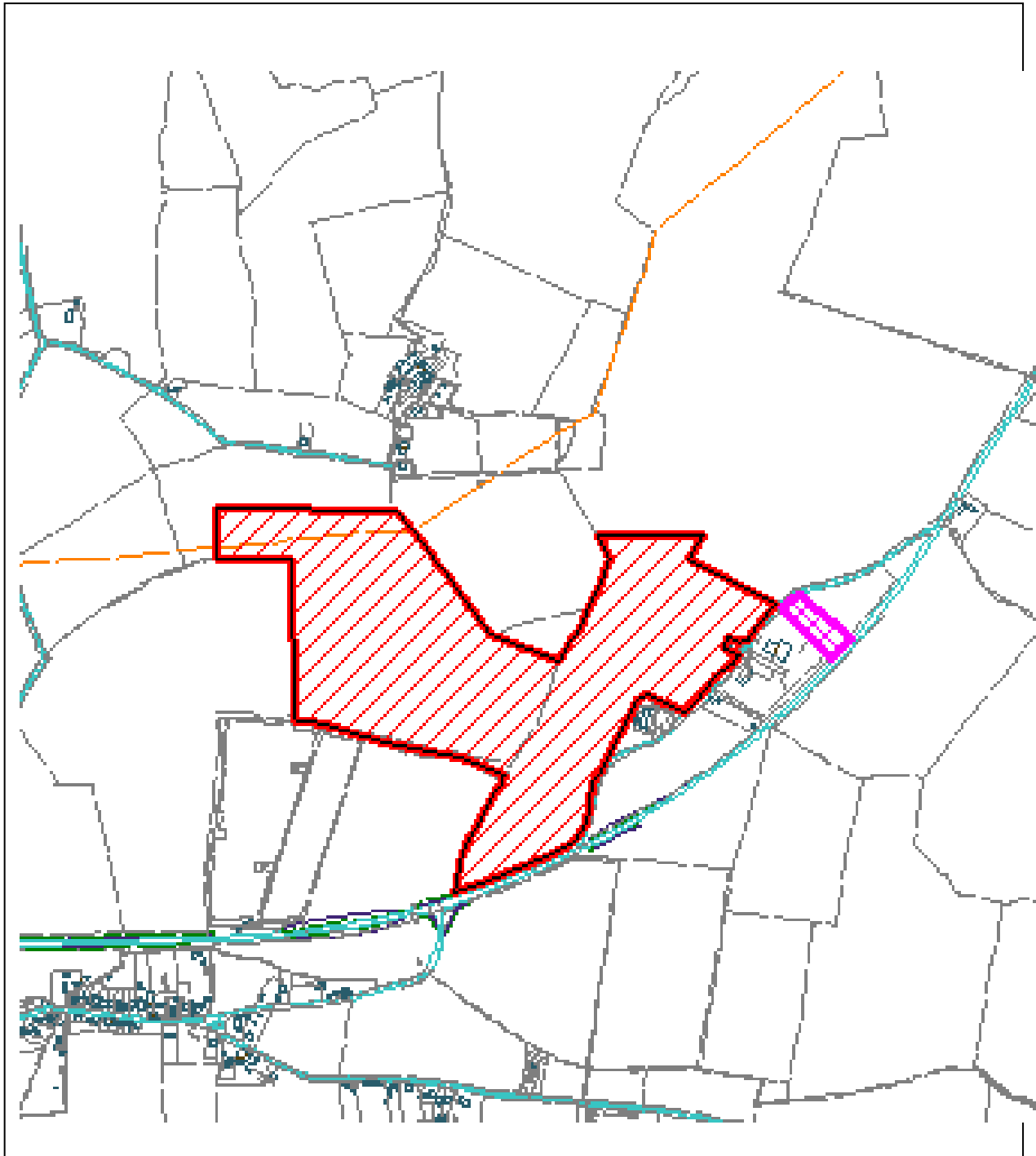
This page is intentionally left blank

PLANNING COMMITTEE

17 MARCH 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.4 PLANNING APPLICATION - 20/01384/FUL - LAND SOUTH OF PRIMROSE HALL PRIMROSE LANE RAMSEY HARWICH



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application: 20/01384/FUL

Town / Parish: Ramsey & Parkeston Parish Council

Applicant: Mr Matt Rudling - Cell Energy Ltd

Address: Land South of Primrose Hall Primrose Lane Ramsey Harwich CO12 5NB

Development: Placement of a ground-mounted solar farm including associated infrastructure, namely inverters, transformer, a DNO substation and grid connection.

1. Executive Summary

- 1.1 This application is referred to the Planning Committee at the discretion of the Assistant Director of Planning due to the scale and size of the proposal.
- 1.2 This application proposes the placement of a ground-mounted solar farm including associated infrastructure, namely inverters, transformer, a DNO substation and grid connection. The farm will have an export capacity of 17.6 Mega Watts (MW).
- 1.3 There is a recognised need and support for renewable energy technology through National and Local planning policy and this development would contribute towards the targets set for the UK's greenhouse gas emission reduction and increasing the country's energy supply from renewable sources.
- 1.4 The assessment of a renewable energy proposal requires the impacts to be considered in the context of the strong in principle policy support given the Government's conclusion that there is a pressing need to deliver renewable energy generation. In this case, there is no adverse impact on heritage assets, ecology, residential amenity, highway safety or flood risk. There is also the opportunity to improve biodiversity.
- 1.5 The landscape impact is considered to be relatively local, contained mainly to the adjacent A120, Bowl Road and the Public Right of Way that crosses the site. This impact however is considered to be of moderate harm. The landscape mitigation would soften the impact but would not eliminate it.
- 1.6 However, the localised impact on the area is not considered to be sufficient to recommend refusal especially given the lack of harm in other respects and the benefits to biodiversity and the long term benefits to the landscape when the site is decommissioned by the planting mitigation retained. Therefore, although officers have found moderate harm to the countryside, the localised extent of harm does not outweigh the national benefits derived from providing renewable energy.
- 1.7 The proposals can therefore be considered to be in accordance with saved policies EN1 and EN4 and emerging policy PPL 3 and represents an appropriate form of development in the countryside. Therefore, the principle of the development in this location is acceptable.
- 1.8 The application is supported by saved policy EN13A and emerging policy PPL10 which advocates for new proposals for renewable energy developments in the District. The energy generated by the proposed development will contribute to supporting growth in the region, and the carbon emissions saved as a result of generating electricity from a renewable source, would help to tackle climate change and minimise resource use.

Recommendation: Approval

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Subject to the conditions stated in section 8.2

2. Planning Policy

2.1 The following Local and National Planning Policies are relevant to this planning application.

NPPF National Planning Policy Framework

National Policy:

National Planning Policy Guidance – Renewable and Low Carbon Energy (2015)

Local Plan Policy:

Tendring District Local Plan 2007

QL3	Minimising and Managing Flood Risk
QL9	Design of New Development
QL11	Environmental Impacts and Compatibility of Uses
COM21	Light Pollution
COM22	Noise Pollution
COM23	General Pollution
EN1	Landscape Character
EN4	Protection of the Best and Most Versatile Agricultural Land
EN6	Biodiversity
EN6A	Protected Species
EN6B	Habitat Creation
EN11B	Protection of National Sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review site, Geological Conservation Review sites
EN13A	Renewable Energy
EN23	Development Within the Proximity of a Listed Building
TR1A	Development Affecting Highways
TR2	Travel Plans
TR4	Safeguarding and Improving Public Rights of Way

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

SPL1	Managing Growth
SPL3	Sustainable Design
PPL1	Development and Flood Risk
PPL3	The Rural Landscape
PPL4	Biodiversity & Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL7	Archaeology
PPL9	Listed Buildings
PPL10	Renewable Energy Generation
CP1	Sustainable Transport and Accessibility

Supplementary Planning Guidance:

- Tendring Landscape Character Assessment (Volume 2) (2001)

Status of the Local Plan

2.2 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. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

2.3 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.

2.4 The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

2.5 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already 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.

2.6 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.

3. Relevant Planning History

20/01384/FUL	Placement of a ground-mounted solar farm including associated infrastructure, namely inverters, transformer, a DNO substation and grid connection.	Current
--------------	--	---------

4. Consultations

Natural England
27.11.2020

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

European sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Landscape advice - Dedham Vale and Suffolk Coast & Heaths AONB's

The proposed development is for a site within or close to a nationally designated landscape. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory

management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose.

Environment Agency

No comments as outside jurisdiction.

ECC SuDS Consultee
05.01.2021

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

Condition 1

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. There should be a minimum of a 1m gap between the highest annual ground water level and the base of any infiltrating feature. All point infiltration features should maintain a 5m distance from any structure foundations.
- Ensuring that discharge rates and volumes are not increased as a result of the application for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change.
- Detailed information regarding the mitigation of the risk channels being created by the solar arrays.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in

chapter 26 of the CIRIA SuDS Manual C753.

- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Condition 5

The development hereby permitted shall not be commenced until such time as a soil management plan has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

Soil compaction and the creation of channels can cause increased run-off rates and volumes from the site. Therefore a soil management plan should show how this will be mitigated against.

Failure to provide the above required information before commencement of works may result in a system being

installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Suffolk Coast and Heaths Area of Outstanding Natural Beauty
25.11.2020

The site lies approximately 1.3 km south from the boundary of the Suffolk Coast & Heaths AONB.

A recent visit has been undertaken to the area to consider potential landscape and visual impacts on the AONB and the submitted LVIA has been viewed as part of the application.

Paragraph 6.18. of the LVIA stated the following:

Within the 5km study area, the ZTV suggested no intervisibility between the application site and Dedham Vale, and very low intervisibility between the Suffolk Coasts and Heaths AONB and the site. Intervisibility with the Suffolk Coasts and Heaths AONB has been checked at the closest point of the AONB to the site, VP10, and by VP15, close to the AONB edge. Both of these viewpoints showed no intervisibility between the Application site and the AONB. It is judged therefore that the site is unlikely to be visible from any other part of the AONB due to the 2-5km distance range between the sites and the likelihood of intervening vegetation and settlement screening views.

Overall the LVIA concluded that the proposed development will have no impact on either the Dedham Vale or Suffolk Coasts and Heaths AONB landscapes

The AONB team broadly agrees with these findings and consider that given the distance of the site from the Dedham Vale AONB and particularly the Suffolk Coast & Heaths AONB boundary, local topography, intervening buildings and vegetation, that neither of the Nationally Designated Landscapes will be impacted by the above windfarm proposal.

We have no further comment to make

Department For Environment Food and Rural Affairs

No comments received

The Ramblers Association

No comments received

Highways England
18.01.2021

Referring to the planning application referenced above, dated 23 October 2020, application for the placement of a ground-mounted solar farm including associated infrastructure, namely inverters, transformer, a DNO substation and grid connection, Land South of Primrose Hall Primrose Lane Ramsey Harwich, notice is hereby given that Highways England's formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A - Highways England recommended Planning Conditions);

This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk.

Annex A

HIGHWAYS ENGLAND has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard 20/01384/FUL and has been prepared by Mark Norman.

Highways England have reviewed the information submitted in support of this planning application. We requested further information to enable us to establish that the strategic road network will continue to perform in accordance with the requirements of the Highways Act 1980. We have now reviewed this additional information.

Recommended Condition -

Within 18 months of grant of planning application 20/01384/FUL the developer shall have submitted and approved in writing by the local planning authority in consultation with Highways England the following design details relating to the required improvements to the A120 site access. The scheme shown in outline on SLS drawing number SLS 376.1/20/002 rev2. Scheme details shall include drawings and Documents showing as applicable :

- i. How the improvement interfaces with the existing highway alignment and carriageway markings
- ii. Full construction details relating to the highway improvement. This should include any modifications to existing structures or proposed structures with supporting

- analysis.
- iii. Full Signing and Lighting details
- iv. Confirmation of compliance with Departmental standards (DMRB) and policies (or approved relaxations/departures from standards)
- v. Evidence that the scheme is fully deliverable within land in the control of either the applicant or the Highway Authority.
- vi. An independent Stage 2 Road Safety Audit (taking account of and stage 1 Road Safety Audit recommendations carried out in accordance with Departmental Standards (DMRB) and Advice Notes.

The above scheme approved by the Local Planning Authority shall be implemented and completed to the satisfaction of the Local Planning Authority in consultation with the Highways Authorities and NO construction of the main development shall take place unless and until the junction improvements shown in outline on SLS drawing number SLS 376.1/20/002 rev2 have been delivered and are fully open to traffic.

The Highways Agency 'Informative' re S278 agreements dated April 2019 in respect of planning application 20/01384/FUL, relating to the installation of a ground-mounted solar farm including associated infrastructure, namely inverters, transformer, a DNO substation and grid connection, Land South of Primrose Hall Primrose Lane Ramsey Harwich is attached and should be appended to any subsequent planning permission.

Civil Aviation Authority

No comments received

Essex County Council Ecology
15.01.2021

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the amended Ecological Impact Assessment (Gray Ecology, Sept 2020, updated Nov 2020) to include text on breeding bird surveys results and note Natural England's formal consultation response (ref 331889, 27 Nov 2020). This is in addition to the Preliminary Ecological Appraisal Addendum Report (Gray Ecology, October 2020) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

We are now satisfied that there is sufficient ecological information available for determination and do not consider further wintering bird surveys will be required prior to determination. This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

As the development site is approximately 2km from the

Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar, and species such as lapwing and golden plover, which are found on the SPA and Ramsar, were identified onsite, we note that some wintering bird surveys have been undertaken by Huckle Ecology and the results incorporated into the updated EclA. Although the surveys have not been completed, we accept the conclusion that:

"It is possible that should these species be present, they may be subject to minor levels of displacement during both construction and operation; however, due to the widespread availability of the habitats within the landscape surrounding the application site, effects are likely to be neutral. Based on the November survey alone, the birds recorded are not species that are designating features of the local designated sites nor would contribute to the wintering assemblage of those sites. Consequently, the site is unlikely to represent significant functionally linked habitat required to support the SPA."

We recommend that this should be recorded in the LPA's bespoke Habitats Regulations Assessment (HRA) screening report in relation to potential for impacts on land that is functionally linked' to the SPAs and Ramsars. We agree that the details of the final Wintering Bird Survey report by Huckle Ecology can be dealt with as a pre-commencement condition to inform the mitigation measures needed and management of the site.

We also note that the EclA has identified that the development falls within the Impact Risk Zone (identified on MAGIC map) for Stour and Copperas Woods Site of Special Scientific Interest. Natural England has not commented on likely risks from this solar scheme with a footprint of more than 0.5ha although we agree that any noise, vibration and air pollution from the construction phase is unlikely to travel the intervening distance with no obvious functional ecological connectivity between the sites.

The amended Ecological Impact Assessment states that the development will result in the loss of four Skylark territories and that Yellow wagtail may also occasionally nest in the site. We therefore welcome the compensation for these Priority farmland species in the form of 9 skylark nest plots (2 per territory displaced) and 1 for potential loss of yellow wagtail territory) and management of grass margins to boost insect availability to also benefit these bird species. The details for this offsite compensation will need to be provided to the LPA in a farmland bird mitigation scheme to be secured by a condition of any consent to be discharged prior to commencement of development. Agreement for delivery of the Scheme for 10 years will also need to be secured

by the LPA.

We welcome the retention of all the existing hedgerows with new access points to the A120 created in existing hedgerow gaps as well as protecting the Priority habitat from accidental damage by ensuring that security fencing will be erected at a minimum distance of 5m from existing hedgerows. We note that the security lighting will be infra-red and so will not impact foraging or commuting behaviour of bats.

This is needed to enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

We support the proposed biodiversity enhancements, which have been detailed in Chapter 7 of the updated EclA, to secure measurable net gains for biodiversity as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be confirmed within a Biodiversity Enhancement Layout to be secured by a condition of any consent.

We also support the statement in the updated EclA that habitat enhancements will need appropriate and long term management to deliver net gain for biodiversity from the development. We therefore recommend that a Landscape and Ecological Management Plan (LEMP) is secured as a condition of any consent.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in chapter 6 of the Ecological Impact Assessment (Gray Ecology, Sept 2020, updated Nov 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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).

2. PRIOR TO COMMENCEMENT: FARMLAND BIRD MITIGATION AND MONITORING STRATEGY

"A wintering and breeding farmland bird mitigation and monitoring Strategy must be submitted to and approved in writing by the Local Planning Authority, and the strategy must provide details of the measures that will be implemented if the surveys identify a decline in bird population numbers.

The Farmland Bird Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed measures
- b) Detailed Methodology for measures to be delivered
- c) Location of the proposed measures by appropriate maps and/or plans
- d) Mechanism for implementation & Monitoring of delivery

The Farmland Bird Mitigation Strategy shall be implemented in the first nesting season following commencement of the development and in accordance with the approved details, or any amendment as may be approved in writing pursuant to this condition, and all features shall be delivered for a minimum period of 10 years."

