



PLANNING COMMITTEE

DATE: Thursday, 31 August 2023
TIME: 6.00 pm
VENUE: Committee Room - Town Hall,
Station Road, Clacton-on-Sea, CO15
1SE

MEMBERSHIP:

Councillor Fowler (Chairman)
Councillor White (Vice-Chairman)
Councillor Alexander
Councillor Bray
Councillor Everett

Councillor Harris
Councillor Placey
Councillor Sudra
Councillor Wiggins

Most Council meetings are open to the public and press. The space for the public and press will be made available on a first come first served basis. 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.

This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for up to 24 months (the Council retains one full year of recordings and the relevant proportion of the current Municipal Year). The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in the meeting. In addition, the Council is obliged by law to allow members of the public to take photographs, film, audio-record, and report on the proceedings at public meetings. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

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DATE OF PUBLICATION: Friday, 18 August 2023

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 - 12)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Tuesday, 01 August 2023.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, 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 Report of Director (Planning) - A.1 - 23/00746/FUL - Grange Farm Barn, Heckfords Road, Great Bentley, Colchester, Essex, CO7 8RR (Pages 13 - 28)

Proposed retention of a building for storage of machinery, materials, and ancillary domestic/leisure use, all related to the existing property.

6 Report of Director (Planning) - A.2 - 23/00794/FUL - Land to South East of 'Forres', Clacton Road, Elmstead, Colchester, Essex, CO7 7DD (Pages 29 - 50)

Proposed erection of a detached single storey dwelling with a detached garage and landscaping.

7 Report of Director (Planning) - A.3 - 23/00376/FULHH - 78 North Road, Clacton-on-Sea, Essex, CO15 4DF (Pages 51 - 58)

Proposed conservatory roof height 3.5 metres within 2 metres of boundary (retrospective).

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held in the Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 6.00 pm on Thursday, 28 September 2023.

INFORMATION FOR VISITORS

PUBLIC ATTENDANCE AT PLANNING COMMITTEE MEETINGS

Welcome to this evening's meeting of Tendring District Council's Planning Committee.

This is an open meeting which members of the public can attend to see Councillors debating and transacting the business of the Council. However, please be aware that, unless you have registered to speak under the Public Speaking Scheme, members of the public are not entitled to make any comment or take part in the meeting. You are also asked to behave in a respectful manner at all times during these meetings.

Members of the public do have the right to film or record Committee meetings subject to the provisions set out below:-

Rights of members of the public to film and record meetings

Under The Openness of Local Government Bodies Regulations 2014, which came into effect on 6 August 2014, any person is permitted to film or record any meeting of the Council, a Committee, Sub-Committee or the Cabinet, unless the public have been excluded from the meeting for the consideration of exempt or confidential business.

Members of the public also have the right to report meetings using social media (including blogging or tweeting).

The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

Any person exercising the rights set out above must not disrupt proceedings. Examples of what will be regarded as disruptive, include, but are not limited to:

- (1) Moving outside the area designated for the public;
- (2) Making excessive noise;
- (3) Intrusive lighting/flash; or
- (4) Asking a Councillor to repeat a statement.

In addition, members of the public or the public gallery should **not** be filmed as this could infringe on an individual's right to privacy, if their prior permission has not been obtained.

Any person considered being disruptive or filming the public will be requested to cease doing so by the Chairman of the meeting and may be asked to leave the meeting. A refusal by the member of the public concerned will lead to the Police being called to intervene.

Tendring District Council



PLANNING COMMITTEE MEETINGS PUBLIC SPEAKING SCHEME March 2021

This Public Speaking Scheme is made pursuant to Council Procedure Rule 40 and gives the opportunity for a member of the public and other parties identified below to speak to Tendring District Council's Planning Committee when they are deciding a planning application.

TO WHICH MEETINGS DOES THIS SCHEME APPLY?

Public meeting of the Council's Planning Committee are normally held every 4 weeks at 6.00 pm in the Committee Room at the Town Hall, Station Road, Clacton-on-Sea CO15 1SE.

WHO CAN SPEAK & TIME PERMITTED? All speakers must be aged 18 or over:

1. The applicant, his agent or representative; or (where applicable) one person the subject of the potential enforcement action or directly affected by the potential confirmation of a tree preservation order, his agent or representative. A maximum of 3 minutes to speak is allowed;
2. One member of the public who wishes to comment on or to speak in favour of the application or someone who produces a signed, written authority to speak on their behalf. A maximum of 3 minutes to speak is allowed;
3. One member of the public who wishes to comment on or speak against the application or someone who produces a signed, written authority to speak on their behalf. A maximum of 3 minutes to speak is allowed;
4. Where the proposed development is in the area of a Parish or Town Council, one Parish or Town Council representative. A maximum of 3 minutes to speak is allowed;
5. All District Councillors for the ward where the development is situated ("ward member") or (if the ward member is unable to attend the meeting) a District Councillor appointed in writing by the ward member. Member(s) of adjacent wards or wards impacted by the proposed development may also speak with the agreement of the Chairman. Permission for District Councillors to speak is subject to the Council's Code of Conduct and the declarations of interest provisions will apply. A maximum of 5 minutes to speak is allowed;

In accordance, with Council Procedure Rule 36.1, this Public Speaking Scheme takes precedence and no other Member shall be entitled to address or speak to the Planning Committee under Rule 36.1; and

6. A member of the Council's Cabinet may also be permitted to speak on any application but only if the proposed development has a direct impact on the portfolio for which the Cabinet member is responsible. The Leader of the Council must approve the Cabinet Member making representations to the Planning Committee. A maximum of 3 minutes is allowed.

Any one speaking as a Parish/Town Council representative may be requested to produce written evidence of their authority to do so, by the District Council's Committee Services Officer (CSO). This evidence may be an official Minute, copy of standing orders (or equivalent) or a signed letter from the Clerk to the Parish/Town Council and must be shown to the DSO before the beginning of the Planning Committee meeting concerned.

No speaker, (with the exception of Ward Members, who are limited to 5 minutes) may speak for more than 3 minutes on any agenda items associated with applications (such as a planning application and an associated listed building consent application). Speakers may not be questioned at the meeting, nor can any public speaker question other speakers, Councillors or Officers. Speakers are not permitted to introduce any photograph, drawing or written material, including slide or other presentations, as part of their public speaking.

All Committee meetings of Tendring District Council are chaired by the Chairman or, in their absence, the Vice-Chairman whose responsibility is to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community. The Chairman of the Planning Committee therefore, has authority to use their discretion when applying the Public Speaking Scheme to comply with this duty.

WHICH MATTERS ARE COVERED BY THIS SCHEME?

Applications for planning permission, reserved matters approval, listed building consent, conservation area consent, advertisement consent, hazardous substances consent, proposed or potential enforcement action and the proposed or potential confirmation of any tree preservation order, where these are the subject of public reports to the Planning Committee meeting.

HOW CAN I FIND OUT WHEN A MATTER WILL BE CONSIDERED?

In addition to the publication of agendas with written reports, the dates and times of the Planning Committee meetings are shown on the Council's website. It should be noted that some applications may be withdrawn by the applicant at short notice and others may be deferred because of new information or for procedural reasons. This means that deferral takes place shortly before or during the Planning Committee meeting and you will not be able to speak at that meeting, but will be able to do so at the meeting when the application is next considered by the Planning Committee.

DO I HAVE TO ATTEND THE PLANNING COMMITTEE MEETING TO MAKE THE COMMITTEE AWARE OF MY VIEWS?

No. If you have made written representations, their substance will be taken into account and the Committee report, which is available to all Planning Committee Councillors, will contain a summary of the representations received.

HOW DO I ARRANGE TO SPEAK AT THE MEETING?

You can:-

Telephone the Committee Services Officer (“CSO”) (01255 686007) during normal working hours on any weekday after the reports and agenda have been published; or

Email: democraticservices@tendringdc.gov.uk

OR

On the day of the Planning Committee meeting, you can arrive in the Committee Room in the Town Hall at least 15 minutes before the beginning of the meeting (meetings normally begin at 6.00pm) and speak to the CSO.

If more than one person wants to speak who is eligible under a particular category (e.g. a member of the public within the description set out in numbered paragraphs 2 or 3 above), the right to speak under that category will be on a “first come, first served” basis.

Indicating to the Chairman at a site visit that you wish to speak on an item is **NOT** formal notification or registration to speak; this must be made via the Committee Services Officer in the manner set out above.

WHAT WILL HAPPEN WHEN THE MATTER CONCERNED IS CONSIDERED?

- Planning Officer presents officer report
- Public speaking takes place in the order set out above under the heading “WHO CAN SPEAK?”
- Officer(s) may respond on factual issues arising from public speaking and may sum up the key policies and material planning considerations relevant to the application
- Committee Members may ask Officers relevant questions and will debate, move motions and vote

Normally, the Committee will determine the matter, but sometimes the Councillors will decide to defer determination, in order to allow officers to seek further information about a particular planning issue. If a matter is deferred after the public speaking, the Committee will not hear public speaking for a second time, unless there has been a substantial material change in the application which requires representations to be made. The Executive Summary section of the Planning Committee Report should identify whether public speaking is going to be permitted on an application being reconsidered after deferral. If there is an update since the Report was published, the Council’s website will confirm this information.

WHAT SHOULD I SAY AT THE MEETING?

Please be straightforward and concise and try to keep your comments to planning matters which are directly relevant to the application or matter concerned. Planning matters may include things such as planning policy, previous decisions of the Council on the same site or in similar circumstances, design, appearance, layout, effects on amenity, overlooking,

loss of light, overshadowing, loss of privacy, noise or smell nuisance, impact on trees, listed buildings or highway safety.

Matters such as the following are not relevant planning matters, namely the effect of the development on property value(s), loss of view, personality or motive of the applicant, covenants, private rights or easements and boundary or access disputes.

Please be courteous and do not make personal remarks. You may wish to come to the meeting with a written statement of exactly what you want to say or read out, having checked beforehand that it will not overrun the 3 minutes allowed.

WHO DO I CONTACT FOR MORE INFORMATION?

The Council's website will help you and you can also contact the relevant planning Case Officer for the matter. The name of the Officer is on the acknowledgement of the application or in the correspondence we have sent you.

Tendring District Council, Planning Services,
Town Hall, Station Road, CLACTON-ON-SEA, Essex CO15 1SE
Tel: 01255 686161 Fax: 01255 686417
Email: planningservices@tendringdc.gov.uk Web: www.tendringdc.gov.uk

It always helps to save time if you can quote the planning application reference number.

As approved at the meeting of the Full Council held on 16 March 2021

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 1ST AUGUST, 2023 AT 6.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Fowler (Chairman), White (Vice-Chairman), Alexander, Everett, Harris, Smith, Sudra and Wiggins
Also Present:	Councillor Mark Cossens (Except Items 24 and 25), Councillor Bradley Thompson and Councillor Nick Turner (Expect Items 24 and 25).
In Attendance:	Gary Guiver (Director (Planning)), John Pateman-Gee (Head of Planning & Building Control), Ian Ford (Committee Services Manager), Joanne Fisher (Planning Solicitor), Jacob Jaarsma (Planning Team Leader), Alison Pope (Planning Officer) (Except Items 22 - 25), Clive Theobald (Planning Officer) (Except Items 24 and 25), Bethany Jones (Committee Services Officer) and Emma Haward (Leadership Support Assistant)

17. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Bray (with no substitution) and Placey (with Councillor Smith substituting).

18. MINUTES OF THE LAST MEETING

It was moved by Councillor Alexander, seconded by Councillor Harris and:-

RESOLVED that the minutes of the last meeting of the Committee, held on Tuesday, 4 July 2023 be approved as a correct record.

19. DECLARATIONS OF INTEREST

There were no declarations of interest made by Councillors on this occasion.

20. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no such Questions on Notice submitted by Councillors on this occasion.

**21. REPORT OF DIRECTOR (PLANNING) - A.1 - PLANNING APPLICATION –
22/00953/FUL – LAND AT 55 HARWICH ROAD, LAWFORD, MANNINGTREE, CO11
2LS**

It was reported that this application had been referred to the Planning Committee as the proposed development conflicted with the requirements of the Development Plan, principally Policy SPL2 (Settlement Development Boundaries) of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022) being located outside of any defined settlement development boundary and it was recommended for approval by the Officers.

