



PLANNING COMMITTEE

DATE:	Tuesday, 3 December 2024
TIME:	5.00 pm
VENUE:	Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

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

Councillor McWilliams
Councillor Smith
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, 22 November 2024

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 11 - 26)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on, Tuesday 5 November, 2024.

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 the Director (Planning & Communities) - A.1 - 23/01191/FUL - Tendring Technology College, Rochford Way, Frinton-on-Sea, CO13 0AZ (Pages 27 - 70)

Proposed creation of a 3G Artificial Grass Pitch (AGP) with perimeter fencing, acoustic fencing, hardstanding areas, storage container, floodlights, an access footpath and associated bund.

6 Report of the Director (Planning & Communities) - A.2 - 24/00885/FUL - Total Roofing Supplies, Old Ipswich Road, Arleigh, CO7 7QL (Pages 71 - 92)

Change of use of land for the siting of 2 no. containers, hardstanding, car parking area (retrospective planning consent) and retention of 2 no. existing portacabin offices to serve the existing use.

7 Report of the Director (Planning & Communities) - A.3 - 24/00712/DETAIL - Land at 757 St John's Road and Rouses Farm, Jaywick Lane, Clacton-on-Sea, CO16 8BJ (Pages 93 - 138)

Submission of details under Outline Planning Permission 17/01229/OUT – considering appearance, landscaping, layout and scale for residential phases one and two for 417 no. dwellings, open space, principle spine road linking St John's Road to Jaywick Lane and associated ancillary works.

8 Report of the Director (Planning & Communities) - A.4 - ENFORCEMENT REPORT (Pages 139 - 144)

Live information was taken on **6th November 2024**.

To report the following areas:-

- number of complaints received/registered in the quarter;
- number of cases closed in the quarter;
- number of acknowledgements within 3 working days;
- number of harm assessment completions within 20 days of complaint receipt;
- number of site visits within the 20 day complaint receipt period;
- number of update letters provided on/by day 21;
- number of live cases presented by category, electoral ward and time period since receipt; and
- enforcement-related appeal decisions.

9 Exclusion of Press and Public

The Committee is requested to consider passing the following resolution:-

“That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 10 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 6a and 6b of Part 1 of Schedule 12A, as amended, of the Act.”

10 Report of the Director (Planning & Communities) - B.1 - Enforcement Report, Mistley Quay (Pages 145 - 166)

Removal of Fence Panels, and later replacement with exact same design (Represents two breaches of imposed Art 4 Direction).

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held in the Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 5.00 pm on Tuesday, 7 January 2025.

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.

Filming by the Council 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 four years (the Council retains three full years 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.

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 5.00 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 686587 or 686584) 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 5.00pm) 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

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 5TH NOVEMBER, 2024 AT 5.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Fowler (Chairman), White (Vice-Chairman), Alexander, Goldman, Smith, Sudra and Wiggins
Also Present:	Councillor Chapman BEM (except items 27 - 29), Councillor Everett (except items 28 and 29), Councillor Steady (except items 27 - 29), and Councillor Land (except item 29)
In Attendance:	Gary Guiver (Director (Planning & Communities)), John Pateman-Gee (Head of Planning & Building Control), Joanne Fisher (Planning Solicitor), Matt Lang (Planning Team Leader) (except items 27 - 29), Naomi Hart (Planning Officer) (except items 28 and 29), Alison Pope (Planning Officer), Maddie Adger (Leadership Support Manager) and Bethany Jones (Committee Services Officer)
Also in Attendance:	Lisa Hastings (Director (Governance) & Monitoring Officer) (except items 27 – 29) and James Dwan (Communications Officer)

22. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor McWilliams (with no substitution) and Councillor Everett (with no substitution).

23. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the meeting of the Committee, held on Tuesday 10 September 2024, be approved as a correct record and be signed by the Chairman.

24. DECLARATIONS OF INTEREST

Councillor Goldman declared for the public record, in relation to Planning Application **23-00923-FUL (Clacton FC, Rush Green Road, Clacton-on-Sea, CO16 7BQ)** that due to his being one of the Ward Members and that he intended to speak on the application in that capacity, he therefore would not participate in the Committee’s deliberations and decision making for that application and that he would also retire to the public gallery.

25. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

26. **REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.2 - 23-01196-FUL - LOWER FARM EAST END GREEN, BRIGHTLINGSEA, COLCHESTER, CO7 0SX**

The Chairman of the Committee exercised her prerogative and changed the order in which the agenda items would be considered. The Chairman decided to take report A.2 first due to the number of attendees present in the public gallery who were interested in this application.

The Committee heard that the application had been referred to the Planning Committee because of a 'call-in' by Councillor Chapman BEM. The application site was situated on the north-eastern edge of Brightlingsea on land to the north of Robinson Road. The site comprised approximately 81 acres of former gravel workings which had established a low-level restoration profile. The site had been left to self-seed, which had created areas of open scrub, grassland and woodland around three former silt lagoons, which had formed five open lakes. The site was located outside of, but directly to the north of, the defined settlement boundary for Brightlingsea.

It was reported that full planning permission was now sought for: "*A mixed-use tourist and residential development of retirement living lodges with an ancillary social hub, detached farmstead houses, and holiday lodges along with separate communal buildings providing dining, leisure and recreation facilities and ancillary activity uses such as glamping, a multi-use games area, events space and nature play areas with associated infrastructure works*". The site benefited from an implemented full planning consent (ref: 19/00188/FUL) for "*the development of a mixed-use tourist and residential scheme comprising of retirement living apartments, detached farmhouses and holiday houses lodges with ancillary facilities such as glamping pods, toilet facilities, a club house/hub, children's play areas and boating jetties*". That application had been submitted in February 2019 and had been granted full planning permission in March 2021.

Members were told that this application sought significant revisions to the previously approved scheme in order to propose a more contemporary, consistent and sustainable approach to the design of the various buildings located throughout the site. The quantum of accommodation remained as previously approved (i.e. 104 holiday lodges, 36 retirement units and 5 market dwellings), but the size, mix and arrangement of the various units of accommodation had been revised. The development now also proposed a wider range of tourism and leisure facilities predominantly at the western end of the site and revised retirement accommodation from the previously approved retirement apartments to individual retirement lodges supplemented by a communal retirement hub.

The Committee also heard that, whilst the revisions included an increase to the overall footprint of the development (approximately a 51% increase), they also provided for substantial enhancements over and above the approved scheme in terms of an improved tourism offer through more on-site facilities, ecological benefits via lake and reedbed creation and an enhanced and consistent design approach across the whole development, which incorporated improved sustainability credentials.

Members were informed that, when considered against the backdrop of the existing implemented consent, the proposed development would not result in adverse impact upon residential amenity, highway safety, landscape impacts or ecological interests. Moreover, the submitted Environmental Impact Assessment had not identified any

exceptional circumstances which contravened prevailing legislation or planning policy and, with the added input of statutory consultees who had reviewed the submitted documentation, it had been concluded by Officers that the proposed development at Lower Farm Park would not result in any significant environmental impacts.

Officers told Members that, subject to the applicant entering into a Section 106 agreement to secure contributions towards off-site affordable housing, RAMS, Public Open Space improvements and Highway/Public Right of Way upgrades, alongside obligations to control the occupation of the retirement lodges and the phasing of the development, the proposal was considered to be acceptable and therefore recommended for approval subject to the Conditions outlined at Section 10.2 of the Officer report.

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 (ML) in respect of the application.