Reason: To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species)

3. PRIOR TO BENEFICIAL USE: BIODIVERSITY ENHANCEMENT LAYOUT

"A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within Chapter 7 of the Ecological Impact Assessment (Gray Ecology, Sept 2020, updated Nov 2020), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

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

4. PRIOR TO BENEFICIAL USE: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

5. PRIOR TO BENEFICIAL USE: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and

funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

Reason: To 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)

ECC Highways Dept
30.11.2020

The information that was submitted in association with the application has been fully considered by the Highway Authority. It is noted that the possible impact on the A120 Strategic Trunk Road to this application is likely to be greater initially and as a result Highways England have been consulted separately.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to occupation of the development a vehicular turning facility for service and delivery vehicles, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. No works whatsoever shall commence until such time as the Construction and Traffic Management Plan as detailed in the supporting Documents is approved in writing by the Local Planning Authority which shall be adhered to by all ground works, construction and decommissioning traffic throughout the pre-construction, construction and decommissioning phases.

Reason: To ensure that the adjoining highway is not obstructed by construction activity, in the interests of highway safety and in accordance with Policy DM 1.

3. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in

writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. swept path analysis for construction vehicles for key junction(s)

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1.

4. No development shall take place until a Construction Traffic Routing Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority which shall be adhered to by all ground works, construction and decommissioning traffic throughout the pre-construction, construction and decommissioning phases.

Reason: To ensure that the adjoining highway is not obstructed by construction activity, in the interests of highway safety and in accordance with Policy DM 1.

5. Prior to the commencement of any work on the site a joint inspection of the local road (Bowl Road) to be used by construction vehicles should be carried out by the applicant and the Highway Authority, to include photographic evidence. The route should then be inspected again, after completion of the development, and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority.

Reason: To preserve the integrity and fabric of the highway, in the interests of highway safety and in accordance with Policy DM 1.

6. The public's rights and ease of passage over public footpath no. 18_183 (Wix) 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 in accordance with Policies DM1 and DM11.

7. Prior to the first use of any external solar panel within the development site, shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved

in writing by the Local Planning Authority.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from within the development in the interest of highway safety and in accordance with Policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

TDC Building Control and Access
Officer
23.10.2020

No adverse comments.

Essex County Council Heritage
13.11.2020

Placement of a ground-mounted solar farm including associated infrastructure, namely inverters, transformer, a DNO substation and grid connection.

Heritage assets within the vicinity of the proposal site and effected by this proposal:

- Burnt Ash Farmhouse, Grade II listed (List UID: 1240502)

The significance of the farmhouse is partly derived from its surroundings and how the heritage asset is experienced. The farmhouse can still be experienced in its rural and agrarian landscape due to the undeveloped nature of the surrounding land. The proposal is considered to have some limited detracting to the setting through eroding the wider agrarian context. However, given the site is removed from the immediate environs of the farmhouse by an undeveloped field providing a buffer zone, the level of harm to the setting and thus significance of the heritage asset is minimal. Therefore, ECC Heritage would raise no objection to this proposal.

TDC Environmental Protection
06.11.2020

Provide the following comments:

Noise

EP have reviewed the submitted Noise Impact Statement and are satisfied with the findings of the report. It has confirmed that the location of the substation/transformer will be sited in such a way to not cause any noise disturbance.

It should be noted that our recommended working construction times are: 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

Essex Wildlife Trust

No comments received

Essex County Council Archaeology
13.11.2020

The application for a solar farm is supported by an archaeological desk based assessment which has identified that no known heritage assets lie within the development area. Evidence from the HER in the surrounding area shows there is, however, potential for survival of previously unrecorded archaeological remains dating to the prehistoric and Roman periods and Medieval to postmedieval agricultural features. The nature of the finds recovered from the area suggest possible prehistoric settlement or ritual activities which would be considered of local significance.

The information provided demonstrates that there would be minimal impact from the installation of the solar panels, however the impact from the associated infrastructure cannot be determined until the construction management plan is provided. There is the potential for the disturbance or destruction of archaeological remains from the cumulative impact of the site infrastructure, including compounds, access roads, cable trenches and concrete bases. Should it be demonstrated that these areas will not require topsoil removal or groundworks then there would be no requirement for archaeological investigation, however at this time this information cannot be supplied. This will need to be assessed and the information provided following the production of their construction management plan.

The following recommendation is therefore being made in line with the National Planning Policy Framework to ensure the appropriate protection of the potential heritage assets impacted by the development:

RECOMMENDATION: Archaeological investigation

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.
3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and

report ready for deposition at the local museum, and submission of a publication report.

5. Representations

Parish Councils (Ramsey & Parkeston, Bradfield and Wix Parish Councils)

- 5.1 The view of the Ramsey & Parkeston Parish Council is no objection.
- 5.2 Bradfield Parish Council would like to make the following comments on this planning application: The planning application is for a very large solar farm which will permanently ruin more agricultural land. Whereas the council recognises the need for more electric power, before continuing to cover agricultural land with solar farms, solar panels should be put on buildings instead. New housing should be repositioned to face the sun with both solar panels and air source heating systems in place. Finally, the Council would also like to know what the community benefit from this solar farm may be.
- 5.3 Wix Parish Council are once again being asked to comments on a solar farm application. If approved, this will be the 4th large scale solar farm in the area, and the 5th application. A previous application at Burnt Ash Farm was refused. This application went to appeal, and the planning inspector dismissed the appeal. Comments made by the inspector includes:

"...The effects of the proposed development on its own, and in combination with other photovoltaic development, on the character and appearance of the area. (b) The effects on heritage assets. (c) The effects on agricultural land and soils. (d) The compatibility of the proposed development with policy in respect of the generation of energy from renewable sources. (e) Whether any harm that might be caused would be outweighed by the benefits of the scheme.

On the first main issue, I consider that the proposal would harm the character of the area, and would have a significant adverse effect on its appearance. Given its relationship with three other solar farms in the locality, it would also have a significant cumulative adverse impact on the visual amenity of the area. Overall, the proposal would have an adverse effect of major/moderate significance on the local landscape. The development proposed would be temporary, but the harm to the landscape would last for 25 years, and so would be significant. This harm is a consideration that weighs heavily against the proposal."

Wix Parish Council strongly feel these issues apply to this new site, and as such, the application should be refused.

Key reasons Wix PC objects to this application:

- Size of the site. This application covers a huge area.
- Overdevelopment of solar farms in the area. If it were granted, with the other solar farm sites, Wix would have lost 10% of its agricultural land in 5 years.
- Safety concerns relating to the access from the A120, during construction.
- Impact on neighbouring properties. Whilst the application says the site does not have any neighbouring properties, it does have an impact on Wickham Lodge, Harwich Road. The site will also be overlooked by properties in Spinnels Lane.
- Public Right of Way. There are 2 PRoW running through the site, and whilst they will remain open, the high fencing around them will have a negative visual impact of those using the footpaths.
- Detrimental to the agricultural, rural nature of the area.
- Accuracy of the agricultural land grade, given in the application.

Details of those reasons:

Size of the site and overdevelopment. If this were to be approved, it would be the largest solar farm in Wix, where there are already 3 other sites. As stated above, this would equate to a loss of 10% of its agricultural land in 5 years. Wix is a farming village, and whilst the Parish Council as a whole supports green energy, it should not further reduce the land used for agriculture.

Safety concerns-A120. Wix Parish Council has serious safety concerns regarding the new access point, past the brow of where the Harwich Rd joins the A120. This is a known accident hotspot, and with added traffic movements at this site, we ask planners to give this serious consideration. Policy DM1- the Parish Council are also concerned about potential glint and glare from within the development. We support the comments submitted by Highways England.

Impact on neighbouring properties. In addition to the comment above, the Parish Council are also concerned about what will happen to the land near Wickham Lodge that is to be used during construction. What will happen to this piece of land once construction is complete?

Public Right of Way and detrimental impact on the rural nature of the area. These rights of way allow the population to get outside, explore the area, enjoy the countryside, and reap the benefits of doing so, which is more important now than ever, Whilst the PRoW will remain open, it will have an impact on how it is used and enjoyed, and will not bring the same benefits to mental health as a walk in the rural area with unrestricted views.

Agricultural land grade.

TENDRING LOCAL PLAN (2007) - Policy EN4 - Protection of the Best and Most Versatile Agricultural Land

"Development will not be permitted on the best and most versatile land (namely land classified as grades 1, 2 OR 3a as defined by the Agricultural Land Classification) unless special justification can be shown."

According to the Agricultural Land Classification map (ALC008) published on 18 November 2011 (<http://publications.naturalengland.org.uk/publication/127056>), the land upon which the proposed development is planned falls into both Grade 1 and Grade 2 and therefore this planning application should be refused as there is no special justification for siting a solar farm at this location.

The applicant claims in their submission (Soils and Agricultural Quality of Land at Primrose Hall, Primrose Lane, Ramsey Essex), that the land is grade 3a / 3b. Discounting potential bias in the report's findings, their finding that 34% of the proposed development land is Grade 3a is sufficient to reject this application.