Members heard that the application proposed two dwellings with a combined total footprint of 241.64 square metres which would be sited separately on land to the rear of 55 Harwich Road in Lawford and would replace existing agricultural buildings in the same locations.

The proposal of the two dwellings was considered by Officers to offer an improved scheme in terms of living accommodation and design, scale and appearance when compared to the conversion of the agricultural buildings to three dwellings under the prior approval of 20/01708/COUNOT with a reduction in footprint of the buildings of 36.36 square metres.

The Committee heard that there were no significant issues in respect of neighbouring amenities or harm to trees, and there was sufficient parking and vehicular turning provision. In addition, no objections had been raised by ECC Highways or the Council's Environmental Protection Team subject to conditions and therefore the application was recommended by Officers for approval.

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 Officer (AP) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of amended wording in order to correct an error in paragraph 6.5 of the Officer report and to reflect that the proposed building was a 1.5 storey cottage with restricted full head height to elements and also with details of amended wording for proposed planning condition 13.

Mollie Foley, the applicant's agent, spoke in support of the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>What are the dimensions of the access road especially the width?</i>	<i>The narrowest part of the road is 6.5m and the wider dimension of the driveway is 5.7m, narrowing to 3.6m.</i>
<i>Can you confirm what constitutes "long and narrow" driveways?</i>	<i>That is a judgement call, a planning judgement. There are no specific criteria. Based on the aspects of the actual application it is the Officer's opinion.</i>
<i>Would the hedging be going down further than where they are now?</i>	<i>The gardens at the rear are to go into the land ownership of the site. It is indicative that the hedges will grow to create those gardens.</i>
<i>If this Committee approved this application, will no further traffic come down that roadway, would it just be for the two properties?</i>	<i>Yes, that roadway is just for the two properties. The other property near these two properties is owned by someone else. The road is on the side of that property.</i>

<p><i>Will the other dwelling that is owned by someone else share this driveway?</i></p>	<p><i>For the new dwellings, there will be new access onto Harwich Road, no other access from other dwellings.</i></p>
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It was moved by Councillor White, seconded by Councillor Alexander and:-

RESOLVED that the application be approved subject to:-

- 1) On appropriate terms as summarised below and those as may be deemed necessary to the satisfaction of the Head of Planning & Building Control to secure the completion of a legal agreement under provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters:
 - **RAMS financial contribution** of £156.76 per dwelling x 2 units = £313.52 (index linked) toward recreational disturbance at the Stour and Orwell Estuaries Ramsar site and Special Protection Area.
- 2) the Head of Planning & Building Control be authorised to grant planning permission subject to the agreed section 106 agreement and the conditions as stated at paragraph 8.2 of the Officer report, subject to condition 13 being amended as per the update sheet, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained.
- 3) the informative notes as may be deemed necessary; and,
- 4) in the event of the Planning obligations or requirements referred to in resolution (1) above not being secured within 6 months the Head of Planning & Building Control be authorised to refuse the application on appropriate grounds at their discretion.

22. REPORT OF DIRECTOR (PLANNING) - A.2 - PLANNING APPLICATION – 21/01718/FUL – LAND REAR OF BLOOMFIELD COTTAGE, GRANGE ROAD, LAWFORD, MANNINGTREE, CO11 2ND

It was reported that this planning application was before the Planning Committee as the proposed development would conflict with the requirements of the Development Plan, principally Policy SPL2 (Settlement Development Boundaries) of the Tendring District Local Plan 2013 – 2033 and Beyond Section 2 (adopted January 2022) being located outside of any defined settlement boundary and it had an Officer recommendation of approval.

Members were informed that this proposal of a dwelling was on balance, not considered by Officers to be materially different in regard to the siting or the footprint of the development approved under prior approval 21/00704/COUNOT. The overall height of the proposed dwelling exceeded that of the existing building, however this was not considered by Officers to result in significant harm.

The Committee heard that the proposed dwelling had been revised during the course of the application to be softer with a more agricultural like appearance with timber cladding and full length windows, which was considered to be in keeping with the rural location.

The access remained as existing and there were no objections from the Highways Authority.

Members were told that the Council’s Tree and Landscape Officer had noted that the application site was overgrown with some established conifers along the eastern boundary. A soft landscaping scheme to include the site boundaries would be secured by condition as this would help to soften the appearance and screen/filter views of the site from the Public Right of Way to the east.

The Committee was also informed that there was sufficient parking and private amenity spaced provided, and there would not be significant harm to existing neighbouring amenities, subject to conditions.

Finally, Members heard that proposed conditions were included within the recommendations to ensure the provision of biodiversity enhancement and a scheme for the provision and implementation of water, energy, and resource efficiency measures for the lifetime of the development.

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 Team Leader (JJ) in respect of the application.

No Officer update for this application was submitted to the Committee.

There was no public speaking on this application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>What is the width of that road if approval is given?</i>	<i>It is difficult to give an exact measurement. The region of access is over 3 metres but that could be widened, but also could be less than 3 metres in places. There is potential for the access to widen but that is down to general maintenance work.</i>
<i>Is it serviced by bio-metric sewage disposal?</i>	Yes.
<i>What do you say about the sewage disposal track having access to the site?</i>	<i>That is a matter of judgement. Highways are content with the proposal. Entrance is approximately 5 metres across, it continues at this width to the proposed dwelling and is in the applicant’s control to provide road at this width.</i>
<i>What conditions are in place to make access road suitable and at what point will Highways say this access road is “saturated”?</i>	<i>Referred to condition on the turning area. The Class Q has been approved and we are dealing with this in its own merits. There is no condition as to surfacing of the access road, but this could be imposed if the Committee wishes. Officers have</i>

	<i>outlined the limits of the new property provision under Class Q regulations. Other applications on the site have been refused. The LPA thought that the buildings weren't structurally sound.</i>
<i>What reports have been commissioned as to Wildlife surveys?</i>	<i>This report covers ecology and biodiversity implications under Sections 6.43 and 6.44 which suggests that suitable conditions be imposed to secure this however this is not in the proposed conditions listed. No report required as part of the application process. This is not a designated wildlife area.</i>
<i>Does this Committee need evidence before it can impose a condition?</i>	<i>Officer judgement is not required but the Committee could impose a condition. Officers had no concerns that would generate need for the report. Also, there is an outstanding fall-back position for these buildings. We don't have a building within this report that is at an age or structure that wildlife is within. Officers can seek that the applicant can provide the report, but they might feel it to be unnecessary. There is a legal need to protect wildlife, to do otherwise would be a legal offence.</i>
<i>Can we condition width of an access road and its surfacing?</i>	<i>Yes, Members are within their rights to ask for more details, and this could be possible.</i>
<i>If this would require work to the existing hedgerow, could we condition a wildlife survey of the hedgerow?</i>	<i>Yes.</i>
<i>How far from the building would the sewage provision be, and will there be a soakaway?</i>	<i>Precise details of this would be dealt with under the Building Regulations.</i>
<i>If we refuse this application, does the prior approval remain?</i>	<i>Yes, the prior approval will still be there. Referring to the proposed landscaping condition in this application that would cover, in part, the access.</i>

It was moved by Councillor Everett, seconded by Councillor White, and:-

RESOLVED that consideration of application 21/01718/FUL be deferred to enable Officers to seek the following information from the applicant:

- Surface materials and details of the roadway design/width of the access and drive
- Ecological survey/report for site
- Package Treatment Sewage Plant location

23. REPORT OF DIRECTOR (PLANNING) - A.3 - PLANNING APPLICATION – 22/01333/FUL – LAND WEST OF TURPINS FARM, WALTON ROAD, KIRBY LE SOKEN, CO13 0DA

It was reported that this application had been referred to the Planning Committee following a call-in request by the then Ward member, former Councillor Paul Clifton, on

the grounds that the proposed development was: (i) contrary to the Development Plan, (ii) would have a negative impact on urban design/street scene and (iii) would represent a poor housing layout.

The Committee heard that the outline planning permission had been granted on 1 March 2017 under reference 16/00031/OUT for the erection of up to 210 dwellings with access from Elm Tree Avenue, including green infrastructure, children’s play area, school drop off point and parking facility and other related infrastructure at Turpins Farm. Reserved Matters for outline approval 16/0031/OUT, including details of appearance, landscaping, layout and scale, had been subsequently approved on 24 March 2022 under reserved matters application reference 20/00307/FUL. The principle of residential development at Turpins Farm had therefore been established by the grant of the outline permission.

Members were told that the current re-plan scheme application represented a part alternative housing layout to approved reserved matters application 20/00307/FUL for the western part of the site in order to provide 24 additional smaller housing units increasing the dwelling total for the Turpins Farm site as a whole from 210 approved units to 234 units involving various design and layout modifications to existing streets and house types. Construction was currently proceeding on the eastern half of the site under approved application 20/00307/FUL.

Members were informed that the detailed design, layout, landscaping and scale of the re-plan scheme were considered by Officers to be acceptable. The proposal would not result in any material harm being caused to residential amenity or highway safety.

The Committee was also told that the application was recommended by Officers for approval subject to the planning conditions set out in the Officer report and subject to a Section 106 agreement to secure the necessary local infrastructure requirements that arose from the scheme.

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 Officer (CT) in respect of the application.

There were no Officer updates in respect of this application.

Samuel Caslin, the applicant’s agent, spoke in support of the application.

Town Councillor Nick Turner, speaking on behalf of Frinton and Walton Town Council, spoke against the application.

Councillor Mark Cossens, the Ward Member, spoke in support of the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>Why are the affordable housing reduced from 30% to 20%? Is this across the whole site?</i>	<i>This is an odd application as it is a redesign of an existing arrangement, but this is a full application so it is set apart legally from the original. So, it will be</i>

	<i>30% of the number of properties the subject of this application. Also, it was 30% of the original as well so therefore it will be 30% of the whole site, though there is an outstanding application to vary the original permission.</i>
<i>Will the Electric Vehicle charging discharge apply to this new application?</i>	<i>This is secured by Condition 14 on this application.</i>
<i>Is there any evidence to back up the applicant's claim that this application is to reflect the present housing trends?</i>	<i>Strategic Housing Market Assessment has been used by the applicant. Dates to 2015 to now, it is 8 years old. The trend back then was more towards 4-bed family dwellings, larger houses are no longer selling well so it reflects the housing trend. The Local Plan Policy is to have regard to this document. Accepted by Local Plan Inspector at the Local Plan Inquiry. Flexibility in the policy to consider the changing trends hence requirements for a "broad mix" of housing. Changes in that mix reflect developers experience of the housing market demand.</i>
<i>Are we happy with the density of this site? Is there anything we can do for the access of the car park?</i>	<i>It has increased from 19 to 20 properties per hectare which is low by Government Standards. Highways have stated that additional properties will not have negative impact on traffic capacity and traffic flows given that site was originally designed for 250 properties in engineering times. There are 30 parking spaces at school drop off area.</i>
<i>Has the traffic survey been done at these peak times?</i>	<i>A transport statement has been provided.</i>
<i>2019 Inspector recognised that Thorpe-le-Soken high sited was near capacity. Many properties have been built since. Those plus new properties will all have to come through Thorpe-le-Soken to reach points east. What is the impact now?</i>	<i>This application must be judged at its own merits. Highways Authority has not objected to this application. Officers would caution against refusing this application on Highways grounds.</i>
<i>Have Essex Highways considered the implications for Thorpe-le-Soken High Street as part of its consideration of this planning application?</i>	<i>Junctions are monitored and randomly surveyed. It is not an exact science to work out capacity of junctions. Officers can only rely on the information submitted by the Highways Authority and would need to demonstrate "severe harm" under the NPPF.</i>
<i>Is the previous Planning Inspector's appeal decision on The Lifehouse Spa planning application a material consideration for this application?</i>	<i>The Planning Inspector's decision did not solely rely on that highway matter as it did not meet the "severity" bar under the NPPF (the Lifehouse Spa was right on top of the junction in question in Thorpe-le-Soken). Highways will be aware of current development plus "planned" and "background" growth and take that into account in</i>

	<i>their modelling and consideration of Transport Statements.</i>
<i>At what point will we reach threshold for “severity” bar? Can we give any reassurance to Thorpe-le-Soken residents?</i>	<i>The review of the Local Plan will consider transport network and Essex Local Transport plans and housing density and react accordingly.</i>
<i>Could we condition another entrance/exit to the school drop off point?</i>	<i>No. The carpark is not part of this application. It is not within the “red-line” area. It has also been built and therefore it would be unreasonable to add that as a requirement.</i>
<i>Could we have local nominations under the affordable housing provision?</i>	<i>TDC policy is to give a high priority for local people after the statutory requirement e.g. homeless.</i>

During the consideration of this application, the Head of Planning & Building Control (JP-G) advised the Committee that proposed planning conditions 11 & 12 should be deleted as the planning requirements contained in those conditions were in fact to be secured by way of the proposed accompanying Section 106 Legal Agreement to this application.