An Officer Update Sheet had been circulated to Members prior to the meeting including additional letters of representation raising objections and suggested revised wording of Condition 25 which were as follows:

- 1) *"20 additional letters of representation received raising the following objections (officer response is in brackets where not already covered in committee report);*
 - *Wildlife rich site/home to a diverse range of wildlife. Development threatens to destroy habitats.*
 - *Lakes are currently utilised by local fisherman*
 - *Nothing positive to the town, development would cause increased traffic/congestion and pressure on stretched facilities*
 - *Destruction of flora and fauna*
 - *Large scale development out of character in this location*
 - *Brightlingsea Neighbourhood Plan evidence base identifies affordable housing and elderly housing as in demand, not holiday lodges.*

(Officer Response – Whilst the plan area for the Neighbourhood Plan as been agreed, no draft plan has been produced. Therefore, no weight can be attributed the plan at the current time).

- *Leisure Village design not in keeping with the adjacent built form.*
- *Large number of trees being removed and wildlife habitat harmed.*
- *Development would bring about endless lorry movements and heavy plant, causing pollution.*
- *Light pollution and noise pollution impacts to local residents and wildlife.*
- *Lighting is visually intrusive and causes light pollution and affect the ecology (birds and bats) in this area.*
- *Development is 50% larger in size than consented scheme.*
- *Robinson Road is a quiet residential lane; this development would alter that character.*
- *No social housing proposed, and off-site contribution will not be spent in Brightlingsea.*

(Officer Response – The Council’s Housing Team have confirmed that the off-site contribution will go into a central pot, however, wording within the S106 requiring it or a proportion of it to be used to deliver homes in Brightlingsea can be explored).

- *Land is frequently used by Curlews and other important birdlife. Should be classed as ‘functionally linked’ land to nearby designated site.*
- *Robinson Road needs a road infrastructure upgrade.*
- *Application is not a revision, but a new full application due to the scale of the changes proposed.*
- *Harm to nearby designated site has not been fully considered.*
- *The land accommodates priority habitats (including Open Mosaic Habitat) that should be considered.*
- *Holiday Park applications for this site have been refused 3 times in the past (in the late 80’s/early 90’s).*
- *There has been no clear and convincing justification that there will not be any harm to Marsh Farm house and its setting due to the significant changes to the scheme.*
- *Through diminishing views to and from Marsh Farm House to the south and through the proposed building and associated proposals, this will urbanise the setting of the listed building and diminish its relationship with the rural landscape and Marshes.*
- *Proposed footpaths close to the site boundary, would necessitate removal of vegetation and allow people to climb banks of the site.*
- *Lack of benefits to local residents and adverse impacts on parking provision.*
- *Reduced access for local residents.*

2) Revision to wording of Condition 24 – Holiday Occupation

SPECIFIC RESTRICTION ON DEVELOPMENT: HOLIDAY OCCUPATION CONDITION:

CONDITION: The tourism lodges and glamping pods hereby approved, and as clearly indicated on approved drawing no. 5553/SP/23/3010 P1, are exclusively designated for holiday purposes of the occupier/s only and shall not be utilised as a person’s sole or main place of residence nor permanent residential dwelling of individuals not engaged in such holiday purpose at any time, including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended.

Furthermore, the following restrictions shall apply:-

1. *Occupation Period: No continuous occupation period of an individual person shall exceed 42 days without a break of at least 10 days between occupation.*
2. *Primary Residence Prohibition: The approved tourism lodges shall only be occupied by persons who have available an alternative primary residential address, it shall not be utilised as a person’s sole or main place of residence.*
3. *Register of Occupants: A comprehensive register containing the names, full details of permanent home addresses, and vehicle registrations (if travelling by car) of occupants shall be maintained for all periods of occupation each year. This register must be made available to the Local Planning Authority for inspection at any time in a form that can be digitally provided upon request, and all records shall be retained for a minimum of ten years.*

3) *Correction of typos at Section 8.5 the Officer’s Committee Report. The distance between the application site and the nearest point of the nearby European Designated Site (Colne Estuary SPA and RAMSAR and Essex Estuaries SAC is approximately 150 metres to the south.*

4) *Applicant’s Response to objection from Brightlingsea Nature Network*

The objector’s observation of 31 curlew within the site is acknowledged and is not contrary to the findings of the formal Winter Bird Survey. The aim of the formal surveys is to sample multiple occasions during the winter season, in order to draw conclusions about the broad habitual seasonal use of the site by curlew.

The formal survey recorded 23 curlew within the site on one occasion, which is comparable with the objector’s observation. It is acknowledged that, on occasion, the site is used by groups of curlew of around this number. The objector’s observation is therefore in line with the existing findings of the survey.

We also point out that the ecological records data search used within the ecological assessments was obtained from Essex Field Club, who are the standard resource for ecological records in Essex. Indeed, the data returned and analysed by us include over 13,000 records from Essex Birdwatching Society. We cannot say why the objector’s record is not among them.”

Shayne Martin, the applicant, spoke in support of the application.

Paul Neill, a member of the public, spoke against the application.

Councillor Jayne Chapman BEM, a Ward Councillor for Brightlingsea, spoke against the application.

The Head of Planning and Building Control updated Members about an email that had been received from Natural England that they had been in receipt of information from a third party and that there was a formal survey from the applicant that had found 23 curlews, plus Essex field records showing none. Objectors in their evidence had found 31 curlews and that it was reasonable for Members to take the position that there were possibly between 20 – 35 curlews visiting in some form on the application site. The new information received before the Committee meeting had not changed the Officer recommendation of approval. The Head of Planning and Building Control also gave a verbal update to the part of the Officer report that deals with Heritage Impacts and reminded Members that where there is harm to a designated heritage asset, even where that harm is less than substantial, great weight must be given to that harm in the planning balance. Further, that Officer applied great weight in Section 9 ‘Conclusion’ of the Officer report although that is not mentioned in Section 9.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>With the comments that have been received, what consideration and weight do the Officers give to the objections?</i>	<i>There had been a lot of objections, and they were taken into consideration. The material considerations had been covered in the Officer report. Officers are confident that the issues raised are not significantly harmful to the acceptability of the scheme.</i>

<i>Are curlew nesting sites protected?</i>	<i>Yes, all bird nesting is protected.</i>
<i>Curlews require a certain amount of space for flight, with what is before Members at the moment, would there be a sufficient area for them to take flight?</i>	<i>Officers cannot specifically answer that question. Under the formal survey, no objection was raised in this context or from Ecology. Whilst there may be more than 23 curlews, there is no objection. Natural England are satisfied the curlews can exist on the site without harm.</i>
<i>With the email received, did Officers gather, from the contents, any concerns that had been raised?</i>	<i>The email received does not raise any concern, it asks the Authority to consider the contents further within the context of the additional information. Officers could read the email out or have an adjournment to provide copies for Members.</i>

The Chairman thereupon adjourned the meeting for 12 minutes in order to allow the Officers to provide copies of the email received from Natural England.

Once the meeting reconvened, the Planning Solicitor reminded the Committee of the legal duty that applied to their decision-making in terms of the European Designated Site, under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 which stated:

“the competent Authority, must for the purposes of the assessment, consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the Authority specifies...

... In the light of the conclusions of the assessment, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.”

The Planning Solicitor also referred to the government guidance ‘Habitats regulations assessments: protecting a European site’, in particular that the decision maker must take a precautionary approach with decisions at each stage of the HRA process, and referred to the example given in the guidance, that if you cannot rule out all reasonable scientific doubt of an adverse effect on a site’s integrity at stage 2: appropriate assessment, you must refuse the proposal unless an exemption (stage 3: derogation) is justified.

The Head of Planning and Building Control then proposed to Members that, if the application was approved, a re-consultation with Natural England be undertaken and that if the re-consultation came back with a negative response, then the application would be brought back before Members; however, if there was a positive response then the Decision Notice for approval would be issued.