Other concerns: One final concern is how poor the consultation has been for this development. The previous applications for solar farms held large public consultation events, which we appreciate is not possible during the pandemic, however very little else has been done to make residents aware of this large-scale proposal. There appears to have been a poorly distributed letter drop, where many residents did not receive the letter at all, and a website which was only open very briefly. We would ask that a wider virtual consultation event is held, and that the developer's consultation website is reinstated, giving residents the proper opportunity to have their say and ask questions of the developers. Additionally, parts of the application are incorrect (e.g. proximity of the closest properties).

Recommendation: Wix Parish Council recommends that this application is refused.

5.4 9 letters of objection have been received outlining the following issues

- Significant adverse impact upon the rural landscape character
- Substantial harm to nearby designated heritage assets
- Severe impacts on the amenity of nearby residents through loss of privacy, glint and glare from the panels and noise and disturbance
- Loss of the best and most versatile agricultural land
- Severe impact upon highway and pedestrian safety
- Quality of landscape will be severely damaged as the development would be visible from numerous vantage points
- Scale, height, massing, form, layout, landscaping, colour and materials of the development are wholly out of place in a high quality landscape
- Noise from unloading/loading of deliveries, vibration from construction works and construction traffic
- Loss of privacy from tubular CCTV poles
- Visibility overbearing and overshadowing
- Recent refusal and appeal decision on nearby land due to landscape impacts
- Wix has already lost 10% of its agricultural land in the last 5 yrs
- Two footpaths would be adversely affected due to loss of countryside views
- Loss of prime agricultural land
- The arrays are ugly and constitute an eyesore
- Loss of beautiful views from footpaths and mitigation planting along routes is not sufficient
- Solar panels should be placed on roofs and in urban areas. Farmland is for farming.

6. Assessment

Site Context

- 6.1 The application site (the site) covers an area of approximately 28.5 hectares (70.5 acres) and is located south of Primrose Hall and north west of the A120 (Harwich Road/Wix By-pass). The site is located north east of the village of Wix and south west of Ramsey. The site is located partially within the parish of Wix and partially within Ramsey parish.
- 6.2 The proposed site comprises of two agricultural fields. The site is bounded to the north, east and west by agricultural land. The southern boundary is bounded by the A120 Harwich Road. To the south east is Essex Recycling and KKM Driving School. To the south west there is a ground mounted solar farm (Green Farm Solar Farm). The permission for this development (ref 15/00147/FUL) was approved for 15 hectares on 6th May 2015.
- 6.3 The Wix Bypass (A120) runs along the southern boundary of the site which connects Primrose Lane/Harwich Road. The A120 runs along the southern boundary and is the main route between Wix which is the main village to the south west and the market town of Ramsey to the north east. The A120 is subject to the national speed limit (60mph).
- 6.4 The nearest residential dwellings are located to the north of the site (Willow Hall Cottage approx. 100m away) and to the south along Bowl Road (directly to south of the proposed site compound area). Along the north and eastern boundary, the hedge line is also interspersed with trees. The hedgerows are in good condition and have been left to grow to a reasonable height. Along the south eastern boundary, the site is bounded by grass buffer areas.
- 6.5 There are a number of field access points from the A120 and an additional access point is off the Bowl Road to the south east of the site. A Public Right of Way (PRoW) crosses the site from north to south (Ref. PROW 183_1); PRoWs also run along part of the northern boundary, and western boundary outside of the application site. The character of the area is mainly open countryside with agricultural fields, with sporadic residential development. There are overhead power lines which cross the site in an east/west direction.

- 6.6 The site is within flood risk zone 1 as identified on the Government's Flood Risk maps but the site is currently separated by a drainage ditch.
- 6.7 The site does not accommodate any listed buildings or Scheduled Ancient Monuments (SAM). The closest heritage asset is a WW2 Bombing Decoy Scheduled Ancient Monument located 1.8km to the north west of the site. The White Hart Inn is located 460m south west of the site which is a Grade II listed building.
- 6.8 The nearest Site of Special Scientific Interest (SSSI) is the Stour and Copperas Woods SSSI located approximately 1km north of the site.
- 6.9 Currently the land is in arable production. The applicant has undertaken an Agricultural Land Classification assessment of the site and it is found to be made up of 34% grade 3a, 65% grade 3b and 1% of non-agricultural land.

Proposal

- 6.10 This application proposes the placement of a ground-mounted solar farm including associated infrastructure, namely inverters, transformer, a DNO substation and grid connection. The farm will have an export capacity of 17.6 Mega Watts (MW). The proposed development will consist of a number of different elements outlined below.
- 6.11 The proposal will comprise the installation of photovoltaic (PV) panels laid out in arrays of rows running from east to west across the site, the number of these will be dictated by the finalised layout. The height of the panels will be at a maximum of 3 metres above the ground and they will comprise of a standard polycrystalline type.
- 6.12 The mounting structure for the panels is a metal frame securely fixed to the ground. The structure will also provide a route for electrical wiring. The solar panels will be installed at 25° from the horizontal. The rows will be placed an appropriate distance apart (likely to be around 5m) in order to optimise solar collection per unit land area. The mounting posts will be pile-driven approximately 1.5 metres into the ground for support. Such supporting systems are designed to avoid the use of mass concrete foundations on site.
- 6.13 The development will also require the installation of associated infrastructure required for the running of a solar farm which includes:
- 1 x Substation and DNO substation – Maximum height of 3.8m.
 - 3 x Inverter transformers – Maximum height of 3.5m.
 - 49 x CCTV cameras – Maximum height of 3m.
 - Perimeter fence – Maximum height of 2.5m.
- 6.14 In terms of site access the development will consist of an entrance to the site via an existing farm access point from the A120 and a new access point on Bowls Road (slip road off A120). The existing farm access point will be improved and will facilitate HGVs accessing the site. An offloading area / turning area will be provided within the site which will allow goods to be offloaded and transported via the fields boundaries to the proposed construction/compound area located off Bowl Road. HGVs will then exit onto the A120 in a forward gear.
- 6.15 LGVs/ contractors vehicles will travel to the proposed storage & compound area via Bowl Road. A new 5m wide over verge access point circa will be created to the east of the existing Bowl Farm agricultural access. The access off Bowl Road will be temporary and is to be closed after construction is completed.
- 6.16 Two construction compounds are proposed namely Area 1 and Area 2, both are to be accessed via Bowl Road and will be temporary in nature. Area 1 shows the construction

compound area to be used for on-site staff only and storage of materials and Area 2 will be used as a Covid-19 decontamination area as and when required.

- 6.17 Once the solar farm is operational, traffic generated by it will be limited to that associated with occasional maintenance work. Movement within the site will be by way of small farm utility vehicle or 4x4. The Distribution Network Operator, UK Power Networks, will visit the site from time to time to check the apparatus. No on-site staff will be required to operate the solar farm and no staff offices or maintenance buildings needed within or near to the site.

Principle of Development/Policy Context

- 6.18 Policy EN13a of the 2007 Local Plan states planning permission will be granted for development proposal for renewable energy generation, subject to there being no material adverse impact on the local environment in relation to noise; vibration; smell; visual intrusion; residential amenity; landscape characteristics; biodiversity; cultural heritage; the water environment; the treatment of waste products and highway and access considerations.
- 6.19 This approach is supported in the National Planning Policy Framework which states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. It is therefore clear that the planning system should facilitate the transition to a low carbon economy by, amongst other things, maximising renewable energy development. The NPPF does however state that the adverse impacts of renewable energy generation need to be addressed satisfactorily. It is the impacts of proposals for renewable energy generation that need to be considered rather than the principle of such development in the countryside.
- 6.20 The above approach in the NPPF also states that applicants do not need to demonstrate a need for a renewable energy proposal, that planning professionals should look favourably upon such proposals and that even if a proposal provides no local benefits, the energy produced should be considered a national benefit that can be shared by all communities and therefore this national benefit is a material consideration which should be given significant weight. It is within this context that a renewable energy proposal needs to be considered.
- 6.21 In addition to the NPPF, the Government has published a suite of National Planning Practice Guidance documents. Included within this suite of national guidance, is 'Renewable and Low Carbon Energy'. This guidance assists local councils in developing policies for renewable energy in their local plans, and identifies the planning considerations for a range of renewable sources such as hydropower, active solar technology, solar farms and wind turbines.
- 6.22 This guidance document forms a material consideration. This guidance document provides a list of criteria which need to be considered in the determination of planning applications for large scale solar farms. Where a planning application is required, factors to bear in mind include:
- The importance of siting systems in situations where they can collect the most energy from the sun;
 - Need for sufficient area of solar modules to produce the required energy output from the system;
 - The effect on a protected area such as an Area of Outstanding Natural Beauty or other designated areas;
 - The colour and appearance of the modules, particularly if not a standard design.