It was moved by Councillor Alexander, seconded by Councillor White, and:-

RESOLVED that the Head of Planning & Building Control be authorised to grant planning permission for the development subject to:-

- (a) Within 6 (six) months of the date of the Committee’s resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):

- On-site 30% Affordable Housing Provision
- Education Contribution
- Health Contribution
- Completion and Transfer of Public Open Space and Maintenance Contribution
- RAMS Coastal Recreational Disturbance Financial Contribution
- £10,000 Financial Contribution towards speed reduction measures
- £15,000 Financial Contribution towards additional footpath improvement works

- (b) the conditions stated in section 8.2 of the Officer report but subject to the deletion of conditions 11 and 12 as they will be secured by the Section 106 Agreement; and
- (c) the Head of Planning & Building Control be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 months, as the requirements necessary to make the development acceptable in planning terms would not have been secured through a Section 106 planning obligation.

24. REPORT OF DIRECTOR (PLANNING) - A.4 - PLANNING APPLICATION – 17/01229/OUT – LAND ADJACENT AND TO THE REAR OF 755 AND 757 ST JOHNS ROAD, CLACTON-ON-SEA, CO16 8BJ

For the public record and in the interests of transparency, the Committee Services Manager (IF) stated that he was a resident living in the near vicinity to this application site. He confirmed that he had played no active part in the processing of this application in either his professional capacity as an Officer of the Council or in his private capacity as a resident of St. John's Road.

The Committee was told that at a Planning Committee meeting held on 7 June 2022 Members had resolved that planning permission be granted for the development referred to in the application, subject to a 6-month time limit (from the June 2022 resolution) to allow the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 and dealing with the matters set out under paragraph 1.10 of the Officer report.

Members were informed that the agreement had taken significantly longer than anticipated, primarily due to unresolved matters between Essex County Council (ECC) Highways in respect of a Travel Plan Monitoring Fee, areas of dispute between the Developer and ECC Education as well as legal and site value implications in respect of an overaged clause. All those matters had now been satisfactorily resolved and had been confirmed in writing by all respective signatories to the legal agreement. The latest draft section 106 legal agreement was now ready to be signed by all parties. The Committee was told at the meeting by way of confirmation that the Section 106 had agreed and confirmed by all signatories.

Officers told the Committee that, as it had been over 6 months since the Planning Committee's original resolution, and following legal advice, it was necessary for the application to revert to Members for consideration, and specifically to seek authority from the Planning Committee to issue the outline consent now that the section 106 legal agreement was ready for engrossment.

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 Team Leader (JJ) in respect of the application.

There had been no Officer updates circulated to the Committee prior to the meeting on this application.

Stuart Willsher, the applicant's representative, spoke in support of the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Can you clarify the provision of land for a new healthcare facility or a financial contribution to its provision?</i>	<i>In the Section 106, the NHS has first choice to take the land but if it does not wish to do so then it will take a financial contribution.</i>
<i>Why is it 20% affordable housing rather than 30%?</i>	<i>This was agreed as part of the original decision, but a review has now been added which is an added benefit.</i>
<i>What will happen to the land if it is not taken by the NHS for new healthcare</i>	<i>The Section 106 Agreement states that if it is a financial contribution that it will be for facilities in</i>

<i>facility?</i>	<i>West Clacton.</i>
<i>In which phase is the school provision?</i>	<i>Phase 1A.</i>
<i>In what phase is the provision of the NHS facility?</i>	<i>Prior to commencement, the land must be offered. then either built or money paid before 50 dwellings have been occupied.</i>
<i>Can we make it a condition that work starts on the site within a year?</i>	<i>Discussions are already ongoing with the developer on the referral matters applications, which should be submitted soon. Yes, this condition could be imposed.</i>
<i>What happens to the financial contribution if we go down that route?</i>	<i>The developer passes the money to TDC who will pass it onto the relevant NHS body who will be required to spend it on improving health facilities in West Clacton.</i>
<i>Where in the Officer report is the input from the NHS and Essex County Council Education?</i>	<i>Pages 102 to 105 and 110 of the report.</i>

It was moved by Councillor Harris, seconded by Councillor White and:-

RESOLVED that the Head of Planning & Building Control be authorised to grant planning permission for the development, subject to:-

- a) the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
 - 20% On-site Affordable Housing
 - Provision of land on-site for a new healthcare facility or a £554,900 financial contribution towards its provision. [In the event that the land is not required, the financial contribution will be spent on health facilities elsewhere (to be determined by the NHS);
 - Transfer of new open space, including proposed equipped play areas to the Council or a management company;
 - Land for a new primary school and early years and childcare facility on site with financial contributions towards the provision of those facilities;
 - Financial contributions to create additional secondary school places;
 - New neighbourhood centre; and
 - Financial contributions towards RAMS and off-site ecological mitigation.
 - A £500,000 financial contribution towards public transport provision
 - Provision of a Residential Travel Plan monitoring fee

- b) the conditions stated in section 8.2 of the Officer report, subject to the amendment to condition 2 made at this meeting, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,

- c) the informative notes as may be deemed necessary.

25. **REPORT OF DIRECTOR (PLANNING) - A.5 - PLANNING APPLICATION – 23/00649/FUL – BRIGHTLINGSEA LIDO - SWIMMING POOL, PROMENADE WAY, BRIGHTLINGSEA, CO7 0HH**

The Committee had an application before them that sought planning permission to construct a canopy over one-half of the small swimming pool at the Brightlingsea Lido. This was to provide over the new decking area shade from the sun and cover during inclement weather for users of the Lido and a wide range of community activities.

Members were told that the site was leased and managed by Brightlingsea Town Council via a group of volunteers. The canopy proposed was a large shade sail covering a framework of laminated timber roof beams supported by steel posts fixed to the ground. The proposal was considered to be acceptable by Officers and provided a required upgrade to the facilities at the Lido.

The Committee heard that this application was before the Planning Committee as Tendring District Council owned the site.

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 Head of Planning & Building Control (JP-G) in respect of the application.

No Officer updates had been circulated to Members prior to the meeting in respect of this application

There was no public speaking on this application.

It was moved by Councillor Alexander, seconded by Councillor Wiggins and:-

RESOLVED that the Head of Planning & Building Control be authorised to grant full planning permission subject to:-

- 1) the conditions as stated in paragraph 8.2 of the Officer report, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and
- 2) the informative notes as may be deemed necessary.

The meeting was declared closed at 9.47 pm

Chairman

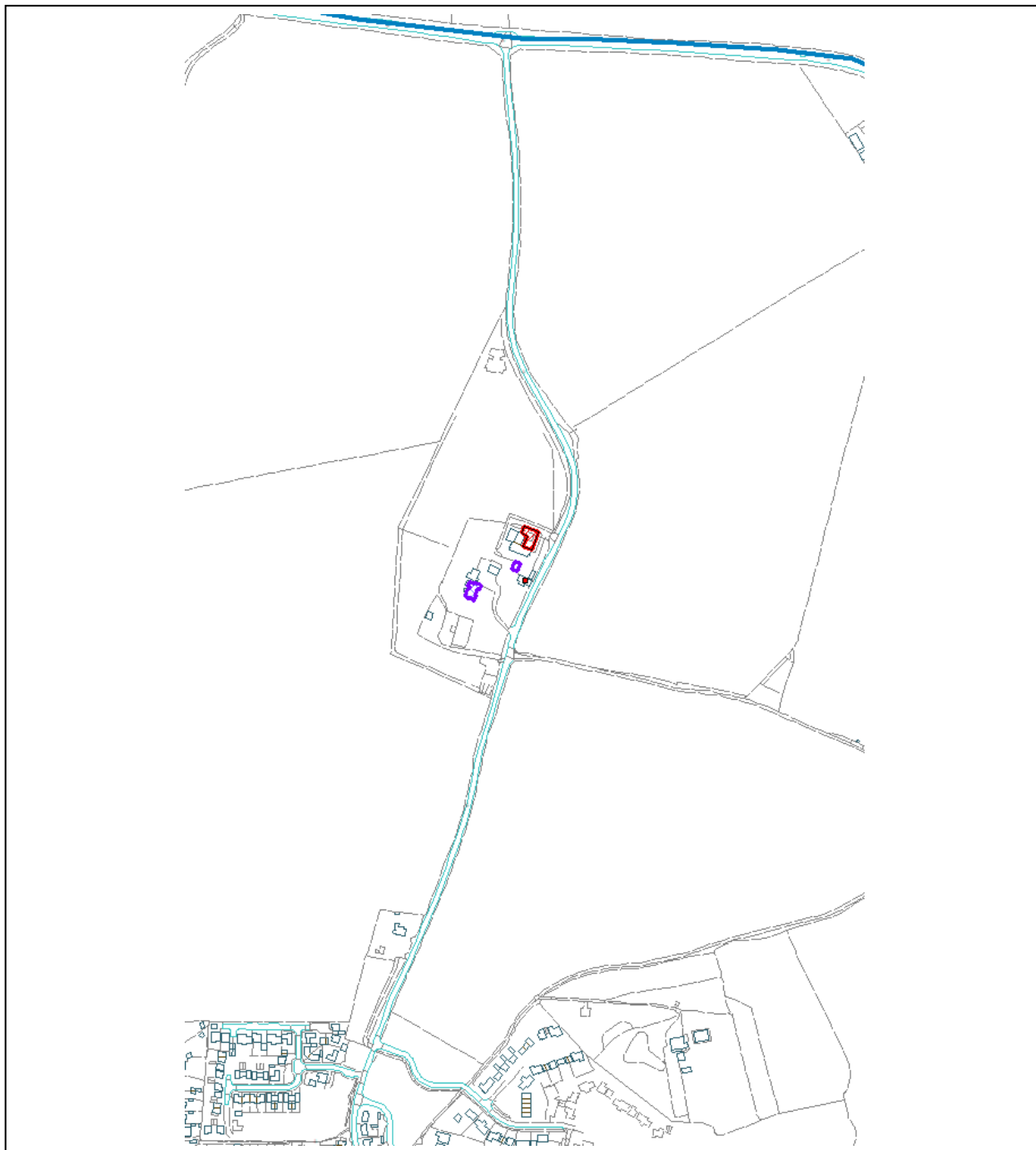
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PLANNING COMMITTEE

31 AUGUST 2023

REPORT OF THE DIRECTOR OF PLANNING

A.1 PLANNING APPLICATION – 23/00746/FUL – GRANGE FARM BARN HECKFORDS ROAD GREAT BENTLEY CO7 8RR



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Application:	23/00746/FUL	Expiry Date:	21st July 2023
Case Officer:	Michael Pingram	EOT Date:	7th September 2023
Town/ Parish:	Great Bentley Parish Council		
Applicant:	Mr J Hills		
Address:	Grange Farm Barn Heckfords Road Great Bentley, Colchester CO7 8RR		
Development:	Proposed retention of a building for storage of machinery, materials, and ancillary domestic/leisure use, all related to the existing property.		

1. Executive Summary

- 1.1 The application is before the Planning Committee following a recent decision by the Committee to refuse a similar scheme on the site in February 2023 (reference 22/01601/FUL).
- 1.2 The proposal relates to a retrospective planning application for a building that was initially approved under planning reference 19/01462/FUL in February 2020, but which has not been built in accordance with the previously approved plans. The main alterations see an increase in the size and height of the building, which is to be utilised for ancillary storage and domestic leisure uses.
- 1.3 As mentioned above the same scheme was refused by the Planning Committee under 22/01601/FUL (against Officers recommendation for approval) as it was not considered to make a positive contribution to the quality of the local environment and character, failed to relate to the site and surroundings, including other buildings, by reason of its excessive height, massing, scale and design, and it did not respect the local landscape views.
- 1.4 The only difference between 22/01601/FUL and the current application is that a Landscape Appraisal has now been provided to address the points raised within the previous refusal reason. Following a review of the Landscape Appraisal, as well as a review of comments provided by the Council's Tree and Landscape Officer, Officers conclude that the building is of a size, scale and form that is in keeping with the broadly agricultural character of the area, and will not significantly alter views across the local setting and wider countryside.
- 1.5 In addition, the increased size of the building will not detrimentally impact the setting of the nearby listed buildings, and will result in a neutral impact to existing neighbouring amenities. In addition, Essex Highways Authority have raised no objections.