Further Matters raised by Members of the Committee:-	Officer's responses thereto:-
<i>On page 67 of the agenda, there had been responses from Essex Wildlife Trust and RSPB, do we agree with them?</i>	<i>4 bodies have given a response in terms of Ecology and Protected Species, 2 of which objected and 2 approved, in terms of statutory consultees Natural England is the one that Officers would refer back to in that context.</i>
<i>On page 10 of the Officer report, as part of the Anglia Water Services report, with the preplanning enquiry, was that ever done and what was their reply?</i>	<i>The comment relates to a feasible drainage strategy which has been designed, their comments relate to surface water. The water surface drainage has been designed and reviewed by Essex County SUDS team and they have no objections</i>
<i>With the late information given, could Members have additional clarification and expand in Officers' professional view.</i>	<i>The only change that is being spoken about is the formal survey which had X number of curlews and Officers have an indication that that may be a larger figure – 23 vs 31 – that is the difference. A new proposal has been given that if the re-consultation with Natural England is a negative response, then the application will come back to the Committee, but if Natural England come back with a positive response, then the application will go forward if it is approved by the Committee.</i>
<i>Once the re-consultation has come back to Officers, will Members see the application again?</i>	<i>Officers' proposal is that Members take the papers as recommended, subject to re-consultation with Natural England. Natural England need to be consulted which takes approximately up to 21 days, if Natural England are satisfied that the site can accommodate up to 35 curlews and they are still happy with the current position which is one of no objections then Officers could issue the approval as resolved. If they are not satisfied, then a recommendation of refusal will be issued, and the item will be returned to the Committee.</i>
<i>Would it be better to defer the application to allow Officers to get the response to give the information back to the Committee?</i>	<i>As the Head of Planning and Building Control, I try to look for the most efficient route to get decisions made. What is now proposed to Members is one of least delay but if Members wish for the application to come back regardless of the outcome, then that is up to Members to take forward as part of your debate.</i>
<i>On page 67 under Conclusion, could we have some clarity on that from Officers?</i>	<i>Yes, there is a conflict, and they are objecting. It is a position that Officers have had to balance to get the application forward to Members.</i>

<p><i>Is it in conflict with TDC's policy?</i></p>	<p><i>That is down to the decision maker being the Local Planning Authority which would be Members, Officers are recommending that it is not in conflict.</i></p>
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It was moved by Councillor Alexander, seconded by Councillor Sudra and unanimously:-

RESOLVED that subject to the conditions listed at Section 10.2 of the Officer report (A.2), as amended by the Update Sheet, a positive re-consultation response from Natural England and a Section 106 Agreement securing the following:-

- 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:
 - **Affordable Housing Contribution - £952,850**
 - **RAMS Contribution - £163.86 per unit**
 - **Public Open Space Contribution - £14,080 – Enhancements to Bayards Recreation Park**
 - **Highway Contribution - £27,300 – Bus Stop Upgrade – Bayards Crescent**
 - **Highway Contribution towards PRow Improvements (Currently Uncosted)**
 - **Phasing Plan (Trigger Points outlined at Section 10.1)**
 - **Restriction on Occupation of Retirement Lodges – Over 55's Only**
- 2) the Head of Planning and Building Control be authorised to grant full planning permission subject to the agreed Section 106 agreement and conditions as stated at paragraph 10.2 of the Officer report (A.2), as varied by the Update Sheet and a positive re-consultation from Natural England, 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 sending to the applicant of any informative notes as may be deemed necessary as stated at paragraph 10.2 of the Officer report (A.2); and
- 4) that in the event of the Planning Obligations 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.

27. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.1 - 23-00923-FUL - CLACTON FC, RUSH GREEN ROAD, CLACTON-ON-SEA, CO16 7BQ

Earlier on in the meeting as reported under Minute 24 above, Councillor Goldman had declared for the public record that he was a local Ward Member and that he would be

speaking on the application in that capacity. He therefore withdrew from the meeting and retired to the public gallery and took no part whilst the Committee deliberated and made its decision on this application.

The Committee was informed that the proposal was for an extension to the existing Clacton Football Club (FC) in order to provide an additional all weather training pitch area. The Artificial Grass Pitch (AGP) was proposed to be located on land which formed part of the Rush Green Safeguarded Open Space and this application was before the Planning Committee as the land was owned by Tendring District Council and because the proposal represented a departure from the development plan.

The Committee was made aware that Policy HP4 of the Local Plan 2013-2033 identified areas of safeguarded open spaces to be protected. The policy stated that development that would result in the loss of the whole or part of areas designated as Safeguarded Open Space would not be permitted unless certain criteria were met. Officers felt that this proposal would result in the permanent loss of a section of safeguarded open space because the scheme included a 4.5 metre fence around the proposed AGP, and its use was exclusively for Clacton FC members and other potential sport users whilst not including the wider public and removing that area of land from general recreational open space use. Whilst the proposal would benefit members of Clacton FC and other potential sport users that might be subject to commercial payment, access to the area by the wider general public would be permanently lost without any replacement.

Officers reminded Members that the proposal would bring some health benefits and benefits to Clacton FC and their members, making the club more agile in respect of their offer and equipping them with a much-needed facility. Against those benefits, the pitch would be sectioned off and the loss of the safeguarded open space would therefore be permanent. Sport England had offered their strong support despite the part loss of the safeguarded open space.

Officers further reminded Members that the proposed development would result in some visual harm due to the fencing and floodlighting proposed and its intrusion outwardly into the remaining open space. The landscaping proposed would be largely ineffective in mitigating that harm, and that weighed further against the proposal. Neutral elements included no harm to neighbouring amenity, there was considered to be sufficient parking provisions and ECC Highways had offered no objections subject to conditions. Similarly, ECC Ecology had not objected to the proposal subject to conditions.

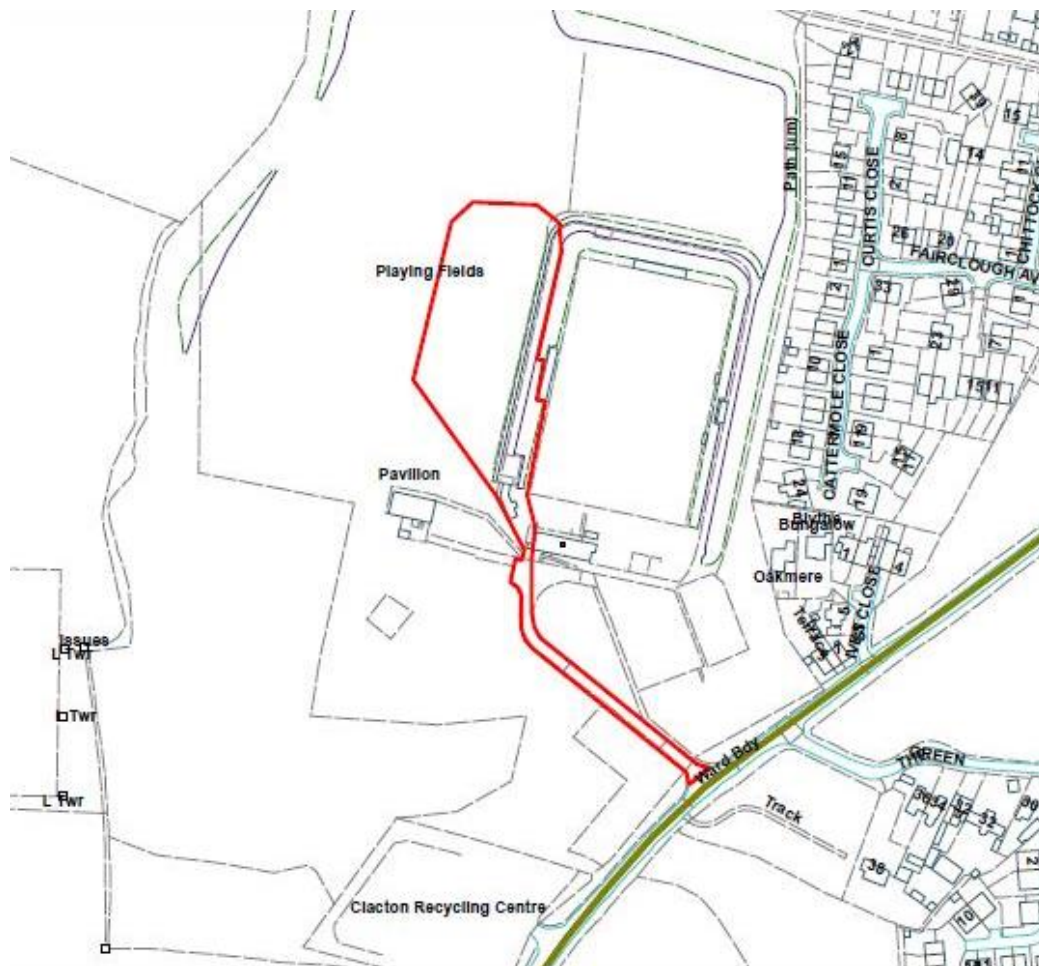
Members were told that, taking all of the detailed considerations above into consideration, Officers had concluded that, on this occasion the principle of development was not acceptable as it failed to comply with Policy HP4 of the Local Plan 2013-2033 and the health benefits and benefits to Clacton FC through the provision of that facility would not outweigh the loss of the safeguarded open space and the character harm.