6.23 Furthermore, this document states the particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

Wider Renewable Energy/Sustainability Aspects

6.24 The UK is committed to meeting a target of “net-zero” by or before 2050. This broadly means that across the UK, emissions of GHG from all sources will have to reduce from the current figure of 4352 million tonnes. The UK Government industrial and green growth strategies has made further pledges to invest in green jobs, low carbon infrastructure and investment in energy efficiency. These will create substantial, and significant, opportunities in Tendring to build new industries and create new, highly skilled and well-paid jobs.

6.25 In addition, after declaring a climate emergency in 2019, Tendring District Council have since approved the Climate Change Action Plan 2020-2023. The action plan sets out a bold vision to combat climate change and help Tendring to become a net carbon neutral authority by 2030. To meet this ambition, the action plan includes a number of goals:

- Move to the purchase of 100% renewable electricity.
- Focus on the switch away from oil, natural gas use by 2030.
- Maximise onsite renewable energy generation opportunities.
- Promote, support and facilitate energy efficiency improvements to homes.

6.26 It is therefore important to consider the wider policy context before considering the impacts of the proposal as a balancing exercise will need to be undertaken where the inherent benefits of renewable energy are balanced against the impacts of the proposal.

6.27 In this respect over its 30 year lifespan the proposed solar park will generate 563 GWh and with the potential to reduce carbon emissions by 143,000 tonnes. The annual production of electricity is sufficient to meet the power needs of 10,600 of the district's residents, or 7% of the total domestic demand in the district.

6.28 The above are material considerations which weigh in favour of a renewable energy proposal. In summary, there is strong 'in principle' support for renewable energy proposals in light of the national and local policy context. This in principle support needs to be considered against the impacts of the proposal and the two are 'weighed'. The weighing process is a matter of planning judgement. Consequently the assessment moves on to consider the impacts of what is proposed, the impacts will then be balanced against the in principle support and the inherent national benefits of the development.

Landscape Impact

- 6.29 The application site is currently in agricultural use and has a pleasant undulating character. The site is not well populated with trees or countryside hedgerows and the development proposal will not result in the loss of such landscape features.
- 6.30 In some respects it could be considered that this type of development in a rural setting would result in a significant diminishment in the quality of the landscape and a degradation of the character of the area. However, the proliferation of green energy equipment in the landscape, such as solar arrays and wind turbines, are rapidly becoming features that are expected to be seen in a rural setting and are gradually becoming an integrated part of the agricultural landscape.
- 6.31 In order to quantify the potential impact of the development on the local landscape character the applicant has provided a Landscape and Visual Impact Assessment (LVIA). The document accurately describes the baseline qualities and current condition of the local landscape character. It identifies several locations (visual receptor viewpoints) from which the application site can potentially be viewed.
- 6.32 The LVIA also identifies steps that would be taken to mitigate any harm that would be likely to arise from the implementation of the development. These are described in section 2.6, 2.7 and 2.8 of the LVIA and further details are shown on the submitted Landscape Mitigation Plan. Nevertheless it is considered that additional planting will be required in order to more effectively screen the development.
- 6.33 In terms of the impact of the solar array on the local landscape character it is clear that it would bring about a significant change to the character of the local landscape and have an impact on the appearance of environment within which it would be situated.
- 6.34 The summary and conclusion section LVIA quantifies the impact of the solar farm on the local environs and identifies mitigation measures, primarily soft landscaping, to address potential harm. The harm resulting from the development is described as 'highly localised' and 'low'. The conclusion drawn is considered accurate with the greatest impact will be for users of the Public Right of Way (PRoW) that bisects the site and for drivers using the adjacent A120.
- 6.35 In terms of the level of soft landscaping proposed on the Landscape Mitigation Plan it is considered that the strengthening of planting proposals would greatly improve localised screening and additionally provide ecological benefits.
- 6.36 The Council's Tree and Landscaping Officer has stated that that the planting of the 'Species Rich Hedgerow' adjacent to the PROW should be extended around the perimeter of the solar array. Taking into account the height of the solar panels a hedgerow with an ultimate height of 2.5m - 3m would provide highly efficient screening for much of the perimeter of the site, only compromised when undulating land levels allow views across the array. Further comments state that trees could be planted on the northern boundary, at 10m centres, where over-shading is least likely to be an issue. It is suggested that Field Maple (*Acer campestre*) or Wild Service Tree (*Sorbus torminalis*) would be appropriate moderately proportioned tree species; although several other tree species would be equally acceptable.

- 6.37 Following receipt of these comments an updated Landscape Mitigation Plan has been provided to extend the native species hedgerow around the majority of the site (including along one side of the PRow, along the northern/southern boundaries and a section of the eastern perimeter). It is not considered extending planting around the perimeter of the whole site is reasonable or necessary to make the development acceptable having regard to the conclusions of the Landscape Visual Assessment. Furthermore, affected receptors are limited to those transiting through a highly localised geographical area, specifically the PRow and roads immediately surrounding the Site (i.e. the A120 and Bowl Road), or those living adjacent to the east. It is also noted that mature hedging and recently planted hedging is situated in part along Bowl Road, to the A120 and around the existing Solar Farm to the south-west. Precise details of the landscaping scheme and its on-going maintenance are secured via condition outlined in section 8.2 below.
- 6.38 On balance, whilst it is clear that the implementation of the development proposal would bring about a major change to the character of the immediate area the localised harm would not significantly diminish the overall quality of the local landscape character type or negatively impact on walker's and other users experience when 'walking thorough' or 'passing by' the area. It is judged that the visual effects arising from the proposed development will be highly localised, with the greatest visual impacts affecting a small number of visual receptors within the immediate vicinity of the site. The proposed development will not be significantly detrimental to either the landscape character or visual amenity of the landscape within the wider study area and that therefore, on balance the predicted landscape effects arising from the proposed development are acceptable when weighing up the overall benefits of the proposal. This is dependent on planting of the additional soft landscaping set out in the updated Landscape Mitigation Plan, precise details of which will be secured via condition in section 8.2 below.

Residential Amenity

- 6.39 The NPPF (2019) at paragraph 127 states that planning should secure developments with a high standard of amenity for existing and future users. Saved Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 6.40 The array is entirely passive during operation, has no moving parts and emits no carbon, noise, smell or light. Once installed, the system itself needs minimum maintenance and will be unmanned.
- 6.41 It is acknowledged that the mini-substation, control building, inverters and transformer stations will be acoustically rated, but even so they emit very little noise. The site is remote from any significant residential areas and the few properties that are in the vicinity are a reasonable distance away from the operational boundaries. The site also adjoins a busy A-road which will further reduce the perceived noise impact from either on-site plant or construction noise.
- 6.42 It is acknowledged that during the construction phase there will be periods when works are likely to be audible at nearby receptors. However, an indicative compound layout plan has been provided which shows that the areas closest to the residential properties will be utilised for storage only with the intervening screening hedgerow being retained and strengthened. Construction/delivery hours will also be restricted to 8am-6pm (Monday to Friday) and 8am-1pm (Saturday) to ensure compliance with the Council's standard working times and to reduce any impact upon nearby residents.
- 6.43 Overall taking all the above points into consideration, and bearing in mind the relative short-term duration of the construction phase, it may be concluded that if the best practice measures

are implemented as much as is practically possible, especially the suggested limitation on working hours, noise generated by the construction phase of the proposed solar farm is unlikely to have a significant adverse impact on the closest receptor properties to the site. Long-term the site operations would be expected to have no adverse impact. The proposed solar farm development is therefore considered suitable from a noise perspective, during both the construction and operational phases.

- 6.44 The panels themselves, being only 3 metres in height, are not considered to be overbearing in relation to proximity from existing residential properties, and the use of the site would not result in unreasonable noise and disturbance. A condition requiring a construction management plan would control the impacts during the assembly of the site.
- 6.45 Furthermore, the solar panels are designed to absorb light rather than reflect light, and so although the surface is glass, it is not reflective in the same way as a mirror or window, and therefore the solar panels are not considered to adversely affect nearby residential amenity by way of adverse glint or glare. The submitted Glint and Glare Study supports this stance and confirms that a moderate impact upon one surrounding dwelling is predicted, and mitigation in the form of planting along the site boundary is recommended to reduce any perceived impact in this regard.

Highway Impacts

- 6.46 Paragraph 102 of the NPPF requires Councils, when making decisions to ensure:
- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.47 Saved policy TR1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy CP1 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.
- 6.48 A Transport Assessment has been submitted and outlines the specifics of the proposal in respect of development traffic, the access strategy and decommissioning stages of the development. In particular the documents confirms the following;
- During the construction phase there would be 70 HGVs deliveries. On the basis of a 36 working weeks this would equate to 2 HGVs deliveries every week.
 - HGV deliveries will be timed so it is unlikely that there will be any other vehicles accessing the site at any given time.
 - In addition to HGVs there would be 20 - 30 LGVs / contractors vehicles accessing the site during the construction period per working day.
 - Following commissioning it is anticipated that there would be one LGV / contractor vehicle accessing the site per month.
 - An existing agricultural over verge field access to the site exists from the A120 currently, on the southern boundary of the site. It is proposed to use the existing agricultural access, albeit improved, to facilitate HGVs accessing the site. The access will be widened to 11.8m and will allow a HGV to fully pull off the A120. Visibility splays from the access point are a minimum of 2.4m x 215m.