Recommendation: Approval

- 1) That the Planning Manager be authorised to grant planning permission subject to the conditions as stated at paragraph 8.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 2) The informative notes as may be deemed necessary.

2. Planning Policy

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

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

PPL3 The Rural Landscape

PPL9 Listed Buildings

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Status of the Local Plan

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

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered

in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

3. Relevant Planning History

03/00556/FUL	Proposed single and two storey extensions.	Refused	20.05.2003
03/00753/LBC	Single and two storey extension	Approved	25.06.2003
03/00754/FUL	Single and two storey extension	Approved	25.06.2003
04/00096/FUL	Proposed agricultural machinery barn	Refused	11.03.2004
07/00125/FUL	Two storey rear extension.	Approved	20.04.2007
12/00770/FUL	Proposed extension to pool house to form summer house.	Approved	10.09.2012
16/00957/FUL	Proposed extension to pool house to form summer house.	Approved	23.08.2016
19/01462/FUL	Proposed extension to existing machinery store.	Approved	07.02.2020
22/01601/FUL	Retrospective application for the erection of a building for storage of machinery, materials, and ancillary domestic/leisure use, all related to the existing property.	Refused	22.02.2023

4. Consultations

Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.

All consultation responses are available to view, in full (including all recommended conditions and informatives), 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/>.

Tree & Landscape Officer

22.06.2023

The existing barn is situated in a position within the grounds of the Grange Hall complex that are well planted with established trees and boundary hedges.

In order to show the current impact of the barn on the local landscape character area the applicant has submitted a Landscape Appraisal that has been carried out in accordance with The Landscape Institutes Guidelines for Landscape and Visual Impact Assessment third edition (GLVIA3).

The document sets out the baseline quality of the Landscape Character Area (LCA) within which the application site is situated (St Osyth and Great Bentley Heaths) and quantifies the impact of the existing barn on the character and appearance of the LCA. The document identifies several locations (visual receptor viewpoints) from which the application site can be viewed or potentially viewed.

In terms of the visibility of the barn and its prominence in the landscape the Landscape Appraisal describes the viewpoints from where the barn is most visible and those where it is seen at such a distance or is screened by intervening vegetation to such a degree that it is not a significant element of the view.

The barn is clearly visible from viewpoints 1, 4 and 5 from Heckford's Road. The Landscape Appraisal describes the fleeting nature of the views as most will be from vehicles travelling along the road towards Great Bentley. Although the barn is visible it is not considered to be an incongruous feature in the landscape as its appearance is that of an agricultural building in a rural setting.

The barn is also visible from viewpoints 2 and 3 along Public Right of Way 1 Great Bentley when approaching from the north-east. Clear views are available but, as above, the appearance of the building is typical of an agricultural building and consequently in keeping with the local landscape character. It is noted that, from this footpath, there are also clear views of farm complexes and barns at both Admirals Farm and Crabtree Farm.

From viewpoint 6 the building is not visible at all and from viewpoints 7 to 10, along Bridleway 2 Great Bentley, the building is either: not visible at all or such a small element of the view that there is no significant impact on the local landscape character.

It is noted that paragraph 9 of section 2 of the Landscape Appraisal states that the proposals would not be significantly conspicuous or cut the skyline any more than the immediately adjacent farm buildings at Admirals Farm to the east or Crab Tree Farm to the north-west.

The impact of the building as described above strongly accords with my view of the impact of the building on the local landscape character and that the building is of a size, scale and form that is in keeping with the broadly agricultural character of the area.

Section 6 of the Landscape Appraisal states that: the development will not significantly change the existing landscape character of the local and wider setting. Furthermore, it will not significantly alter any views across the local setting and wider countryside.

Following a site visit and assessment of the Landscape Appraisal submitted in support of the application it is considered that, in landscape terms, the retention of the existing barn will not have a significant adverse impact on the local landscape character.

The applicant has set out details of new planting in Section 5 of the Landscape Appraisal although details of plant species and specification have not been provided.

Should planning permission be likely to be granted then details of soft landscaping should be secured by a planning condition.

ECC Highways Dept

12.06.2023

The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on the submitted material. No site visit was undertaken in conjunction with this planning application. It is noted that this is part of a retrospective application and is similar to previous application 22/01601/FUL. Like the

previous application, no new or altered means of access to the site is proposed, while the building is set back from the highway, the use of the building will be in part for storage (machinery, materials, domestic), and in part for ancillary leisure use. It is also noted that both aspects are entirely in connection with the use of the existing properties i.e., Grange Farm and Grange Farm Barn, and are for private use. No use of the building for business purposes is proposed, considering these factors:

The Highway Authority does not object to the proposals as submitted.

Informative:

1: 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

2: 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.

3: Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

Essex County Council Heritage

20.06.2023

The application is for proposed retention of a building for storage of machinery, materials, and ancillary domestic/leisure use, all related to the existing property. The current scheme has previously been submitted under reference 22/01601/FUL and a site visit has been carried out as part of our assessment. The proposed scheme has not changed since the previous submission.

The two heritage assets relevant to this application are:

- o Grade II listed Grange Farmhouse (List Entry ID: 1111409); and
- o Grade II listed Barn (List Entry ID: 1306639).

The proposed development site is within the setting of the two designated heritage assets.

The development was initially approved in 2020 under planning reference 19/01462/FUL for the extension to the existing machinery store.

The new development, as built, is considerably larger in footprint and height than the extension approved in 2020. While the scale of the development is considerably larger than the approved, due to its distance from Grange Farmhouse and the Barn and the presence of the existing intervening buildings, there is very limited intervisibility between the designated heritage assets and the new extension. As such this makes no impact on the ability to appreciate and experience the significance of the heritage assets.

As previously stated, in this specific case, the proposal is not considered to have any more impact than the scheme previously approved. There is therefore no objection to this application.

5. Representations

- 5.1 Great Bentley Parish Council object to the proposed development as the proposal still remains contrary to Policy SPL3 and is of a scale not in-keeping with the landscape, and overall retains the same concerns that led to a previous recommendation for refusal.
- 5.2 There have been two additional letters of objection received, that raise concern with the planning process, but do not raise specific planning matters on the merits of the application before members.

6. Assessment

Site Description

- 6.1 The application relates to Grange Farm, which lies to the west of Heckfords Road within the Parish of Great Bentley. Grange Farm consists of a large, detached dwelling with associated outbuildings. To the front of the site is 'The Grange' which is a separate Grade II Listed Building that Officers understand functions as an annexe occupied by the owner's parents. The main dwelling, located to the south-west, is also a Grade II Listed Building known as Grange Farmhouse.
- 6.2 Grange Farmhouse is accessed from the south and The Grange is accessed from the north. To the northern section of the site is an existing machinery shed and store containing the equipment used for the upkeep of the entire site being approximately 5 hectares in size.
- 6.3 The application relates to a small pocket of the site to the north, alongside the existing store buildings accessed via the existing northern access. There is an existing hedgerow screening the buildings and the adjacent annexe building.
- 6.4 The site falls outside of a recognised Settlement Development Boundary within the adopted Local Plan 2013-2033.

Site History

- 6.5 Initially, in February 2020 under planning reference 19/01462/FUL, planning permission was granted for the erection of a store building to be used in association with the dwelling and its grounds, which measured 18.3 metres x 9.4 metres with an overall height of 6.2 metres. The approved building was to be finished in dark green metal cladding and grey profiled metal roof sheeting.
- 6.6 This planning permission has been implemented/constructed and remains extant, however has not been built in accordance with the approved plans.
- 6.7 Given the above, a retrospective planning application was submitted to the Council and refused by the Planning Committee under reference 22/01601/FUL in February 2023. The building is of the exact same size and siting as that subject of this current planning application. The application was refused by the Planning Committee because it was not considered to make a positive contribution to the quality of the local environment and character, failed to relate to the site and surroundings, including other buildings, by reason of its excessive height, massing, scale and design, and it did not respect the local landscape views. Consequently, it was considered this resulted in a visually intrusive form that was not demonstrated to be sufficiently mitigated by landscaping or other measures.

Description of Proposal

- 6.8 This application is a re-submission of 22/01601/FUL, and again seeks retrospective planning permission for the erection of a building for the storage of machinery, materials and ancillary domestic/leisure use, all of which will be related to the existing properties.
- 6.9 The building continues to measure 21.4 metres in length, 11.9 metres in width for approximately 2/3 of the building, with the remaining area having an extended width of 20.7 metres to accommodate a kitchen area. In addition, the ridge height measures 9.1 metres. The building continues to be finished in dark green metal cladding and grey profiled metal roof sheeting.
- 6.10 Within the supporting information, it is explained that the building will be partly used for domestic storage purposes, and partly used for ancillary leisure purposes. The ancillary leisure use is likely to be greater in the winter months but there is no fixed timeframe for how long in a typical year this would be, as it would be dependent upon factors such as the extent of storage at any time, the weather and personal preferences. The uses, however, are all entirely ancillary to the existing properties Grange Farm and Grange Farmhouse, and therefore will be strictly for private use only. A planning condition is recommended to restrict the use to private domestic use.
- 6.11 The key difference between this current application and that refused in February 2023 is that the submission is now accompanied by a Landscape Appraisal. The findings of this are addressed in detail below.

Alterations to the Previously Approved Scheme

- 6.12 Officers acknowledge that under planning reference 19/01462/FUL, permission has previously been granted for a similar, albeit smaller, building on the application site. This building has now been constructed and accordingly the previous permission will indefinitely remain extant and forms a material consideration in the determination of the application. It is therefore important to highlight the differences between that approved and the retrospective application currently being applied for.
- 6.13 The most notable difference is that the building is taller than that previously approved. Under reference 19/01462/FUL the ridge height was 6.2 metres, and now measures 9.1 metres. In addition, the size of the building's footprint has extended; previously it measured 18.3 metres length x 9.4 metres width, but now the length has slightly increased to 21.4 metres, with the width now ranging between 11.9 metres and 20.7 metres. The increased width is largely accounted for to accommodate a kitchen and WC area to the north-west of the building.

Impact to Local Landscape

- 6.14 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 6.15 Adopted Policy SPL3 highlights that all new development should make positive contribution to the quality of the local environment and protect or enhance local character, by relating well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials, and by respecting or enhancing local landscape character.
- 6.16 Within the previous application for the same proposal, the Planning Committee resolved to refuse the scheme on the grounds that the building failed to make a positive contribution to the quality of the local environment and character, failed to relate to the site and surroundings, including other buildings, by reason of its excessive height, massing, scale and design, and it

did not respect the local landscape views. The consequence of this was that the building resulted in a visually intrusive form, and it was not demonstrated that it could be sufficiently mitigated by landscaping or other measures.

- 6.17 While this application proposes the exact same building, in terms of size, design and siting, the key difference is this application is accompanied by a Landscape Appraisal that seeks to address the concerns raised within the refusal reason. Below is a summary of the key findings of this Appraisal.
- 6.18 The Appraisal highlights that the surrounding area comprises scattered buildings and farmsteads, a network of rural lanes surrounded by an arable landscape divided by fragmented hedgerows, although the settlement edge of Great Bentley situated to the south of the site has become significantly urbanised and is prominent in most views across the development site from the north. Equally, the A120 to the north is both visible and audible in the landscape.
- 6.19 The existing built form and vegetation are the dominant factors in defining the extent of the visual envelope. These elements coupled with topography that is generally level relative to the site, ensures the development is only significantly visible from a small select number of locations. In addition, the landscape baseline has been altered following the previous planning application, and while the proposed building is larger in height and footprint, both utilise similar building style, external materials and colour. Consequently, they display a similar character within the landscape setting, and results in a cumulative change rather than a new one.
- 6.20 The scale, height, general arrangement, external materials and colour of the proposed building will still sit comfortably within the existing enclave of the Grange Farm complex. It will also sit easily within the existing vegetation framework and generally below the line of that vegetation. Consequently, it will not significantly change the existing landscape character of the local and wider setting. Furthermore, it will not significantly alter any views across the local setting and wider countryside.
- 6.21 In addition, the Appraisal concludes that the current scheme does not require any secondary mitigation to absorb the site within the local setting. However, it does recognise that there is a small degree of residual visibility resulting from the increase in building dimensions. A limited scheme comprising groups of indigenous tree planting at strategic points would aid this by softening proposed built form.
- 6.22 The Council's Tree and Landscape Officer has been consulted, and has provided the following comments in relation to the Landscape Appraisal.