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 refusal.

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

An update sheet had been circulated to Members prior to the meeting regarding a letter of objection, the plan to the front of the Planning Committee report, confirmation by the Council's Tree and Landscaping Officer and re-wording of paragraph 8.33 of the Officer report which were as follows:-

- 1) *"One letter of objection has been received raising the following objections (summarised below):*
 - *The proposal limits space for those not involved in those activities, further development would limit dog walking areas.*
 - *Concerns in regards to parking and the overflowing of the car park*
 - *Concern in regards to the lighting and the impact to the local houses*
- 2) *The plan to the front of the planning committee report should be as follows:*



- 3) *As confirmed by the Council's tree and landscaping officer, the size of the application site as amended makes provision for new planting on the perimeter of the site. At the present time, the site layout plan which has been submitted to act as both the red line plan and landscaping (which shows only indicative details and location of planting) and does provide space to enable possible conditions on landscaping. Furthermore, the Officers' report paragraph 8.30 states that landscaping would be ineffective to screen the development. This is corrected to read; the soft landscaping will be ineffective in providing the*

complete screening of the nature of development, including fence height, floodlighting and the position of the development into the public open space. However, given the opportunity to soften some of the impact, on balance, it is not considered sufficient enough as a reason in itself to warrant a reason for refusal.

4) *Wording of paragraph*

Paragraph 8.33 should read as follows: The proposal includes for a development that has the potential to incorporate renewable energy features. There are no details that accompany the planning application that demonstrate the water, energy and resource efficiency measures that the scheme will incorporate, and a condition requesting details of this is recommended.”

Steve Andrews, the applicant, spoke in support of the application.

Councillor Bernard Goldman, a Ward Councillor, spoke in support of the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>Could this pitch be put anywhere else on the field?</i>	<i>We can only deal with the application before us, we have tried to find another option, but this is what is before Members.</i>
<i>If this was for public hire, would this negate HP4?</i>	<i>The policy is for Members as the decision makers to interpret as they see fit. Officers are saying to Members that it is in conflict with the provisions of the policy as this would reduce the availability to the community in the context that it would be available to members of the Football Club. If it was open wider than that then it is still going to be reduced access because it is not open to the general public.</i>
<i>The permission on the land, is that still used for mixed (Football Club and general public)?</i>	<i>The area of land is available to the public at all times but then for clubs for football at other times, there is nothing stopping the public from going across the pitch if they wanted. Since 1999, there has been no change to the area in question that has been proposed. The only thing that was proposed in 1999 was 3 floodlights sitting on the existing site outward which was approved but Officers are not sure if it was implemented. That does not change the nature or the unrestricted nature of the land that Members are currently dealing with because it would secure it by a 4.5 metre fence taking it out of commission as it would give unrestricted public access.</i>
<i>Is this more about the policy?</i>	<i>This is only before Members because it is TDC land. If it was not, then it would have been refused under delegated powers. The policy says not to approve the application.</i>

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

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to refuse planning permission for the reason(s) as stated in paragraph 10.1 of the Officer report (A.1) and in the Officer update sheet, or varied as necessary to ensure the wording is precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the reasons for refusal as referenced is retained; and
- 2) the sending to the applicant of any informative notes as may be deemed necessary.

28. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.3 - 24/00721/FUL - LAND TO THE REAR OF TAYLOR COVE, HARWICH ROAD, BEAUMONT, CLACTON-ON-SEA, CO16 0AX

Councillor Goldman at this time returned to the Committee for the rest of the meeting.

The Committee heard that this application had been referred to the Planning Committee by Councillor Land on the grounds of intrusion into the open countryside, blocking views of the Hamford Water Site of Special Scientific Interest (SSSI) with no detail of how environmental factors would be dealt with.

Members were told that, the application before it sought planning permission to relocate the existing double field shelter south of its current location onto a new concrete base within the area of land previously granted planning permission for grazing horses for private use and it had been recommended for approval subject to the necessary conditions set out in the Officer report (A.3).

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 Members prior to the meeting including an update from Officer discussion with the Applicant and the proposed removal of Conditions 2, 3, 4 and 5 which were as follows:

- 1) *"Following discussions with the applicant, it is confirmed that the application proposes to relocate the existing double field shelter south of its current location onto a new concrete base within the area of land previously granted planning permission for grazing horses. The description has been updated to reflect this and now reads "Relocation of existing double field shelter comprising of a hay/storage barn and a stable onto a new concrete base with fenced corral".*

- 2) *Condition 2 (private use only) and condition 5 (no burning of manure) will be removed as these conditions already apply to the site area as approved under application reference 18/01276/FUL (Condition 3 and 5 respectively).*
- 3) *Condition 4 will be removed as a Waste Management Strategy for the same site area was conditioned on application reference 18/01276/FUL (Condition 4) and subsequently discharged on 19/00011/DISCON.*
- 4) *Condition 3 is removed. The condition has not been imposed on previous applications and as this application is solely for the double field shelter and corral it is not reasonable or necessary as it is evident the land is used for the grazing of horses.”*

Paul Brown, member of the public, spoke against the application.

Councillor Dan Land, the Ward Councillor, spoke against the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>This is not about agricultural land, is it?</i>	<i>That is correct.</i>
<i>This is sitting above Hamford which is an SSSI, is that correct?</i>	<i>Hamford water as an SSSI is just over 2km away so you can see it in the distance, yes.</i>
<i>The area that this stands in, is that part of that SSSI or is it only the waters below?</i>	<i>The land lies outside of the scientific interest area, around 2km away. The land does not fall within that, no.</i>
<i>Under the policy, Members are looking at this application in its own right for retrospective approval to keep that building and to make it into a permanent structure by moving it forward, why has the applicant got to move it forward and not leave it where it is?</i>	<i>As a temporary structure, it would need to be moved every 28 days so an application has been made to make it a permanent structure which means it will need to be moved into land of private use.</i>
<i>Was this application from planning enforcement?</i>	<i>There was an enforcement complaint originally. At this moment in time, planning enforcement are not pursuing that matter and they consider the building to be lawful at this current time. It is a moveable object; it is not a permanent structure. This application is basically to pretend the building is not there right now and that this is for a new permanent building within the site.</i>
<i>Why does it have to stay where it is?</i>	<i>The entire paddock has planning permission for the keeping of horses. It is a moveable building; it is up to the owner of the land to place it wherever they wish in the land that they own. Where the owner puts it is not up for Members’ consideration, but what Members have is a permanent location that they can determine.</i>

<i>The address on the application and the owner of the property, is that the same person?</i>	<i>Yes, that is correct.</i>
<i>What would happen if more horses were added, are there any conditions in place in case more horses were added to bring the application back to Members?</i>	<i>If a new building is proposed in the future for a number of reasons, then they would need planning permission in any event. If they were to put further field shelters on site that can move around the site like the current shelter, they would not need planning permission.</i>

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

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 10.2 of the Officer report (A.4), as amended in 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; and
- 2) the sending to the applicant of any informative notes as may be deemed necessary.

29. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.4 - 24-01379-FUL - 29 LANDERMERE ROAD, THORPE LE SOKEN, CLACTON-ON-SEA, CO16 0LQ

The Committee heard that this application was before the Planning Committee as the applicant was employed by Tendring District Council and the recommendation was one of approval, as required by the delegation arrangements and for no other reason.

Members were told that, the proposal sought planning permission to remove a 1.2m high close board fence, post and gravel boards. Permission was required as the fence exceeds 1m.

The Committee was made aware that, the proposed works would result in a minor enhancement to the character and appearance of the area, whilst posing no detrimental harm to existing neighbouring amenities.

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

At the meeting, an oral presentation was made by the Council’s Head of Planning and Building Control (JP-G) in respect of the application.

There were no updates for the Committee in relation to this application.

There were no speakers on this application.

There were no questions to Officers from Members on this application.

It was moved by Councillor Goldman, seconded by Councillor Smith and unanimously:-

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 10.2 of the Officer Report (A.4), 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 sending of any informative notes to the applicant as may be deemed necessary.

The meeting was declared closed at 7.45 pm

Chairman

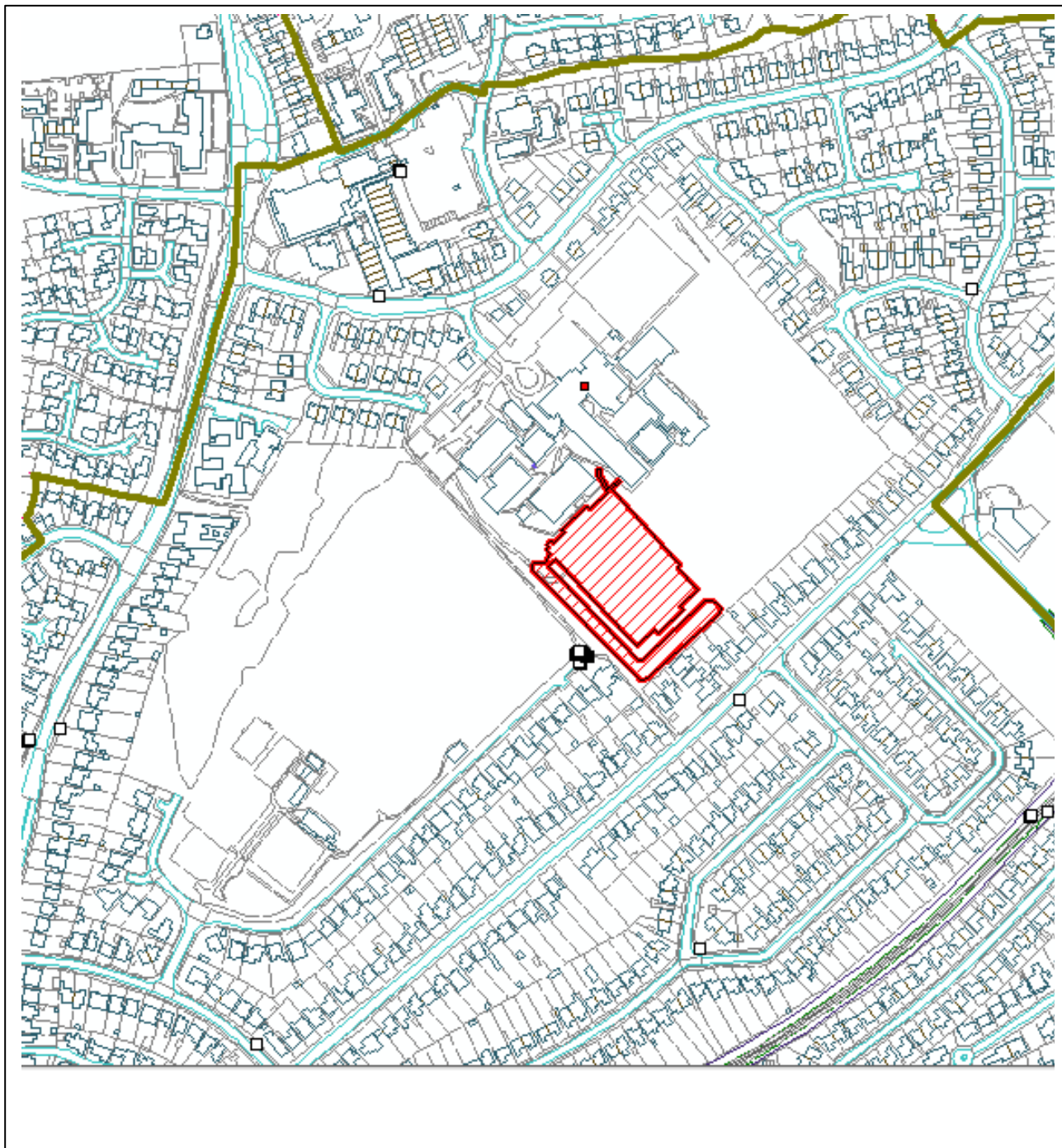
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PLANNING COMMITTEE

3 DECEMBER 2024

REPORT OF THE DIRECTOR OF PLANNING

A.1 PLANNING APPLICATION – 23/01191/FUL – TENDRING TECHNOLOGY COLLEGE ROCHFORD WAY FRINTON ON SEA CO13 0AZ



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Application:	23/01191/FUL	Expiry Date:	16th October 2023
Case Officer:	Michael Pingram	EOT Date:	13 th December 2024
Town/ Parish:	Frinton & Walton Town Council		
Applicant:	Ian Dickinson		
Address:	Tendring Technology College Rochford Way Frinton On Sea, CO13 0AZ		
Development:	Proposed creation of a 3G Artificial Grass Pitch (AGP) with perimeter fencing, acoustic fencing, hardstanding areas, storage container, floodlights, an access footpath and associated bund.		

1. **Executive Summary (updated sections highlighted in bold)**

- 1.1 The proposal is for the erection of an Artificial Grass Pitch (AGP) on land that forms part of the existing playing pitch within the grounds of Tendring Technology College, and is before the Planning Committee following a call-in request by Councillor Turner, who has raised concerns that the development would result in a negative impact on the street scene, is of a poor layout and would result in a negative impact to neighbours.
- 1.2 **The application was initially put before the Planning Committee dated 14th May 2024, where Officers concluded that the wider public benefits of the proposed development outweighed the overall identified areas of harm, namely the impacts to neighbouring amenities through noise and light pollution, and recommended on balance approval.**
- 1.3 **The Planning Committee, however, determined to defer the application and requested additional information/actions be provided/undertaken as follows:**
- **Applicant to provide a Bat Survey Report;**
 - **The Council's Environmental Protection team to undertake a review of the Noise Impact Assessment provided by local residents;**
 - **Applicant to demonstrate whether it would be possible to provide for an amended layout/re-orientated 3G pitch that would result in reduced harm; and**
 - **Submission of a Construction Method Statement to ensure that any construction would be mindful of the school children's presence on site.**
- 1.4 **Following this, the agent has provided a Bat Survey which has been confirmed to be acceptable by ECC Place Services (Ecology) subject to conditions, and the Council's Environmental Protection team have commented on the Noise Impact Assessment to confirm they have considered both the applicants and local residents Noise Impact Assessment's fully, however their earlier no objection comments remain unchanged. They did, however, suggest that the applicants Noise Impact Assessment be updated to include additional information which has since been undertaken. The Council's Environmental Protection team have now confirmed they are satisfied with the predicted noise levels and the evidence of compliance with relevant guidance, and therefore have no adverse comments subject to the measures outlined within the Assessment being implemented.**
- 1.5 **In addition, the agent for the application has clarified that a Construction Method Statement was submitted alongside the original application submission, and the Council's Environmental Protection team have previously confirmed they are satisfied with the contents and had no adverse comments to make (comments dated 14th September 2023).**