- An offloading area / turning area will be provided which will allow goods to be offloaded and transported via the fields boundaries to the construction / compound area located between the farm buildings at Bowl Farm, located off Bowl Road. HGVs will then exit onto the A120 in a forward gear.
- LGVs / contractors vehicle will travel to the proposed storage & compound area via Bowl Road. A new 5m wide over verge access point will be created to the east of the existing Bowl Farm agricultural access. This access point will have 2.4m x 90m visibility splays. The creation of the access will require removal of a small section of hedging and the trimming the height of hedges, adjacent the access, to facilitate the aforementioned minimum visibility splays.
- It is proposed that the A120 site access will be used by 2 HGVs a week during the construction period and by one LGV / contractors vehicle per month when the site is operational.
- The Bowl Road access will only be used during in the construction period by the LGVs / contractors vehicles. When the site is operation the access will not be used by HGVs accessing the solar park.
- On cessation of the 30 year operational phase the site would revert back to agricultural use. It is anticipated that the decommissioning phase would take approximately 9-12 months and details of the arrangements of this phase will be secured via condition.

- 6.49 As the development affects a trunk road (A120) both ECC Highways and Highways England have been consulted on the proposals. The consultees have reviewed the information provided and have confirmed no objections subject to a number of conditions outlined at section 8.2 below. In particular these conditions seek to secure; precise details of the enhanced access onto the A120, the submission of a construction method statement/routing plan, details of vehicular turning areas and the facilitation of a joint inspection of Bowl Road between the development and ECC to ensure any damage to the highway is restored upon completion.
- 6.50 Given the above it is concluded that the proposed development will not have severe impact as referenced by the government National Planning Policy Framework. On this basis there are no material highway and transportation reasons why the development should not be supported for approval.

Heritage Impacts

- 6.51 Government policies relating to planning are given in the National Planning Policy Framework (NPPF). Section 12 (paragraphs 126 – 141) of the NPPF (Conserving and enhancing the historic environment) outlines policies relating to the historic environment and the key role it plays in the Government's definition of sustainable development, the principle which underpins the document.
- 6.52 The NPPF requires that local planning authorities 'should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment', recognising that 'heritage assets are an irreplaceable resource' and should be conserved 'in a manner appropriate to their significance'.
- 6.53 The NPPF requires that planning applicants should 'describe the significance of any heritage assets affected' by their application, 'including any contribution made by their setting'.

The Historic Environment Desk-Based Analysis submitted with the planning application concludes that assessment has established that the proposed development will have no impact upon any designated heritage assets in the surrounding area.

The following built heritage assets have been identified in the vicinity of the site;

- Burnt Ash Farmhouse, Grade II listed (List UID: 1240502)

- 6.54 ECC-Place Services (Heritage) have reviewed the submitted Historic Environment Report and conclude that the significance of the Burnt Ash Farmhouse is partly derived from its surroundings and how the heritage asset is experienced. The farmhouse can still be experienced in its rural and agrarian landscape due to the undeveloped nature of the surrounding land. The proposal is considered to have some limited detracting to the setting through eroding the wider agrarian context. However, given the site is removed from the immediate environs of the farmhouse by an undeveloped field providing a buffer zone, the level of harm to the setting and thus significance of the heritage asset is minimal. Therefore, they raise no objection to this proposal.
- 6.55 In terms of archaeology, The Historic Environment Report concludes there is some limited potential for the survival of remains dating to the early prehistoric, Iron Age and Roman period within the study site. ECC-Place Services (Archaeology) conclude that the information provided demonstrates that there would be minimal impact from the installation of the solar panels, however the impact from the associated infrastructure cannot be determined until the construction management plan is provided. As such they recommend the inclusion of a condition securing a programme of archaeological investigative works prior to any development taking place.

Biodiversity

- 6.56 Paragraph 170 of the NPPF requires Councils, when determining planning applications, to minimise impacts on and providing net gains for biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Saved policies EN6 of the adopted Local Plan and emerging policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.57 An Extended Phase 1 Habitat Survey has been undertaken and accompanies this application. This provides a summary overview of the site and identifies the habitats on site and the potential further survey work that might be required. The appraisal concludes the following;
- The habitats within the development site consisted mainly of large arable fields with improved grassland field margins, strips of which were mown regularly for use by horse riders and pedestrians, with outer edges being longer and unmanaged.
 - The proposed development falls within the SSSI Impact Risk Zone for a number of Natura 2000 sites.
 - Without mitigation, the site is likely to result in a minor adverse impact on badger, reptiles, birds and Priority Species such as hedgehog and brown hare, with minor positive impacts on reptiles and hazel dormouse which will benefit from proposed hedgerow planting along a public footpath running through the site.
 - Mitigation recommendations focus on allowing wildlife to access the site through provision of suitable access opportunities underneath/through the security fencing, as well as protecting any wildlife present during the construction phase.
 - Clearance and construction works must commence outside of the bird breeding season, which runs between 1 March and 31 August. If at any point an active nest is found or suspected, all work within 20m of the nest must stop and an ecologist contacted for advice immediately.

- Compensation for skylark and yellow wagtail will be in the form of 9 skylark plots (8 for 4 lost skylark territories and 1 for potential loss of yellow wagtail territory).

- Significant biodiversity enhancements will be created through planting and appropriate management of wildlife friendly habitats including wildflower meadows, bird seed strips and tussocky grassland along with basking spots and new bird boxes.

- 6.58 The mitigation and enhancement measures proposed within the appraisal have been independently reviewed by ECC-Place Services Ecology Team. They have confirmed that they are satisfied that there is sufficient ecological information available for determination and that the information provided gives certainty for the Council of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 6.59 A bespoke HRA screening report has been produced and confirms that the Local Planning Authority can have certainty that the impacts of the development overall will not adversely impact upon the designated sites. In this respect Natural England have confirmed no objections to the development.
- 6.60 The ecological mitigation/enhancement measures outlined above are to be secured via conditions included at section 8.2 of this report. The conditions have been recommended by Place Services and secure the mitigation/enhancement measures outlined within the applicant's ecological appraisal in conjunction with the submission of a Farmland Bird Mitigation Strategy (including skylark compensation plots) and Landscape Management Plan.

Loss of Agricultural Land

- 6.61 Concern has been expressed that this development is reducing the land supply to meet the population's food needs.
- 6.62 The application is for a temporary period of 30 years. Planning conditions would secure this and the remediation of the site back to agricultural land once the use ceases. This would all be at the expense of the applicant.
- 6.63 Moreover it is acknowledged that the site is currently in arable production, presumably sprayed with chemicals, and therefore it is very likely that following this period of 30 years, and given the potential for livestock grazing within the site to keep the natural grasses and wildflowers down, the quality of the soil is likely to improve, and therefore be beneficial for agricultural production.
- 6.64 Saved policy EN4 of the 2007 Local Plan states where development of agricultural land is unavoidable, areas of poorer quality agricultural land should be used in preference to that of higher quality agricultural land, except where other sustainability considerations suggest otherwise. Development will not be permitted on the best and most versatile (BMV) agricultural land (namely classified as grades 1, 2 or 3a) unless special justification can be shown. Although the Council is keen to discourage loss of best and most versatile agricultural land, it recognises the economic importance of farm diversification schemes.
- 6.65 Moreover, Planning Policy Guidance (PPG) paragraph 13 ID 5-013 sets out particular planning considerations that relate to active solar technology, with the first factor for consideration being "encouraging the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land, provided it is not of high environmental value".
- 6.66 The first part of the second factor to consider is "where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to highway quality land".

6.67 To this end the applicant has submitted with the application an Agricultural Land Classification Report (ALCR). The site was surveyed in 2020 and found to comprise land limited to subgrade 3a by droughtiness (14 ha / 34%) and land limited to subgrade 3b agricultural quality by wetness (27.1 ha / 65%) with 0.1 ha of non-agricultural land. None of the site is shown to be within Grade 1 or Grade 2.

6.68 Representations have made reference to Agricultural Classification Maps which show the land in Grade 1 and 2 land. However, those maps (produced by the former Ministry of Agriculture, Fisheries and Food) were published in the 1970s at 1:250,000 scale and based on reconnaissance field surveys. They use obsolete grade criteria that have been superseded by the currently used 1988 Agricultural Land Classification (ALC) Guidelines (ref). Furthermore, Natural England state that these maps are:

“not sufficiently accurate for use in assessment of...development sites, and should not be used other than as general guidance” (Natural England, Technical Information Note TIN049).