"The existing barn is situated in a position within the grounds of the Grange Hall complex that are well planted with established trees and boundary hedges.

In order to show the current impact of the barn on the local landscape character area the applicant has submitted a Landscape Appraisal that has been carried out in accordance with The Landscape Institutes Guidelines for Landscape and Visual Impact Assessment third edition (GLVIA3).

The document sets out the baseline quality of the Landscape Character Area (LCA) within which the application site is situated (St Osyth and Great Bentley Heaths) and quantifies the impact of the existing barn on the character and appearance of the LCA. The document identifies several locations (visual receptor viewpoints) from which the application site can be viewed or potentially viewed.

In terms of the visibility of the barn and its prominence in the landscape the Landscape Appraisal describes the viewpoints from where the barn is most visible and those where it is seen at such

a distance or is screened by intervening vegetation to such a degree that it is not a significant element of the view.

The barn is clearly visible from viewpoints 1, 4 and 5 from Heckford's Road. The Landscape Appraisal describes the fleeting nature of the views as most will be from vehicles travelling along the road towards Great Bentley. Although the barn is visible it is not considered to be an incongruous feature in the landscape as its appearance is that of an agricultural building in a rural setting.

The barn is also visible from viewpoints 2 and 3 along Public Right of Way 1 Great Bentley when approaching from the north-east. Clear views are available but, as above, the appearance of the building is typical of an agricultural building and consequently in keeping with the local landscape character. It is noted that, from this footpath, there are also clear views of farm complexes and barns at both Admirals Farm and Crabtree Farm.

From viewpoint 6 the building is not visible at all and from viewpoints 7 to 10, along Bridleway 2 Great Bentley, the building is either: not visible at all or such a small element of the view that there is no significant impact on the local landscape character.

It is noted that paragraph 9 of section 2 of the Landscape Appraisal states that the proposals would not be significantly conspicuous or cut the skyline any more than the immediately adjacent farm buildings at Admirals Farm to the east or Crab Tree Farm to the north-west.

The impact of the building as described above strongly accords with my view of the impact of the building on the local landscape character and that the building is of a size, scale and form that is in keeping with the broadly agricultural character of the area.

Section 6 of the Landscape Appraisal states that: the development will not significantly change the existing landscape character of the local and wider setting. Furthermore, it will not significantly alter any views across the local setting and wider countryside.

Following a site visit and assessment of the Landscape Appraisal submitted in support of the application it is considered that, in landscape terms, the retention of the existing barn will not have a significant adverse impact on the local landscape character.

The applicant has set out details of new planting in Section 5 of the Landscape Appraisal although details of plant species and specification have not been provided.

Should planning permission be likely to be granted then details of soft landscaping should be secured by a planning condition."

- 6.23 Taking the above into consideration the Council's Tree and Landscape Officer has confirmed that they agree with the conclusions of the submitted Landscape Appraisal.
- 6.24 In summary, therefore, Officers conclude that the building is of a size, scale and form that is in keeping with the broadly agricultural character of the area, and will not significantly alter views across the local setting and wider countryside. While some trees have been planted to the north of the site to reduce the overall impacts of the building, full soft landscaping details are recommended to be secured by condition. Having regard to the above and specifically the additional information provided, and subject to such a condition, Officers consider that the reason for refusal previously identified has now been addressed and that the level of harm will not be so significant that it would warrant recommending a reason for refusal.

Design, Appearance and Scale

- 6.25 Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.26 Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness.
- 6.27 The building itself appears as an extension to the existing cluster of outbuildings in the immediate surrounding area. Following the alterations subject of this planning application it is noted that the building is taller than the adjacent buildings, however still relates satisfactorily to the site and setting.
- 6.28 In terms of the buildings design, the walls are constructed with dark green metal profile cladding, and the roof is dark grey metal profile sheeting with solar panels. Such materials, and the overall design, is in-keeping with both the previous planning permission granted under 19/01462/FUL as well as the semi-rural character of the area.

Heritage Impacts

- 6.29 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.30 Adopted Policy PPL9 (Listed Buildings) states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric' although the Plan recognises that the scope for a listed building to adapt to modern life and requirements will itself depend upon a number of considerations and it will not always be possible to incorporate modern design solutions without also causing harm to its special character fabric, or appearance.
- 6.31 The application site is located in close proximity to two Grade II Listed Buildings, the barn sited approximately 40 metres to the south, and the farmhouse located approximately 70 metres to the south-west. Accordingly, Essex County Council Place Services (Heritage) have been consulted on the application, and they have provided the following comments:

*“The two heritage assets relevant to this application are:
o Grade II listed Grange Farmhouse (List Entry ID: 1111409); and
o Grade II listed Barn (List Entry ID: 1306639).*

The proposed development site is within the setting of the two designated heritage assets.

The development was initially approved in 2020 under planning reference 19/01462/FUL for the extension to the existing machinery store.

The new development, as built, is considerably larger in footprint and height than the extension approved in 2020. While the scale of the development is considerably larger than the approved, due to its distance from Grange Farmhouse and the Barn and the presence of the existing intervening buildings, there is very limited intervisibility between the designated heritage assets and the new extension. As such this makes no impact on the ability to appreciate and experience the significance of the heritage assets.

As previously stated, in this specific case, the proposal is not considered to have any more impact than the scheme previously approved. There is therefore no objection to this application.”

- 6.32 Given the comments above, it has been identified that despite an increase in scale and height, the building will not impact upon the ability to appreciate and experience the significance of the two designated heritage assets. Accordingly, Officers do not raise any objections in this regard.
- 6.33 The above notwithstanding, within the comments ECC Place Services (Heritage) provided for the previously approved scheme, Officers acknowledge that they raised no objections but did suggest that that was the maximum built footprint that could be accommodated without harm to the heritage asset. While this is noted, it is also important to recognise that each case must be assessed on its own merits, and at that time the comments were made without sight of the plans submitted as part of this current application. Accordingly, the previous comments do not alter the view that the proposal is acceptable on heritage grounds.

Impact to Neighbouring Amenities

- 6.34 The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy SP7 of the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.
- 6.35 While the building is of a relatively large size, it is sited amongst other buildings and is located a significant distance apart from the nearest residential properties, which are within the applicant's ownership. There are no other residential properties in proximity of the site that would be impacted by the proposal.

Highway Safety Impacts

- 6.36 Paragraph 108 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 111 of the Framework 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.
- 6.37 Policy SPL3 (Part B) of the Adopted Local Plan seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking. Adopted Local Plan Policy CP2 states proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
- 6.38 Essex Highways Authority have been consulted on the application and have confirmed they raise no objections to the proposal. Furthermore, the building is solely for private use and is ancillary to the enjoyment of the existing properties, and therefore does not generate a need for any additional car parking.

Renewable and Energy Conservation Measures

- 6.39 Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the

building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

- 6.40 The proposal is a development that has the potential to incorporate renewable and energy conservation measures. However, on this occasion it is acknowledged that there is an extant permission for a building on this site, albeit smaller than that now being applied for, and Officers therefore consider it would not be reasonable to now request such details.

7. Conclusion

- 7.1 Retrospective planning applications are allowed in law and do not create a precedent. Instead, such applications are required to be considered on their individual merits as per any planning application. While the previous permission was not carried out in accordance with the approved plans, the previous approval remains a significant material consideration in terms of planning history and is given weight in the determination process.
- 7.2 This retrospective planning application is for a building that is both taller and of a larger footprint to that previously granted planning permission in February 2020 under reference 19/01462/FUL. While Officers note that the same proposal was refused by the Planning Committee in February 2023, the submission and findings of the Landscape Appraisal confirm that the building is of a size, scale and form that is in keeping with the character of the area, and will not significantly alter views across the local setting and wider countryside.
- 7.3 In addition, the buildings design is considered to be acceptable, it will not detrimentally impact upon the existing amenities of any neighbouring properties, and no harm has been identified in respect of the designated heritage assets. Essex Highways Authority have also raised no objections on highway safety grounds. Accordingly, the application is considered to be compliant with local and national planning policies and is therefore recommended for approval.

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 APPROVED PLANS & DOCUMENTS

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

Drawing Numbers 22.5294.01,23.5369.01, 102752/03/B, 102752/10, and the documents titled 'Location Plan', 'Explanatory Planning Statement - December 2022 Update', 'Heritage Impact Assessment' and 'Landscape Appraisal'.

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

NOTE/S FOR CONDITION:

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

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

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

- 2 **CONDITION:** This permission shall only authorise the use and occupation of the building hereby approved for purposes incidental and ancillary to the principal dwelling known as Grange Farm (or as may be renamed in the future), and shall not be used for any other purpose(s) at any time.

REASON: For the avoidance of doubt, to ensure that the building is not utilised for any purposes other than those incidental and ancillary to the principal dwelling that would be inappropriate development in the countryside.

- 3 **CONDITION:** Within three months from the date of the decision a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

Should the landscape works include any new hedgerow, please consider the following planting for a native hedge. Native hedge: 50% hawthorn, 25% blackthorn (but beware - this can spread into adjacent fields), 15% field maple, 2% holly, 2% wild privet, 2% guelder rose, 2% dog rose, 2% buckthorn.

- 4 **CONDITION:** All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full 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 approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement

of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

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.

Highways Informatives:

1: 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

2: 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.

3: Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

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.
- 9.12 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.

10. Background Papers

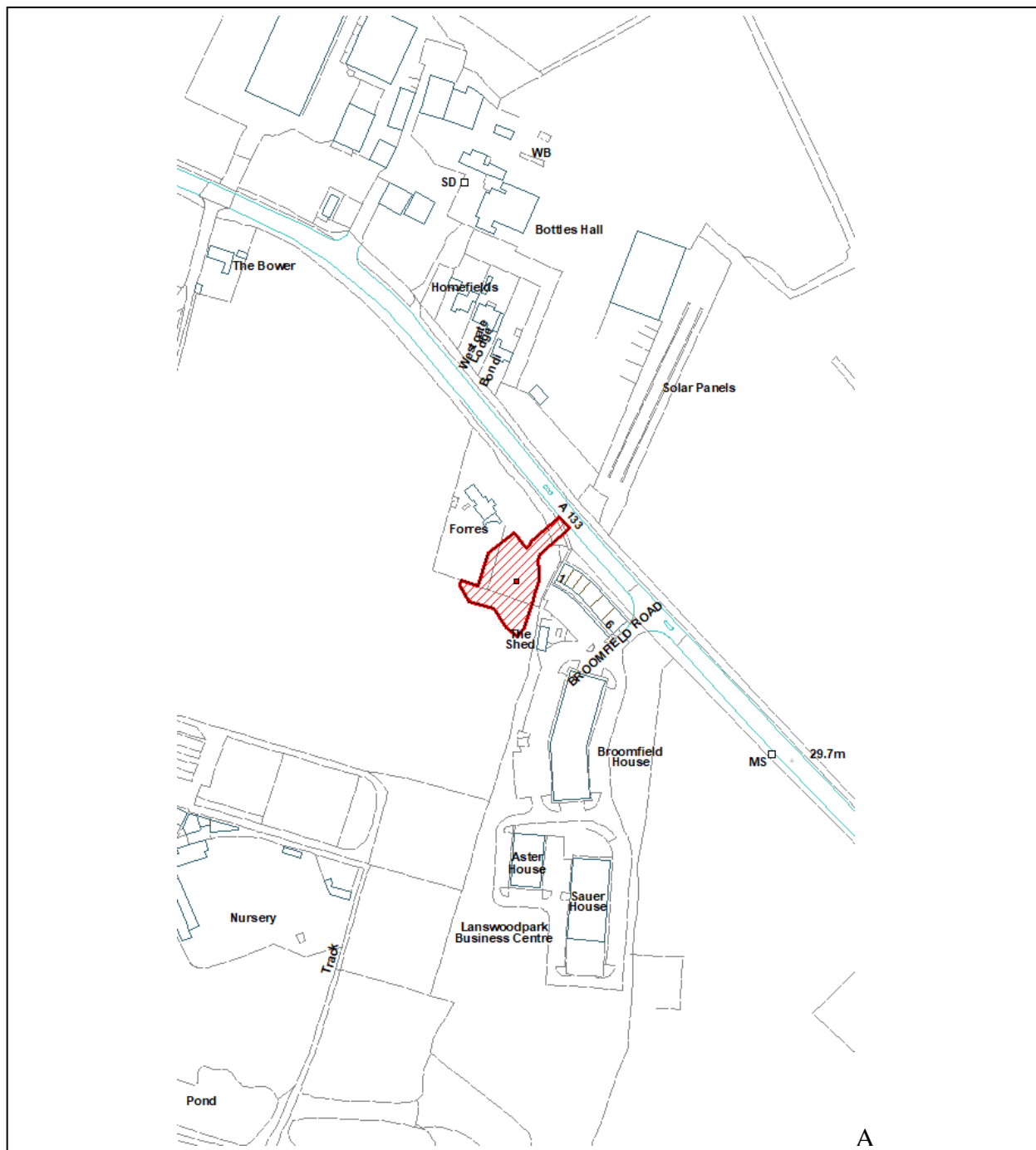
- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) 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