- 1.6 An additional drawing has also been provided to outline alternative layouts for the 3G pitch alongside the wider site. Three options are shown, with two showing that it would not be possible without overlapping with the running track (which would likely generate an objection from Sport England if put forward, so would not be feasible), with the third option being sited along the north-eastern boundary which in turn would be closer to a greater number of local residential properties, thereby generating a higher level of harm than the currently proposed siting.
- 1.7 The proposal would generate a high level of public benefits, notably through the inclusion of modern fit for purpose facilities that can be utilised all year round. Sport England offer strong support despite the part loss of an existing playing pitch, and Officers are not aware of an alternative location better suited for the proposed development, whilst equally noting that the Playing Pitch Strategy highlights there is both a current and future shortfall of youth 11v11 and 9v9 football pitches. A strong level of weight in the overall balance is therefore given to the public benefits the scheme would provide.
- 1.8 Furthermore, the proposed development is not considered to result in significant harm to the character and appearance of the wider area, there is sufficient parking provision and ECC Highways offer no objections subject to conditions. Similarly, ECC Ecology do not object to the proposal subject to conditions, and whilst ECC SuDS initially objected, this was on more technical matters which have since been addressed.
- 1.9 The above notwithstanding, in terms of the impact to neighbouring amenities, whilst from a purely technical perspective the change in noise level is considered to be acceptable due to the absolute noise levels being within the WHO guidelines and the suggested mitigation measures proposed, Officers do equally acknowledge that there is inevitably a degree of noise disturbances given the relatively close proximity of the development to neighbouring properties. Amendments to reduce the operating hours and re-locate the AGP away from neighbouring properties have helped reduce the level of harm, but Officers do still afford weight to this harm in the overall planning balance.
- 1.10 Similarly, with regards to the impacts of the proposed floodlights to neighbouring properties, the lighting plan provided demonstrates that the glare created would not be to an unacceptable level, with all lighting facing inwards towards the pitch. However, given the close proximity of the development to neighbours there will be a degree of visual impact to neighbours, if not from the glare of the floodlights but from the light spillage generated. Officers afford this level of harm a low level of weight in the overall planning balance.
- 1.11 Taking all of the detailed considerations above into consideration, Officers have concluded that on this occasion there are strong wider public benefits of the proposed development that outweigh the identified harm and with careful assessment the planning application is recommended for approval.

Recommendation: Approval

- 1) That the Head of Planning and Building Control be authorised to grant planning permission subject to the 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,
- 2) The informative notes as may be deemed necessary.

2. **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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

3. **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. There are none applicable to the areas subject to this proposal.

4. **Planning Policy**

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

National:

National Planning Policy Framework 2023 (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
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP1 Improving Health and Wellbeing
HP2 Community Facilities
HP5 Open Space, Sports & Recreation Facilities
CP1 Sustainable Transport and Accessibility
PPL1 Development and Flood Risk
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL10 Renewable Energy Generation and Energy Efficiency Measures

Local Planning Guidance:

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

5. **Relevant Planning History**

02/01118/FUL	1) additional science teaching space 2) provision for performing arts (music) 3) covered outdoor space for poor weather	2) Approved 3)	23.07.2002
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play 4) atrium space to form main pupil entrance

93/00861/FUL	Front porch extension	Approved	17.08.1993
94/00597/FUL	New Sports Hall	Approved	12.07.1994
94/01043/FUL	New Sports Hall (Design revision of permission TEN/94/0597)	Approved	04.10.1994
95/00301/FUL	New science block	Approved	20.04.1995
96/00208/FUL	Retention and part re-location of 7 No. relocatable classrooms	Approved	08.05.1996
96/00381/FUL	New Technology Building	Approved	08.05.1996
96/00855/FUL	Removal of existing glazed roof structure over the Gunfleet building and construction of new pitched roof to form new art studios	Approved	13.08.1996
97/01225/FUL	Proposed first floor classroom on roof of Gunfleet building together with perimeter handrail	Approved	03.11.1997
98/00657/FUL	Two storey extension to sports hall, new all weather sports pitch with floodlights and fencing and new practice court	Approved	27.10.1998
07/01202/FUL	Retention of 3 no. relocatable classrooms.	Approved	14.12.2007
07/01787/FUL	Erection of single-storey extension and lift shaft.	Approved	03.01.2008
08/00504/FUL	Re-cladding works to various elevations, re-roofing to main 3 storey block, various DDA works and tennis court re-surfacing.	Approved	22.07.2008
08/00625/ADV	TTC logo to be fixed to front re-clad building.	Approved	16.07.2008
08/00918/FUL	First floor extension with two monopitch roofs above previously extended single storey classroom extension.	Approved	04.09.2008
10/00293/FUL	Proposed new 6th form block with light weight link to existing 6th form area.	Approved	11.06.2010

10/00942/FUL	Proposed 6th form block with light weight link to existing 6th form area.	Approved	07.10.2010
10/01208/FUL	Retention of 3 no. relocatable classrooms. (Extension of time of previously approved 07/01202/FUL)	Approved	26.01.2011
10/01453/FUL	Install 21 no. wall mounted lights on approved new 6th form block and erect 2 no. bollards, 3 no. two sided lighting columns and 4 no. one sided lighting columns to car park.	Approved	13.04.2011
11/00730/FUL	Extend existing hard surfaced sports area and erect 3m high wire mesh fencing to the perimeter to create a multi-use games area.	Approved	17.08.2011
13/00586/FUL	Demolition of temporary teaching spaces and provision of new modular teaching space and associated accommodation.	Approved	30.07.2013
13/00884/FUL	Variation of condition 2 of approved application 13/00586/FUL to reduce footprint size.	Approved	30.09.2013

6. 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/>.

ECC SuDS Consultee 21.09.2023 – initial comments

Thank you for your email received on 01/09/23 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following:

- The discharge rate restriction should be to Q1, not Qbar.
- The climate change allowance should be 45%.

ECC SuDS Consultee (24.10.2023 - further comments following submission of additional information)

Thank you for your email with additional information received on 05/10/23 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

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

Condition 1

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 1.93l/s for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event, OR, if impracticable
- Demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

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

Condition 2

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

Reason

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

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

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

Condition 3

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

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

Reason

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

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

Condition 4

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

Reason

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

Condition 5

The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

Reason

To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site.

Failure to carry out the required maintenance before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Essex County Council Ecology

23.10.2023 – initial comments

Thank you for consulting Place Services on the above application.

No objection subject to securing biodiversity mitigation and enhancement measures.

Summary

We have reviewed the Preliminary Ecological Appraisal (Greenwood, August 2023) and Floodlighting Scheme - Drawing No. 06 (SIS Pitches, August 2023) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We are satisfied that there is sufficient ecological information available for determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal (Greenwood, August 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly Great Crested Newts, bats, reptiles, nesting birds, Badger and Hedgehog.

We also support the proposed reasonable biodiversity enhancements of bird boxes, bat boxes, habitat creation and log piles, which have been recommended by the Preliminary Ecological Appraisal (Greenwood, August 2023) to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

We note that the Floodlighting Scheme - Drawing No. 06 (SIS Pitches, August 2023) demonstrates a sensitive lighting scheme for foraging and commuting bats, with little to no spill onto adjacent suitable habitat or building. Therefore, the LPA has certainty of the likely impacts to bats, European Protected Species. Finalised details in the form of a wildlife sensitive lighting design scheme should therefore be submitted to the LPA by condition of consent. 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 <2700k, if possible. 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.