Therefore, Natural England recommend for planning applications detailed surveys (produced by qualified surveyors) should be conducted. In summary, therefore, it is the detailed agricultural land report submitted on which the impact of the application on agricultural land should be assessed.

6.69 As such the agricultural grade of the land is 3a/3b (Grade 1 being excellent and 3a being good). National policy does require the use of the best agricultural land to be considered as a last option, but this relates more to the permanent loss of agricultural land by, for example, developing it for housing or industry. As the development proposed is a temporary, reversible use of the land which would not result in the permanent loss of good quality agricultural land, it is considered to have less significance, as significant development of agricultural land will not occur, and the land will not be permanently unavailable for agricultural use.

6.70 It is therefore considered that the proposal has shown that the use of agricultural land is necessary (in the Tendring District – especially given the pressures on brownfield sites for the development of housing/employment), and poorer quality land has been used in preference to higher quality land (i.e. Grade 1 or 2 land has not been used), and the proposal has the potential to result in the continued use of the site for agricultural production (livestock grazing) and biodiversity improvements have been secured via condition, and therefore the proposed development would not be contrary to published Government guidance.

Drainage

6.71 As most of the development is solar panels which are supported on piled struts the surface area of the site used is comparatively small in comparison to the overall development site area.

6.72 However, as the proposal is classified as a major development a Flood Risk Assessment has been provided. The assessment concludes the following;

- The site is at low risk of flooding and is identified on the Environment agency mapping as being in flood zone 1 (Low Risk).
- The proposed solar panels will deflect rain but will not significantly change the flow path of the surface water flow and will not change the rate of infiltration. The rows of panels will be separated by gaps of 4 to 5m and surface run off will be able to infiltrate in these areas and under adjacent panels.
- The permanent structures on site (storage containers, Invertor cabins and transformer stations) will drain to filter strips located around the sides of the structures. The filter strips will

be design following confirmation of the in situ infiltration rate and the design will include allowance for 40% climate change.

- All roadways will be of permeable construction to allow surface to infiltrate as per the existing situation.

- By increasing the amount of year-round vegetation on the site there will be an increase in natural attenuation and reduction in the compaction of the soil associated with agricultural operations.

- 6.73 ECC-SUDs Team have reviewed the submitted assessment/drainage strategy and have no objections subject to conditions outlined in section 8.2 below securing precise details of the scheme, its implementation and on-going maintenance along with a soil management plan.

Other Considerations – Appeal at Burnt Ash Farm

- 6.74 A previous application for a solar farm at Burnt Ash Farm was refused. This application went to appeal, and the planning inspector dismissed the appeal in 2015.

- 6.75 Burnt Ash Farm is located approximately 600 m to the north-west of the application site, and in comparison, to the current proposals, the total site area was 25.71ha, with 22.2ha to be occupied by the proposed solar farm. In the decision the Inspector drew upon the landscape character of the area at the time, and states *‘Solar panels are an existing feature of the wider landscape given the proximity of the development at Wix Lodge (about 875 m from the appeal site), the facility under construction at Barn Farm (550 m), and that permitted at Green Farm (740 m). The locality can properly be described as a rural landscape with some solar arrays.’*

- 6.76 The appeal site was located partly within the southern extent of the Stour Valley System (6A) character area, and partly within the north eastern extent of the Bromley Heaths Plateau character area (7A) as identified in the Tendring District Landscape Character Area (2001). Reference is made by the inspector to the key characteristics of area 6A in that they relate mostly to the importance of the estuary and its setting, in particular that the B1352 passes along the coast with outstanding views of the estuary.

- 6.77 In context with the current proposal and visual landscape sensitivity, the application site is located in the National Character Area 111 (Northern Thames Basin) and Local Landscape Character Area 8a (Tendring and Wix Clay Plateau). The Tendring District Landscape Character Assessment (2001) identifies that the key characteristics of the area include gently undulating rural agricultural plateau in the north east of Tendring underlain by London Clay, remote rural arable landscape of large scale, geometric fields divided by low, gappy hedgerows with occasional hedgerow trees, and small remnants of ancient woodland have neglected coppice with standards structure. The landscape context between the appeal and applications sites is therefore different, and the same conclusions cannot necessarily be drawn regarding any perceived impacts.

- 6.78 The inspector also raised the issue of cumulative impacts of an accumulation of solar farms in the area. It is acknowledged that the proposal would be adjacent to the existing Green Farm solar farm development and there are two solar farms to the west (Wix Lodge) and north west (Barn Farm) of the application site, however from a cumulative perspective we do not consider that the effects of this are significant given they are some 2km and 3km away. Furthermore, the predicted visual effects, as described in the supporting LVIA submitted with this planning application, for all distant views has been found to be negligible. The impact on short distance views has been assessed as important to moderate. However, these are envisaged to be effectively mitigated through the proposed landscape mitigation and the additional strengthening of the planting proposals which will greatly improve localised screening and additionally provide ecological benefits.

- 6.79 It is also important to recognise National Planning Policy Guidance has significantly changed and moved on since the appeal scheme at Burnt Ash Farm was dismissed in 2015, which is a key material planning consideration in the determination of this application. The NPPF, published in March 2012, has since undergone consultation and subsequently a revised submission was published in February 2019. This provides a framework within which regional and local policy is set. The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, identifying that sustainable development consists of economic, social and environmental roles. Whilst there is no specific policy for solar energy development contained in the NPPF, paragraph 148 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It has therefore become more evident that the planning system should facilitate the transition to a low carbon economy by, amongst other things, maximising renewable energy development.
- 6.80 In addition, after declaring a climate emergency in 2019, Tendring District Council have since approved the Climate Change Action Plan 2020-2023. The action plan sets out a bold vision to combat climate change and help Tendring to become a net carbon neutral authority by 2030.

To meet this ambition, the action plan includes a number of goals:

- Move to the purchase of 100% renewable electricity.
- Focus on the switch away from oil, natural gas use by 2030.
- Maximise onsite renewable energy generation opportunities.
- Promote, support and facilitate energy efficiency improvements to homes.

- 6.81 Therefore, whilst the appeal decision at Burnt Ash Farm is a planning consideration, the differences between the two sites in terms of landscape character and visual impacts along with the changes outlined at national planning policy and corporate level, means a direct comparison of the two proposals does not hold significant weight in the decision making process. The development the subject of this application should be determined on its own merits having regard to the detailed aspects of the proposals, the landscape character and the comments of statutory consultees.

7. Conclusion

- 7.1 Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives, economic, social and environmental. Having regard to the proposed development, it is considered that the proposals meet the objectives outlined above and such can be considered as sustainable development.
- 7.2 There is a recognised need and support for renewable energy technology through National and Local planning policy and this development would contribute towards the targets set for the UK's greenhouse gas emission reduction and increasing the country's energy supply from renewable sources.
- 7.3 The assessment of a renewable energy proposal requires the impacts to be considered in the context of the strong in principle policy support given the Government's conclusion that there is a pressing need to deliver renewable energy generation. In this case, there is no adverse impact on heritage assets, ecology, residential amenity, highway safety or flood risk. There is also the opportunity to improve biodiversity.
- 7.4 The landscape impact is considered to be relatively local, contained mainly to the adjacent A120, Bowl Road and the Public Right of Way that crosses the site. This impact however is

considered to be of moderate harm. The landscape mitigation would soften the impact but would not eliminate it.

- 7.5 However, the localised impact on the area is not considered to be sufficient to recommend refusal especially given the lack of harm in other respects and the benefits to biodiversity and the long term benefits to the landscape when the site is decommissioned by the planting mitigation retained. Therefore, although officers have found moderate harm to the countryside, the localised extent of harm does not outweigh the national benefits derived from providing renewable energy.
- 7.6 The proposals can therefore be considered to be in accordance with saved policies EN1 and EN4 and emerging policy PPL 3 and represents an appropriate form of development in the countryside. Therefore, the principle of the development in this location is acceptable.
- 7.7 The application is supported by saved policy EN13A and emerging policy PPL10 which advocates for new proposals for renewable energy developments in the District. The energy generated by the proposed development will contribute to supporting growth in the region, and the carbon emissions saved as a result of generating electricity from a renewable source, would help to tackle climate change and minimise resource use.

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

8.2 Conditions and Reasons

1. The development hereby permitted shall begin no later than three years from the date of this decision. Written notification of the date of commencement of the development hereby permitted shall be given to the Local Planning Authority no later than 14 days after the event.