31 August 2023

REPORT OF THE DIRECTOR OF PLANNING

A.2 PLANNING APPLICATION – 23/00794/FUL – LAND TO SOUTH EAST OF 'FORRES' CLACTON ROAD ELMSTEAD CO7 7DD



DO NOT SCALE

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Application:	23/00794/FUL	Expiry Date:	9th August 2023
Case Officer:	Amy Lang	EOT Date:	01 September 2023
Town/ Parish:	Elmstead Market Parish Council		
Applicant:	Heron Developments		
Address:	Land to South East of 'Forres' Clacton Road Elmstead CO7 7DD		
Development:	Proposed erection of a detached single storey dwelling with detached garage and landscaping.		

1. Executive Summary

- 1.1 The application is before Members as the proposal represents a departure from the Local Plan, proposing new residential development outside of the Elmstead Settlement Development Boundary (SDB) as defined within the adopted Tendring District Local Plan 2013 to 2033 and Beyond.
- 1.2 The application site is located on the southern side of Clacton Road (A133), on the outskirts of Elmstead Market, on land currently serving the garden area to the rear of the existing dwelling known as 'Forres'.
- 1.3 The application seeks full planning permission for the subdivision of the rear garden serving Forres and the erection of 1 no. detached single storey dwelling. The property will front Oak Tree Place, be served by a detached double garage and approximately 535 sqm of garden space.
- 1.4 To the rear of Forres and the application site is a development of 8 bungalows. The bungalows are served by a new access road, Oak Tree Place, between Forres and Lanswood Business Centre.
- 1.5 The site lies outside of the defined SDB of Elmstead and is therefore contrary to the spatial strategy set out within adopted Local Plan Section 1 Policy SP7 and Section 2 Policy SPL2. Local Plan policy SPL2 does not preclude residential development outside of the defined boundary, but rather requires careful consideration of the scale of development in relation to the settlement hierarchy category, site-specific characteristics, and sustainability of the site.
- 1.6 The adjacent development was originally approved for 9 dwellings (ref. 19/01211/DETAIL), superseded by the full permission for 8 bungalows now under construction (ref. 20/01840/FUL, varied by 21/00908/FUL). The application site itself broadly encompasses a portion of the land previously approved as part of the wider development. Had the previously approved scheme been built out, this would have accommodated a total of 9 detached dwellings. The current proposal would result in a total of 9 dwellings on the overall site. The development would essentially appear as an infill plot, would appear as part of the existing adjacent development, and not result in any harm to the character of the area or wider street scene.
- 1.7 Elmstead Market is identified as a 'rural service centre' with a reasonably good range of services and facilities. The site lies approximately 0.22 miles (353 metres) from the edge of the defined settlement and 0.65 miles (1.05km) from the village centre. The site benefits from a pedestrian crossing and footpath link along Clacton Road. Furthermore, there are bus stops almost directly to the front of the site which provide services covering Alresford, Brightlingsea, Colchester, Manningtree, Clacton and Jaywick.

- 1.8 Officers are satisfied that existing services and facilities within the settlement would be capable of supporting the development of 1 dwelling, and that these are accessible within safe walking distance of the site.
- 1.9 Other than the high-level policy conflict in regard to the location of the site outside the defined settlement development boundary, the development would not result in any material harm in terms of design, impact, residential amenities or highway safety, and is acceptable in all other regards. For these reasons, the application is recommended for approval.

Recommendation: Approval subject to Unilateral Undertaking

- 1) On appropriate terms as summarised below and those as may be deemed necessary to the satisfaction of the Head of Planning and Building Control to secure the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters:
 - Financial contribution in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) totalling £156.76 per dwelling (index linked)
 - 2) That the Head of Planning and Building Control be authorised to grant planning permission subject to the agreed section 106 agreement and conditions as stated at paragraph 10.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
 - 3) The informative notes as may be deemed necessary.
- Or;**
- 4) That in the event of the Head of Planning and Building Control or requirements referred to in Resolution (1) above not being secured and/or not secured within 12 months that the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion.

Status of the Local Plan

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

In relation to housing supply:

The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below

(less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the ‘tilted balance’).

The Local Plan fixes the Council’s housing requirement at 550 dwellings per annum. On 19 October 2021 the Council’s Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council’s HDT 2021 measurement was therefore 165%. As a result, the ‘tilted balance’ at paragraph 11 d) of the Framework does not apply to applications for housing.

2. Neighbourhood Plans

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

The weight that can be attributed to a neighbourhood plan depends on its progress. The stages of the process can be summarised as follows:

- Stage 1: Designated neighbourhood area (Limited Weight)
- Stage 2: Preparing a draft neighbourhood plan (Limited Weight)
- Stage 3: Pre-submission publicity and consultation (Limited Weight)
- Stage 4: Submission of a neighbourhood plan (Limited Weight)
- Stage 5: Independent Examination (Limited/Significant Weight)
- Stage 6: Referendum (Significant Weight)
- Stage 7: Adoption by LPA (Full Weight)

3. Elmstead Neighbourhood Plan

At the time of writing this report, Cabinet have agreed to the submission made by Elmstead Parish Council and agreed to the Neighbourhood Plan (NP) and Neighbourhood Development Order (NDO) to progress to public consultation (under Reg 16). Public consultation is likely to commence mid-September and will run for a period of six weeks. Elmstead NP can therefore be understood as nearing stage 4 of the process. At this current time, due to the progress of the Elmstead Neighbourhood Plan there is no need to consider the draft policies as part of this application.

4. Planning Policy

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

National:

National Planning Policy Framework July 2021 (NPPF)
National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1
SP1 Presumption in Favour of Sustainable Development

SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure and Connectivity
SP7	Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
LP5	Affordable Housing
LP7	Self-Build and Custom-Built Homes
LP8	Backland Residential Development
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL10	Renewable Energy Generation
CP1	Sustainable Transport and Accessibility
DI1	Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
Essex Design Guide

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

5. Relevant Planning History

16/01690/OUT	Proposed erection of up to 9 no. dwellings and associated out-buildings with access onto Clacton Road (A133).	Approved	16.12.2016
19/01211/DETAIL	Construction of 8 new dwellings with associated development and landscaping (approval of reserved matters Layout, Scale, Appearance and Landscaping following approval of 16/01690/OUT - Access already approved under 16/01690/OUT).	Approved	12.11.2019
20/01840/FUL	Proposed 8 bungalows and associated access roads and landscaping.	Approved	09.04.2021
21/00908/FUL	Variation of condition 2 (Approved Plans) of approved application 20/01840/FUL to allow more distance for the pedestrian refuge island.	Approved	22.03.2022

6. Consultations

- 6.1 Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.
- 6.2 All consultation responses are available to view, in full (including all recommended conditions and informatives), 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/>.

ECC Highways Dept

No objection subject to conditions

29.06.2023

The information submitted with the application has been assessed by the Highway Authority and conclusions have been drawn from a desktop study with the observations below based on submitted material. No site visit was undertaken in conjunction with this planning application. The proposed dwelling would be served by the newly constructed access from Clacton Road serving the adjacent development. Having regard to the number of units already approved on the site and the size of the access, road width and turning areas, the introduction of an additional dwelling would not have a severe highways impact. It is noted that by reducing the scheme to one dwelling from two at the pre-application stage, this has allowed for the driveway and garage to be repositioned further into the sites access drive and away from the road curvature. The proposal provides adequate parking for the size of dwelling.

UU Open Spaces

No contribution requested

29.06.2023

Play Space - current deficit of 1.47 hectares of equipped play in Elmstead
Formal Play - current deficit of 3.04 hectares of open space in Elmstead
Settlement provision - Old School Lane 0.5 miles away

Officer Conclusions and Recommendations – No contribution required.

The current facilities are adequate to cope with this development. The Parish Council have plans in place to increase the provision of play and open space in Elmstead and have already received some funding for this.

Environmental Protection

No objection subject to conditions

26.06.2023

In order to minimise potential nuisance caused by ground works and construction, Environmental Protection recommend that the following below is conditioned.

- 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 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

- No materials produced as a result of the site development or clearance shall be burned on site.

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).

No objection subject to securing:

- a) a proportionate financial contribution towards Essex Coast RAMS
- b) biodiversity mitigation and enhancement measures

7. Representations

7.1 Parish Council

No comments have been received from Elmstead Market Parish Council.

7.2 Neighbours

No letters of objection or representation have been received.

8. Assessment

8.1 The main planning considerations relevant to the assessment of the proposed development are:

- Background and Planning History
- Site Description and Context
- Proposed Development
- Principle of Development
- Scale, Appearance, and Impact
- Trees and Landscaping
- Impact on Residential Amenities
- Highway Safety and Parking
- Sustainable Construction & Design
- Drainage and Foul Sewage Disposal
- Biodiversity Mitigation and Enhancement
- Planning Obligation – Open Space and Play Space
- Planning Obligation – Recreational Disturbance

Background and Planning History

- 8.2 The original approval for the wider residential development of the site (land rear of Forres) under application reference 16/01690/OUT, was approved at a time when the Council was unable to demonstrate a five-year supply of deliverable housing sites. In the absence of an up to date fully adopted Local plan, the tilted balance as set out within the National Planning Policy Framework applied. Outline planning permission was granted for up to 9 no. dwellings.
- 8.3 Application 19/01211/DETAIL followed approving the scale, layout, appearance and landscaping for 8 detached dwellings, including 1 unique, large plot originally intended for the applicant and thus designed to suit their specific living requirements.
- 8.4 It is understood that the original applicant and landowner subsequently sold the site onto South East Commercial Homes LLP. South East Commercial Homes LLP then submitted application 20/01840/FUL seeking full permission for the erection of 8 no. bungalows, essentially varying the previously approved development (with a fresh full approval).
- 8.5 The development of 8 bungalows under planning application reference 20/01840/FUL (varied by 21/00908/FUL) is nearing completion.

Site Description and Context

- 8.6 The application site is located on the southern side of Clacton Road (A133), on the outskirts of Elmstead Market, on land currently serving the garden area to the rear of the existing dwelling known as 'Forres'.
- 8.7 To the rear of Forres and the application site is a development of 8 bungalows currently under construction. The bungalows are served by a new access road, Oak Tree Place, between Forres and Lanswood Business Centre.
- 8.8 The site is currently enclosed by a high, close boarded fence running along the back edge of the footway, following the curve in the new access road.
- 8.9 The site is outside of the settlement development boundary as defined on Local Plan Map B.8: Elmstead Market. The site measures approximately 0.1 hectares and is in Flood Zone 1: low risk.
- 8.10 The application site itself is comprised of land mainly within the residential curtilage of Forres, along with a small stretch of land alongside the access road which is associated with the development of 8 bungalows. The land is irregular in shape due to the existing constraints of the access road, foul drainage infrastructure in the garden associated with Forres and boundary of Plot 8 of the adjacent scheme. The site broadly encompasses some land originally approved for a single unit approved as part of the wider development.
- 8.11 There are several mature trees on and adjacent to the application site, and the applicant has provided a Tree Survey Report assessing the potential impact of the proposed development on the trees situated on the land.