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

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

We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended Conditions.

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greenwood, August 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"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) persons responsible for implementing the enhancement measures;

e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details 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).

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

"A lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (ILP) shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

Essex County Council Ecology **submission of a bat survey**

13.09.2024 – comments following

Thank you for re-consulting Place Services on the above application.

No objection subject to securing biodiversity mitigation and enhancement measures.

Summary

We have reviewed the Preliminary Ecological Appraisal (Greenwood, August 2023) and its Appendix P Bat Survey Report (August 2024), and Floodlighting Scheme - Drawing No. 06 (SIS Pitches, August 2023) and the Flood Lighting Performance Report (July 2024), relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We are still satisfied that there is sufficient ecological information available for determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal (Greenwood, August 2023) and its Appendix P Bat Survey Report (August 2024), should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly Bats, Great Crested Newt, reptiles, nesting birds, Badger and Hedgehog.

We also support the proposed reasonable biodiversity enhancements of bird boxes, bat boxes, habitat creation and log piles, which have been recommended by the Preliminary Ecological

Appraisal (Greenwood, August 2023) and its Appendix P Bat Survey Report (August 2024) to secure net gains for biodiversity, as outlined under Paragraph 180d of the National Planning Policy Framework (2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

We note that the Floodlighting Scheme - Drawing No. 06 (SIS Pitches, August 2023) and the Flood Lighting Performance Report (July 2024) demonstrate a sensitive lighting scheme for foraging and commuting bats, with little to no spill onto adjacent suitable habitat or building. Therefore, the LPA has certainty of the likely impacts to bats, European Protected Species. Finalised details in the form of a wildlife sensitive lighting design scheme should therefore be submitted to the LPA by condition of consent. This should summarise the following measures will be implemented:

- oLight levels should be as low as possible as required to fulfil the lighting need.

- oWarm White lights should be used at <2700k and 550nm. 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.

- oThe provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.

- oLights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

We also note that whilst a Night-time Bat Walkover Survey was carried out, there is no submission to confirm if a Potential Roost Feature (PRF) inspection survey was undertaken of the PRF in the Oak tree on site and also if an endoscope was used to assess this and any other PRFs. However, we consider that, as long as all PRFs are retained as part of the local roost resource, they will continue to be available for roosting bats. Therefore, the PRF inspection survey is not necessarily required to make it acceptable and would not alter our professional view that, as long as the lighting scheme is secured by any consent, the development will not adversely affect habitat on site which could be used by bats.

However, we highlight that the Appendix P Bat Survey Report refers to temporary floodlighting on site which is causing significant light spillage on suitable habitat for bat foraging & commuting and we support the report recommendation that this is removed or altered.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

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

We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended Conditions.

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greenwood, August 2023) and Appendix P Bat Survey Report (Greenwood, August 2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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 (as amended).

2. PRIOR TO BENEFICIAL USE: BIODIVERSITY ENHANCEMENT STRATEGY

"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) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details 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 2023 and s40 of the NERC Act 2006 (as amended).

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

"A lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (ILP) shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

Environmental Protection 13.09.2023 – initial comments

With reference to the above application, please see below for comments from the EP Team:

Noise: Section 8.6 of the submitted NIA (Appendix H) advises steps to mitigate noise from the proposal will be required to further reduce noise generated by the use of the proposal and to dampen the escape. The recommendations laid out to manage this include the implementation of acoustic barriers to the west and south of the site. In addition to this a further recommendation of a formal Noise Management Plan has also been suggested.

Providing all recommendations outlined in the report, specifically sections 8, 9 and 10 are adhered to and implemented, we have no reason to object to the proposal in relation to noise.

Noise Management Plan - Appendix I is a submitted NMP, and the EP Team can advise we are satisfied with its contents, and request this is conditioned under any subsequent approval. We would also request this NMP is routinely updated to reflect any changes in procedure / responsible officer information etc, and this document is made available upon request by the Local Authority should any noise or anti-social behaviour complaints be received.

REASON: to protect the amenity of nearby residential dwellings

Lighting: Appendices A through to D and drawing number 06 REV 01 (Floodlighting Scheme) relate to implementation of floodlights for the proposal; I can confirm we are satisfied with the contents of the said documents, and evidence in relation to potential light spill has been addressed. Providing all recommendations as laid out in the reports are adhered to, we have no reason to object on the grounds of lighting.

REASON: to protect the amenity of nearby residential dwellings

Construction Method Statement: I can advise we are satisfied with the contents of the submitted CMS, dated May 2023 (Appendix G); and have no adverse comments to make.

REASON: to protect the amenity of nearby residential dwellings

Should you have any queries concerning this, please do not hesitate to contact me.

Environmental Protection 06.02.2024 – additional comments following submission of additional information from local residents

With reference to the above and our original comments outlined below; I can confirm we have reviewed the recently submitted NIA commissioned on behalf of local residents. We appreciate the comments and the opinions drawn from the report, but would confirm our original comments below stand.

Noise: The Environmental Protection team have reviewed the original noise assessment and can see no reason to reject the findings. We appreciate the comments made by the objector's acoustician; however, the original report was conducted by a relevantly qualified acoustician using the appropriate standards and guidance, and as such we have no reason to reject the outcomes or the proposed mitigation techniques.

Should you have any queries concerning this, please do not hesitate to contact me.

Environmental Protection 07.03.2024 – further comments following submission of information by local residents

With reference to the above application and the further request for confirmation of our response. We entirely appreciate the concerns of residents within the vicinity of this proposal. We have reviewed the noise impact assessment submitted by residents, however as we have previously advised we have no reason to object to the proposal providing the levels emitted from the development are in line with the relevant guidance and standards. We also understand the concern over the lack assessment in relation to existing background noise, but the original NIA was performed in line with relevant guidelines. We accept there will be a Low Observed Effect Level, of which the perception is nuanced and can be varied in each person; however, given the predicted levels are in line with relevant guidance, we have no place to object. However, we would suggest, if possible, revising the site layout to increase the buffer zone between the proposed development and the nearest noise sensitive receptor to further reduce any potential noise impact.

Environmental Protection 16.05.2024 – additional comments following the first Planning Committee recommendations

We can confirm that we have considered both reports fully and our comments remain unchanged, however, should the committee require more information in relation to the noise issues raised by the residents NIA then we can only suggest the following:

The requirement of an updated NIA to include the existing noise environment and calculations evidencing the predicted noise values from the proposal and the subsequent observed impact

level. In addition, we would suggest the applicant include assessment of noise within a revised site layout to include a larger buffer zone, and therefore reduce the potential adverse impact to existing residential premises.

The reason for the above is to alleviate members concerns as EP have no further comments to make based on what has been submitted and as stated have no reason to reject the findings of the applicants NIA.

I am not sure if at this stage it meets all the following, but I guess this is for you and the committee to decide.

- necessary;
- relevant to planning and;
- to the development to be permitted;
- enforceable;
- precise and;
- reasonable in all other respects

Environmental Protection 31.10.2024 – additional comments following submission of a revised Noise Impact Assessment

With reference to the above application, please see below for further comments from the EP Team:

Noise: with reference to the newly submitted NIA, I can advise we have reviewed the document and assessed the methodology and justification of the results. We are satisfied with the predicted noise levels and the evidence of compliance with the relevant guidance, utilising the implementation of a noise mitigation barrier.

Based on the calculations and evidence of compliance with the current guidance, the EP Team have no adverse comments to make in relation to the proposal, providing all measures outlined in the report are implemented.

Tree & Landscape Officer 21.03.2024 – additional comments following submission of additional information

The additional information provided shows a good level of soft landscaping that will soften and screen the proposed development.