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 being drawing nos. titled

- REN669-CEPH-SL001 B – Solar Farm Layout
- CE-PHSF-SD001 0 – Solar Panel Section
- CE-PHSF-ED001 1 – Solar Panel Elevation
- 5033-1 A – Tubular Fixed Pole Elevation
- Inverter Top and Side Elevations
- Inverter Section Elevations
- Inverter Floor Plans
- Inverter Elevations
- Tubular Fixed Pole Specification Sheet

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

3. Development, aside from enabling works, shall not begin until a Decommissioning Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include the timing for decommissioning of all, or part of the solar farm if it ceases to be operational, along with the measures, and a timetable for their completion, to secure the removal of panels, plant, fencing, equipment and landscaping initially required

to mitigate the landscape and visual impacts of the development. Decommissioning shall be carried out in accordance with the approved Decommissioning Method Statement.

Reason - In the interests of the amenity of the area.

4. No development, aside from enabling works, shall take place until a scheme for landscaping, including a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of additional and supplemental planting, including an on-going management plan to ensure maintenance of any approved landscaping. The landscaping scheme shall be implemented in accordance with the approved details within the first planting season following the completion of the development hereby permitted, and shall be maintained during the first 5-years of the development, with the replacement of any trees or plants which die, are removed or become seriously damaged or diseased, in the first available planting season with others of similar size and species.

Reason - To ensure the provision of amenity afforded by appropriate landscape design.

5. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in chapter 6 of the Ecological Impact Assessment (Gray Ecology, Sept 2020, updated Nov 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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).

6. A wintering and breeding farmland bird mitigation and monitoring strategy must be submitted to and approved in writing by the Local Planning Authority prior to the completion of the development, and the strategy must provide details of the measures that will be implemented if the surveys identify a decline in bird population numbers.

The Farmland Bird Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed measures
- b) Detailed Methodology for measures to be delivered
- c) Location of the proposed measures by appropriate maps and/or plans
- d) Mechanism for implementation & Monitoring of delivery

The Farmland Bird Mitigation Strategy shall be implemented in the first nesting season following completion of the development and in accordance with the approved details, or any amendment as may be approved in writing pursuant to this condition, and all features shall be delivered for a minimum period of 10 years.

Reason - To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species).

7. A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within Chapter 7 of the Ecological Impact Assessment (Gray Ecology, Sept 2020, updated Nov 2020), shall be submitted to and approved in writing by the local planning authority prior to the completion of the development. The

enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

8. There shall be no installation of external lighting during the operational phase of the development except in full accordance with a scheme that has been approved in writing by the Local Planning Authority.

Reason - To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

9. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to completion of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason - To 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. No works except enabling works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. There should be a minimum of a 1m gap between the highest annual ground water level and the base of any infiltrating feature. All point infiltration features should maintain a 5m distance from any structure foundations.

- Ensuring that discharge rates and volumes are not increased as a result of the application for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change.

- Detailed information regarding the mitigation of the risk channels being created by the solar arrays.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason -

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

11. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason - The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

12. Prior to completion of the development a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

13. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

14. The development hereby permitted shall not be commenced until such time as a soil management plan has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason - Soil compaction and the creation of channels can cause increased run-off rates and volumes from the site. Therefore a soil management plan should show how this will be mitigated against. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

15. No construction or decommissioning works shall take place except between the following hours: 0800 to 1800 Monday to Friday, and 0800 to 1300 Saturday. No construction or decommissioning works shall take place at any time on Sunday or a Bank Holiday.

Reason - In the interests of local amenity.

16. The planning permission hereby granted is for a period from the date of this decision until the date occurring 30 years after the date the development is first operational commences, when the use shall cease and the solar panels and all ancillary equipment and landscaping initially required to mitigate the landscape and visual impacts of the development shall be removed from the site in accordance with the Decommissioning Method Statement approved pursuant to Condition 3.

Reason - To ensure that the landscape impact of the development exists only for the lifetime of the development.

17. All ancillary equipment, including substations and inverter/transformer stations, shall be painted a non-obtrusive colour in accordance with details to be agreed in writing with the Local Planning Authority before implementation of the ancillary equipment. The development shall be carried out in accordance with the approved details.

Reason - In the interests of the amenity of the area.

18. 12 months prior to the expiry of the planning permission, a site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of works to remove the solar panels and related equipment, and shall be fully implemented within 12 months of the expiry of this permission.

Reason - In the interests of the amenity of the area.

19. If the solar farm ceases to export electricity to the grid for a continuous period of 12 months then a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months from the end of the 12 month period for the removal of the solar farm and associated equipment and the restoration of (that part of) the site to agricultural use. The approved scheme of restoration shall then be fully implemented within 6 months of that written approval being given.

Reason - In order to ensure that the solar park fulfils its required purpose or is removed from the land in the interests of rural visual amenity.

20. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in above.

The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - Evidence from the HER in the surrounding area shows there is, however, potential for survival of previously unrecorded archaeological remains dating to the prehistoric and Roman periods and Medieval to postmedieval agricultural features. This condition is therefore being applied in line with the National Planning Policy Framework to ensure the appropriate protection of the potential heritage assets impacted by the development.

21. Within 18 months of the date of this planning permission the developer shall have submitted and received written approval from the local planning authority (in consultation with Highways England) of the following design details relating to the required improvements to the A120 site access and the scheme shown in outline on SLS drawing number SLS 376.1/20/002 rev2. Scheme details shall include drawings and Documents showing as applicable;

- i. How the improvement interfaces with the existing highway alignment and carriageway markings.
- ii. Full construction details relating to the highway improvement. This should include any modifications to existing structures or proposed structures with supporting analysis.
- iii. Full Signing/lighting.
- iv. Confirmation of compliance with Departmental standards (DMRB) and policies (or approved relaxations/departures from standards).
- v. Evidence that the scheme is fully deliverable within land in the control of either the applicant or the Highway Authority.
- vi. An independent Stage 2 Road Safety Audit (taking account of and stage 1 Road Safety Audit recommendations carried out in accordance with Departmental Standards (DMRB) and Advice Notes.

The above scheme approved by the Local Planning Authority shall be implemented and completed to the satisfaction of the Local Planning Authority in consultation with the Highways Authorities and NO construction of the main development shall take place unless and until the junction improvements shown in outline on SLS drawing number SLS 376.1/20/002 rev2 have been delivered and are fully open to traffic.

Reason – In the interests of highway safety.

22. Prior to the commencement of development a vehicular turning facility for service and delivery vehicles, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

23. No works whatsoever shall commence until such time as a Construction and Traffic Management Plan is approved in writing by the Local Planning Authority. The approved plan shall be adhered at all times during all ground works, construction and decommissioning traffic throughout the pre-construction, construction and decommissioning phases.

Reason - To ensure that the adjoining highway is not obstructed by construction activity, in the interests of highway safety.

24. No development shall take place, including any enabling works, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities
- v. swept path analysis for construction vehicles for key junction(s)

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

25. No development shall take place until a Construction Traffic Routing Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved plan shall be adhered at all times during all ground works, construction and decommissioning traffic throughout the pre-construction, construction and decommissioning phases.

Reason - To ensure that the adjoining highway is not obstructed by construction activity, in the interests of highway safety.

26. Prior to the commencement of any work on the site a joint inspection of the local road (Bowl Road) to be used by construction vehicles should be carried out by the applicant and the Highway Authority, to include photographic evidence. The route should then be inspected again, after completion of the development, and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority.

Reason - To preserve the integrity and fabric of the highway, in the interests of highway safety.

27. The public's rights and ease of passage over public footpath no. 18_183 (Wix) shall be maintained free and unobstructed at all times, unless otherwise agreed in writing with the Local Planning Authority.

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

28. Following the completion of construction works the site compound areas shall be restored in full accordance with an approved Site Compound Restoration Scheme. This scheme

shall be submitted 4 months prior to the completion of construction works and approved in writing by the Local Planning Authority.

Reason – To ensure the compound areas are sympathetically restored in the interests of visual and residential amenity.

8.3 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.

Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively, you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk

Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.

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

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no.18_183 (Wix) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

If as part of development proposals, there is a need to alter the trunk road network either to provide access on to it or to provide improvements to the road and its junctions, in order to mitigate the impact of the development, then the developer will need to enter in an arrangement with Highways England to procure and deliver these works.

This is undertaken by entering into a Section 278 Agreement of the Highways Act, 1980, as amended by section 23 of the New Roads and Street Works Act 1991, with Highways England.

The Agreement provides a financial mechanism for ensuring delivery of the mitigation works identified and determined as necessary for planning permission to be granted. This protects the Public owned Company against the risk of carrying out the works without adequate funds being in place.

Following granting of planning consent, the developer should contact the Service Delivery Manager of the trunk road affected to discuss taking these matters forward. The contact details are:

Service Delivery Manager
Network Operations
Highways England
Woodlands
Manton Lane
Bedford MK41 7LW
Email PlanningEE@highwayseglan.co.uk
Telephone 0300 123 5000

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
 - 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
 - 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).

- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

10. Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.