Proposed Development

- 8.12 The application seeks full planning permission for the erection of 1 no. detached, 3 bedroom, single storey dwelling served by a detached double garage (with 4 parking bays to the garage frontage).
- 8.13 The proposed bungalow would front the new access road and be sited over 20 metres to the south of Forres. The detached double garage would be sited to the southern side of the proposed bungalow, adjacent to the garage serving Plot 8 of the adjacent development.
- 8.14 The accompanying plans show extensive new landscaping to all boundaries, with post and rail fencing and new native hedge planting to the frontage. The accompanying Tree Survey Report identifies the need for the removal of a Pine tree directly adjacent to the site, within the remaining rear garden of Forres (T15 on the accompanying block plan).
- 8.15 The irregular shape of the plot and spacing around the dwelling provides generous pockets of private amenity space, amounting to approximately 535 sqm overall.

Principle of Development

Policy Considerations

- 8.16 Adopted Tendring District Local Plan 2013-2033 and Beyond Section 1 (TDLPS1) Policy SP1 states that when considering development proposals, the LPA will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. They will always work pro-actively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Development that complies with the Plan will be approved without delay unless material considerations indicate otherwise.

- 8.17 TDLPS1 Policy SP3 describes the overarching spatial strategy for growth across North Essex up to 2033. It provides that existing settlements will be the principal focus for additional growth and that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. It states that future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting.
- 8.18 Policy SP3 in Section 1 of the Local Plan also provides that the Section 2 Local Plan for each local planning authority will identify a hierarchy of settlements where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs. It is TDLP Section 2 (TDLPS2) that subsequently gives effect to the overarching spatial strategy through Policy SPL1 which defines the settlement hierarchy in Tendring and Policy SPL2 that determines how sustainable development will be achieved. Policy SPL2 thus states that to encourage sustainable patterns of growth and to carefully control urban sprawl, each settlement listed in Policy SPL1 is defined within a 'Settlement Development Boundary' as shown on the relevant Policies Map and Local Map. It goes on to state that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies and any approved Neighbourhood Plans.
- 8.19 Policy SPL2 of the TDLP indicates that outside of settlement development boundaries, the Council will consider proposals in relation to the pattern and scales of growth promoted through Policy SPL1 and other relevant development plan policies.

Site Specific Considerations

- 8.20 Whilst the site falls within the Parish of Elmstead, the site itself is located outside of the defined settlement boundary for the area as identified on Local Plan Policy Map B.8 Elmstead Market. As such, by virtue of its location outside the settlement development boundary, the proposal is contrary to the strategy set out in Policy SPL2, and the starting point is one of refusal.
- 8.21 However, the supporting text of Policy SPL2 indicates that settlement development boundaries have been drawn flexibly to allow for some limited development within, or on the edge of villages, providing for some opportunities for small-scale and infill development within these boundaries.
- 8.22 The site lies approximately 0.22 miles (353 metres) from the edge of the defined settlement and 0.65 miles (1.05km) from the village centre.
- 8.23 As stated above, TDLPS1 Policy SP3 provides that existing settlements will be the principal focus for additional growth but does allow consideration for development to be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. It states that future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting.
- 8.24 Officers recognise that the site is not 'within' or 'adjoining' the defined settlement of Elmstead. However, as with all development proposals, it must be considered on its own merits and have regard to all relevant material planning considerations. In this instance, officers consider the site-specific planning history, site context, distance of the site to the defined SDB and the categorisation of the settlement are significant to the assessment of this proposal.
- 8.25 TDLPS2 Policy SPL1 defines a settlement hierarchy in which Elmstead Market is identified as a 'rural service centre'. TDLP paragraph 3.3.1.3.1 sets out that some rural service centres will accommodate a 'modest increase in housing stock, where appropriate, within the plan period'.

The text also explains that such development will be of a scale that is proportionate, achievable, and sustainable for each of the settlements concerned, having regard to the existing size and character of each settlement; their more limited range of jobs, shops, services and facilities; and any physical, environmental or infrastructure constraints.

- 8.26 Elmstead Market has a reasonably good range of services and facilities including (but not limited to) various shops, a school and a petrol station. The site benefits from a pedestrian link along Clacton Road, linking directly with the majority of these services and facilities. The footways are of a reasonable width and appear well maintained. Officers recognise that Elmstead Market has been a focus of substantial residential growth in the recent past. However, due to the small scale of the proposal, officers are satisfied that existing services and facilities within the settlement would be capable of supporting the development. Furthermore, there are bus stops almost directly to the front of the site which provide excellent services covering Alresford, Brightlingsea, Colchester City, Manningtree, Clacton and Jaywick.
- 8.27 The wider overall site has been the subject of an earlier approval for 9 dwellings under application reference 19/01211/DETAIL. This approval was superseded by a full permission for 8 bungalows. The application site itself broadly encompasses a portion of the land previously approved for a single unit (as part of the wider development of 9). Had the previously approved scheme been built out, the overall site, including this current application site, would have accommodated a total of 9 detached dwellings.
- 8.28 The current proposal would result in a total of 9 dwellings on the overall site. The development would essentially appear as an infill plot and appear as part of the existing adjacent development.
- 8.29 Other than the high-level policy conflict, in regard to the location of the site outside the defined settlement development boundary, the pattern and scale of development proposed is considered compliant with the settlement hierarchy credentials promoted through Policy SPL1. Officers are satisfied that existing services and facilities within the settlement would be capable of supporting the development of 1 dwelling, and that these are accessible within safe walking distance of the site.
- 8.30 For these reasons, the proposal is considered to represent sustainable development. Officers consider that, the specific merits of the site and case would not set a harmful precedent for further development outside defined settlement boundary and would not prejudice the overall spatial strategy of the District.

Scale, Appearance, and Impact

- 8.31 The Government attaches 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. Paragraph 127 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.
- 8.32 Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place.
- 8.33 The proposed dwelling is a generously spaced, well-designed detached property that will appear as a complementary continuation of the recent, adjacent development. The garage is positioned to the south, set back from the front elevation and obscured from view.

- 8.34 The proposed development will replace a portion of the existing high, close boarded fence along the side boundary of Forres. This currently dominates the entrance to Oak Tree Place. The double fronted design, bay window feature and soft landscaping will result in an improvement to the entrance to the development, and an attractive transition to the dwellings behind.
- 8.35 For these reasons, the development will not result in any harm to the character of the area or wider street scene.

Trees and Landscaping

- 8.36 Paragraph 131 of the NPPF sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible.
- 8.37 TDLP2 Policy LP4 relates to housing layout and states; to ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential developments will be expected to incorporate and maximise the use of green infrastructure, verges, trees and other vegetation.
- 8.38 To show the potential impact of the proposed development on the trees situated on the land the applicant has provided a Tree Survey Report. The report covers the trees on the application site and includes details of other trees not affected by the development proposal and consequently not addressed in these comments. The report provides an accurate description of the condition and amenity value of the trees on the land and has been carried out in accordance with BS5837 2012 Trees in relation to design demolition and construction. Recommendations.
- 8.39 Information contained in the tree survey shows the retention of an Oak (T13), the Corylus (T15) and an Arbutus (T16). The Oak has moderate amenity value and will be retained, contributing positively to the site. The Tree Survey Report identifies the need for the removal of a Pine (T15). The Pine has significant defects, and its removal is considered acceptable.
- 8.40 Section 10 of the Design and Access Statement submitted with the application refers to indicative soft landscaping. Should Members resolve to approve the application, detailed planting proposals will be secured by condition to soften, screen and enhance the appearance of the proposed development.

Impact on Residential Amenity

- 8.41 Paragraph 130 (f) of the National Planning Policy Framework (2021) states that planning should always seek to secure a good standard of amenity for all existing and future occupants.
- 8.42 Section 1 Policy SP7 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 Part C seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Furthermore, Policy LP4 seeks to ensure that new dwellings are served by a private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area.
- 8.43 Due to the generous and spacious plot, officers are content that the development will achieve an internal layout and relationship with neighbouring dwellings that would not result in any material harm to residential amenities in terms of loss of light, sunlight, overlooking, privacy or outlook.
- 8.44 Officers note the presence of the mature tree to be retained to the rear of the dwelling which will cause a degree of overshadowing. However, the irregular shape of the plot and spacing around

the dwelling provides generous pockets of private amenity space, amounting to approximately 535 sqm overall.

- 8.45 Due to the separation distance, existing mature trees and juxtaposition with Forres, there will be no overlooking to the private garden area of the proposed dwelling.
- 8.46 For these reasons, the proposed development will secure a good standard of amenity for all existing and future residents.

Highway Safety and Parking

- 8.47 Paragraph 110 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SPL3 Part B of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.
- 8.48 The EPOA Parking Standards 2009 require that for dwellings with 2 or more bedrooms, a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages should have internal dimensions of 7 metres by 3 metres (if being replied upon as a parking space).
- 8.49 The proposed dwelling would be served by the newly constructed access from Clacton Road serving the adjacent development. Having regard to the number of units already approved on the site and the size of the access, road width and turning areas, the site is considered accessible in terms of highway safety.
- 8.50 The dwelling will be served by a detached double garage with 4 parking bays to the garage frontage, being in excess of the EPOA Parking Standard requirements for a 3 bedroomed dwelling.

Sustainable Construction & Design

- 8.51 Policy PPL10 of the Local Plan states that 'all development proposals should demonstrate how renewable energy solutions, appropriate to the building(s) site, and location have been included in the scheme and for new buildings, be designed to facilitate the retro-fitting of renewable energy installations'.
- 8.52 The use of electric vehicle charging points, green/brown roofs, PV panels and SuDS to aid the sustainability of the development should be an integral part of the design, for both the existing and proposed dwelling.
- 8.53 Should Members resolve to approve the application, these requirements can be achieved via an appropriately worded condition.

Drainage and Foul Sewage Disposal

- 8.54 Adopted Policy PPL5 of Section 2 of the Adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Connection to the mains is the preferred but if this is not possible, the next appropriate method as detailed within the drainage hierarchy and building regulations requirements.
- 8.55 The applicant has undertaken a utilities search showing that the sewerage company (Anglian Water) do not have assets in this area.

- 8.56 The applicant has advised that the adjacent scheme of bungalows is served by package treatment plants discharging to a surface water drain across Beth Chatto land to connect into the reservoirs to the south. The applicant has a legal agreement in place to be able to do the same.
- 8.57 The detailed design of the treatment plant will be finalised at the building regulations stage, and the system will be installed and maintained in compliance with the general binding rules.

Protected Species and Biodiversity

- 8.58 Paragraph 180 of the NPPF states that, when making planning decisions local planning authorities need to assess whether significant harm to biodiversity could result from the development. The NPPF goes on to state the hierarchy that should be applied to mitigate any harm to ecology that is identified. Paragraph 174 of the NPPF requires that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value whilst Paragraph 179 requires local planning authorities to safeguard components of local wildlife-rich habitats.
- 8.59 TDLPS2 Policy PPL4 states that proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.
- 8.60 The application is supported by the Preliminary Ecological Appraisal (by Skilled Ecology, dated May 2023) assessing the likely impacts of the development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.
- 8.61 Consultation has been undertaken with Essex County Council Place Services Ecology who have reviewed all supporting information.
- 8.62 Sufficient ecological information is available for determination of this application and the development is considered acceptable subject to necessary conditions securing biodiversity mitigation and enhancement measures, and a legal agreement securing a proportionate financial contribution towards RAMS.

Planning Obligation – Open Space and Play Space

- 8.63 TDLP Section 2 Policy HP 5 states that the Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy or any future update. TDLP Section 2 Policy DI1 states that all new development should be supported by, and have good access to, all necessary infrastructure. Where a development proposal requires additional infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority and the appropriate infrastructure provider. Such measures may include financial contributions towards new or expanded facilities and the maintenance thereof.
- 8.64 Consultation has been undertaken with the Council's Public Realm Team who have confirmed that the current facilities are adequate to cope with this additional development. The Parish Council have plans in place to increase the provision of play and open space in Elmstead but have already received funding for this.
- 8.65 In this instance, no contribution is being requested.

Planning Obligation – Recreational Disturbance

- 8.66 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. This residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) mitigation measures will need to be in place prior to occupation.

8.67 This residential development lies within the Zone of Influence. In order to ensure that the development would not adversely affect the integrity of Habitats sites in line with TDLP Section 2 Policy PPL4 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017 a proportionate financial contribution in accordance with the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) is required.

8.68 The applicant is in the process of completing a Unilateral Undertaking to secure the required contribution in accordance with the above policies and regulations.

9. Conclusion

9.1 The site lies outside of the defined SDB of Elmstead and is therefore contrary to the spatial strategy set out within adopted Local Plan Section 1 Policy SP7 and Section 2 Policy SPL2. Local Plan policy SPL2 does not preclude residential development outside of the defined boundary, but rather requires careful consideration of the scale of development in relation to the settlement hierarchy category, site-specific characteristics, and sustainability of the site.

9.2 The application site itself broadly encompasses a portion of the land previously approved as part of the wider development. Had the previously approved scheme been built out, this would have accommodated a total of 9 detached dwellings. The current proposal would result in a total of 9 dwellings on the overall site.

9.3 Elmstead Market is identified as a 'rural service centre' with a reasonably good range of services and facilities. The site benefits from a pedestrian crossing and footpath link along Clacton Road, as well as nearby bus stops with regular services. Officers are satisfied that existing services and facilities within the settlement would be capable of supporting the development of 1 dwelling, and that these are accessible within safe walking distance of the site.

9.4 Other than the high-level policy conflict in regard to the location of the site outside the defined settlement development boundary, the development would not result in any material harm in terms of design, impact, residential amenities or highway safety, and is acceptable in all other regards.

9.5 For these reasons, the application is recommended for approval.

10. Recommendation

10.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a section106 legal agreement with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Financial contribution towards RAMS	£156.76 x 1no. dwelling (index linked)

10.2 Conditions and Reasons

1. COMPLIANCE: TIME LIMIT

CONDITION: 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. COMPLIANCE: APPROVED PLANS AND DOCUMENTS

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

- 23/05/01 Site Plan
- 23/05/02 Existing Block Plan
- 23/05/03 Proposed Block Plan
- 23/05/04 Proposed Elevations, Floor and Roof Plan
- 23/05/05 Proposed Garage Elevations, Floor and Roof Plan
- Drainage Information – Plan, Status Report and Cover Email received 2.8.2023
- Update Preliminary Ecological Appraisal & Protected Species Scoping Assessment Update Survey May 2023
- Tree Survey Report May 2023 and Appendices
- Materials details within the accompanying application form

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

3. FURTHER APPROVAL: HARD AND SOFT LANDSCAPING SCHEME

CONDITION: Prior to the commencement of any above ground works, a scheme of hard and soft landscaping shall be submitted to and approved, in writing, by the local Planning Authority. The scheme shall include any proposed changes in ground levels, 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". The proposed new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay and retained free of obstruction above 600mm at all times.

REASON: In order to enhance the appearance of the development, in the interests of visual amenity and the quality of the development, and in the interests of highway safety.

4. COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED: LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full 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 approved, in writing, by the local planning authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are

removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

5. COMPLIANCE: TREE PROTECTION DURING CONSTRUCTION

CONDITION: The tree protection measures set out within the Tree Survey Report May 2023 Appendix 3 shall be erected prior to any demolition, site clearance or construction works and retained throughout the construction phase of the development hereby approved.

REASON: To ensure the retention of existing trees on site, in the interests of visual amenity and the quality of the development.

6. COMPLIANCE: 10 YEAR TREE PROTECTION

CONDITION: For 10 years following from the commencement of development, none of the existing trees on the site as shown on the approved drawings shall be lopped, topped, felled, have their roots severed or be uprooted without the prior written approval of the Local Planning Authority. Any trees felled, uprooted, dying or being seriously damaged as a result of actions taken without such prior written approval shall be replaced in the next planting season (October - March inclusive) in the same siting with others of similar size and species.

REASON: To enable existing landscaping to be protected and retained in the interests of visual amenity.

7. COMPLIANCE: PERMEABLE SURFACING

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

REASON: In the interests of sustainable development and to minimise the risk of surface water flooding.

8. FURTHER APPROVAL: CONSTRUCTION MANAGEMENT TO BE AGREED

CONDITION: Prior to the commencement of development, details of the construction methodology, layout plan and timetable shall be submitted to and approved, in writing, by the Local planning authority. This shall incorporate the following information:-

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed. This shall include routing of all traffic and any directional signs to be installed and where.
- d) Details of any protection measures for footpaths and trees surrounding the site.
- e) Details of any means of access to the site during construction.
- f) Details of the scheduled timing/phasing of development for the overall construction period.

- g) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portals.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Site waste management plan (that shall include reuse and recycling of materials).
- k) Scheme for sustainable construction management to ensure effective water and energy use.
- l) Scheme of review of complaints from neighbours.
- m) Registration and details of a Considerate Constructors Scheme.
- n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs for the development and details of times for removal when not required).

The said methodology as may be approved shall be implemented in its entirety and shall operate as may be approved at all times during construction.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

9. FURTHER APPROVAL: RESIDENTIAL TRAVEL PACK PRIOR TO OCCUPATION

CONDITION: Prior to first occupation of each dwelling, a Residential Travel Information Pack (travel pack) shall be provided to each dwelling for use of its first occupiers. The travel pack shall be agreed, in writing, by the local planning authority prior to provision and shall include a minimum of six one day travel vouchers for use with a local transport operator.

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

NOTE FOR CONDITION: Please contact the Travel Plan Team at ECC Highways via email to Travel.PlanTeam@essex.gov.uk to obtain a Residential Travel Information Pack template and the associated day travel vouchers required.

10. COMPLIANCE: PEDESTRIAN VISIBILITY SPLAYS

CONDITION: Prior to occupation of the dwelling a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining highway in the interest of highway safety.

11. COMPLIANCE: ACCESS WIDTH

CONDITION: Prior to occupation of the dwelling, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.6 metres (equivalent to 5 low kerbs) and shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

12. COMPLIANCE: PARKING PROVIDED AND RETAINED

CONDITION: The proposed dwelling shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced, and sealed. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

REASON: To ensure that appropriate parking is provided so that on street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

13. FURTHER APPROVAL: MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: Prior to the occupation of the dwellings hereby approved, a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall provide for:-

- Agreement of heating measures for each dwelling
- Agreement of scheme for waste reduction
- Water-butts per dwelling
- Solar panels for each dwelling

The scheme shall be fully implemented prior to the first occupancy of each unit it is associated with unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through better use of water, energy and resources reduce harm to the environment and result in wider public benefit in accordance with the NPPF and Local Plan Policy.

14. COMPLIANCE: IN ACCORDANCE WITH ECOLOGICAL APPRAISAL

CONDITION: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Skilled Ecology, May 2023) 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).

15. FURTHER APPROVAL: BIODIVERSITY ENHANCEMENT STRATEGY

CONDITION: Prior to commencement, 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 or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation 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 NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

16. FURTHER APPROVAL: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

CONDITION: Prior to occupation, 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 plans, 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).

17. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF FENCE PD

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures, shall be erected forward of the front elevation of the dwelling hereby approved.

REASON: In the interests of visual amenity to retain a spacious appearance and in the interests of the quality of the development.

10.3 Informatives

Highways Informatives

1: 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

2: 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.

3: 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.

Biodiversity Informatives

As required by Condition 14, if any external lighting is to be proposed, the lighting scheme should be developed to minimise any impacts to bats. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

11. Additional Considerations

Public Sector Equality Duty (PSED)

- 11.1 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:
- 11.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 11.3 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
- 11.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 11.5 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.

- 11.6 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.
- 11.7 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

- 11.8 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.
- 11.9 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).
- 11.10 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

- 11.11 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.
- 11.12 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.

12. Background Papers

- 12.1 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/>.

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Application:	23/00376/FULHH	Expiry Date:	1st August 2023
Case Officer:	Charlotte Cooper	EOT Date:	02 September 2023
Town/ Parish:	Clacton Non Parished		
Applicant:	Mr Daniel Hall		
Address:	78 North Road Clacton On Sea CO15 4DF		
Development:	Proposed conservatory roof height 3.5 metres within 2 metres of boundary (retrospective).		

1. Executive Summary

- 1.1 This application is referred to Planning Committee as the land is owned by Tendring District Council.
- 1.2 This application seeks retrospective permission for the erection of a conservatory. Whilst the footprint of the conservatory meets the permitted the development criteria, the overall height measures 3.5 metres and falls within 2 metres of the boundary, planning permission is therefore required.
- 1.3 The conservatory is of a single storey nature, measuring 3.15 metres deep by 4.75 metres wide. The eaves height is 2.5 metres and overall ridge height measures 3.5 metres. The conservatory is deemed to be of an acceptable size, scale and appearance with no significant adverse effects on the visual amenities of the area.
- 1.4 The single storey nature of the conservatory means it poses no significant threat to overlooking or loss of privacy to the adjacent neighbouring dwellings. It has no significant impacts on the loss of light which are so significant as to justify refusing planning permission.

Recommendation: Approval

- 1) That the Planning Manager be authorised to grant planning permission subject to the conditions as stated at paragraph 8.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 1) The informative notes as may be deemed necessary.

2. Planning Policy

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

NATIONAL:

National Planning Policy Framework July 2021 (NPPF)
National Planning Practice Guidance (NPPG)

LOCAL:

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

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

Supplementary Planning Guidance:

Essex Design Guide

Local Planning Guidance:

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

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

3. Relevant Planning History

19/00019/FUL	Proposed dropped kerb.	Approved	15.04.2019
23/00376/FULHH	Proposed conservatory roof height 3.5 metres within 2 metres of boundary.	Current	

4. Consultations

- 4.1 Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.
- 4.2 All consultation responses are available to view, in full (including all recommended conditions and informatives), 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/>.

Not Applicable

5. Representations

- 5.1 No letters of representation / objection have been received.

6. Assessment

Proposal

- 6.1 This application seeks retrospective planning permission for the erection of a conservatory measuring 3.5 metres high within 2 metres of the boundary.
- 6.2 The application is before members of the committee as the land is owned by Tendring District Council.

Assessment

Design and Appearance

- 6.3 Due to its location at the rear of the dwelling the conservatory is shielded from the public views of the streetscene.
- 6.4 The application site comfortably accommodates for the conservatory whilst retaining adequate private amenity space. The conservatory is therefore deemed to be of an acceptable size and scale.
- 6.5 The conservatory has been constructed using blockwork, render and UPVC / glazing and is considered to be of a typical design and appearance for construction of this type. The use of render blends with that used on the existing outbuilding at the site, helping the conservatory to blend with its locality. The conservatory is deemed to be of an acceptable design and appearance with no significant harmful impacts on the visual amenities of the area.

Impacts on Neighbouring Amenities

- 6.6 The conservatory is of a single storey nature and therefore poses no significant risk to overlooking or loss of privacy to the adjacent neighbouring dwellings.
- 6.7 There is an existing outbuilding located to the north of the site, this outbuilding will intercept any loss of light caused by the conservatory to the neighbouring dwelling located north of the site. It therefore has no significant harmful impacts on the loss of light to this neighbouring dwelling.
- 6.8 The Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 which suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line down from the extension roof would intercept the bottom of the neighbouring window located south of the site. However, the existing fence line would first intercept this loss of light, reducing the impacts posed by the conservatory. Furthermore, as per the guidance set out in the Essex Design Guide, as less than half of the window is affected the loss of light caused cannot be said to be so significant as to justify refusing planning permission.

Other Considerations

- 6.9 The proposal does not reduce the existing parking arrangements at the site and does not cause a need for additional parking. The local Planning Authority therefore deem the application to be acceptable in terms of highway safety.

6.10 Clacton is non parished and therefore no consultation is required.

6.11 No other letters of representation / objection have been received.

7. Conclusion

7.1 The conservatory is considered to comply with the above mentioned National and Local Planning Policies. In the absence of material harm the development is recommended for approval.

8. Recommendation

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

8.2 Conditions and Reasons

1. APPROVED PLANS & DOCUMENTS

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

Site Plan - Received 02.05.2023

Block Plan - Received 02.05.2023

Proposed Floor Plan - Received 02.05.2023

Proposed Side and Rear Elevations - Received 12.05.2023

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

NOTE/S FOR CONDITION:

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

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

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

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.

9. Additional Considerations

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