Regarding plant species and specification, the information provided is acceptable and the proposed planting will, in time, grow to be a good buffer between the proposed development and dwellings on adjacent land.

In terms of the consistency of information provided it appears that the position of the proposed new bund, as shown on the Proposed Site Plan drawing referenced 03 Rev 05 (and other drawings such as: ref 04.04 and 06.02) does not strictly accord with that provided on the Landscape Strategy drawing ref; 5085_500.

The Proposed Site Plan drawings and others show a linear and formal 'L shaped bund' on the south-eastern and south-western boundaries of the new facility whereas the Landscape Strategy drawing shows a bund along the same boundaries, but in a less formal way, and in a slightly different position to that shown on the other drawings.

Notwithstanding the slight variation in the position of the bund the information provided in terms of soft landscaping is satisfactory. Although the position of the bund does not appear to be

consistent on all drawings the slight variation in its position, as described above, is not likely to affect its overall purpose or functionality.

Tree & Landscape Officer 06.09.2023 – initial comments

The application site is set to grass and does not contain any trees or other significant vegetation.

The position of the proposed development is such that it will be seen from the rear gardens of adjacent properties on Walton Road and to a lesser extent from properties in Heronsgate. The development will also be visible from Frinton Park Playing Field and from the footpath running from Heronsgate to the Walton Road.

It is noted that acoustic fencing and floodlighting form part of the development proposal. In this regard it would appear desirable for new soft landscaping to be carried out on the proposed bund on the south-western and south-eastern boundaries of the site for the screening benefit that it would provide

Soft landscaping would soften and screen the appearance of the proposed new fencing and, in time will, reduce light spillage from the floodlights.

Should planning permission be likely to be granted then details of soft landscaping should be secured by a planning condition. Soft landscaping should aim to soften, and screen appearance of the development.

ECC Highways Dept 04.09.2023

The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. A previous site visit was undertaken in conjunction with another earlier planning application. No changes are proposed to the established vehicular access off Rochford Way. The convenient location of the site will ensure the proposed 3G facility can easily be accessed and utilised by nearby communities. The site is within a sustainable location between the built-up areas of Walton-on-the-Naze and Frinton-on-Sea. There are bus stops along Rochford Way and other nearby roads. There is an opportunity for Tendring Technology College to manage traffic movements associated with the proposal by adopting and promoting a set of principles to manage and mitigate vehicle trips. Public transport modes, drop-off / collect systems, and car sharing should be promoted to all visitors unable to walk or cycle (active travel). Measures should be promoted to reduce vehicle trip impacts wherever possible; with active travel being encouraged to students, players, parents, and all community visitors. For community visitors travelling by car, mini-bus, or coach to the site; adequate permanent on-site parking is available with a 110 car parking spaces, including 6 Blue Badge spaces, 4 bus spaces, 48 cycle spaces and 10 motor cycle spaces being retained within the site. Given that the maximum community parking demands will occur either during weekends or outside of peak travel times (outside the regular academic day), any off-site highway impact is likely not to be significant, considering these factors:

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

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

- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. wheel and underbody washing facilities.
- vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense when caused by developer.

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

2. Within three months of the first use of the proposal, Tendring Technology College shall update/ submit a travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

Note: Essex County Council's Travel Plan team (may assist with the preparation and the details of the Travel Plan) by emailing: Travel.PlanTeam@essex.gov.uk

3. Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

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

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: 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.

4: 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.

Sport England

31.08.2023

Thank you for consulting Sport England on the above application.

Summary: Sport England raises no objection to this application as a statutory consultee which is considered to meet exception 5 of our adopted Playing Fields Policy and paragraph 99 of the NPPF subject to three planning conditions being imposed relating to the following matters as set out in this response:

- Artificial Grass Pitch Certification.
- Excavated Topsoil Landscape Scheme.
- Community Use Agreement.

Advisory comments are made as a non-statutory consultee on the principle of the development and technical issues such as hours of use, lighting and noise.

COMMENTS MADE AS A STATUTORY CONSULTTEE

Sport England - Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 99), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.' Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

The Proposal and Impact on Playing Field

In summary, the development involves a 97x61 metre artificial grass pitch (AGP) with a 3G surface suitable for football (including floodlights and fencing) that would be sited on part of the playing fields at Tendring Technology College.

Assessment against Sport England Policy

This application relates to the provision of a new outdoor sports facility on the existing playing field at the above site. It therefore needs to be considered against exception 5 of the above policy, which states:

- 5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

I have therefore assessed the proposals against the above policy to determine whether the proposals meet exception 5.

Sports Development Benefits

The key potential sports development benefits of the proposed development are set out in detail in the design and access statement. In summary, the benefits are considered to be as follows:

- The proposed floodlit AGP would provide a modern all weather surface that would be capable of intensive use throughout the year for matches, training and coaching. The AGP would be capable of accommodating a range of different sized football pitches and would be suitable for both matches and training. The design and layout of the AGP would accord with the Football Association's design guidance which will help ensure that a fit for purpose facility that is suitable for meeting community needs will be implemented in practice.

- In relation to benefits for Tendring Technology College, the AGP would provide an all weather pitch facility that could be used for meeting the school's curricular and extra-curricular PE and sport needs throughout the academic year and would offer continuity of facility provision when natural turf pitches are unavailable due to adverse weather or ground conditions.

- In relation to community benefits, the facility would be made available for community use outside of school hours and community access would be formalised through a community use agreement. Tendring District Council's playing pitch strategy (2017) identified that the district had a deficiency of four full size AGPs with a 3G surface suitable for meeting community football training and match needs. The emerging playing pitch strategy that the Council are currently preparing to replace the 2017 strategy has confirmed that this deficiency has increased since then and there is a specific deficiency in the Central East sub-area of the district which includes Frinton-on-Sea. There are no existing 3G AGPs in the Frinton-on-Sea area, the closest facilities being in Clacton-on-Sea which are meeting existing needs in this area. The Tendring Local Football Facilities Plan (LFFP) <https://localplans.footballfoundation.org.uk/local-authorities-index/tendring/tendring-local-football-facility-plan/> that was prepared for Tendring District Council area by the Football Foundation in 2018 has confirmed the need for additional full size AGPs in the district including one within the Frinton-on-Sea area. The Tendring Technology College site has been identified as the proposed site for meeting this need in the LFFP. I have consulted the Football Foundation (who represent the FA and Essex County FA) for feedback and they have advised that there is an identified current need for 3.75 additional full size 3G AGPs in the district and that with deficiencies expected to increase to 4 AGPs in the future, the proposed facility will be crucial to support local participation. The proposed facility would support the facility needs for matchplay and training of a number of local teams including Frinton and Walton Football Club who would be a key user. The facility would significantly increase training and match play capacity locally to support the needs of a large number of teams and participants. The Football Foundation has also advised that the design of the AGP complies with the FA Guide to 3G Football Turf Pitch Design Principles and Layouts, and the FA Guide to Floodlighting, with the dimensions meeting the minimum FA permitted dimensions and supporting all of the planned programme of use. Consequently, the Football Foundation and the Essex County FA are fully supportive of the proposal.

Impact on Playing Field

In relation to the impact on the playing field, the AGP would be sited on a substantial part of the college's playing fields to the south west of the college's buildings. An existing junior football pitch that currently marked out would be displaced. It is proposed to mitigate this impact by reconfiguring the football pitches on the remaining playing field. The junior football pitch would be relocated to the east where two mini training pitches are currently marked out. While these mini pitches would be displaced it is proposed that they would be overmarked over the relocated junior football to offer the flexibility for them to be used if required. Furthermore, as set out above, the rationale for the project is to provide better quality football facilities for the college and the community and much of the existing use of the natural turf football pitches on the college site can be transferred to the AGP thereby allowing the remaining pitches to be subject to less wear and more recovery time. The Football Foundation has advised that the capacity of the AGP would significantly outweigh that of the natural turf playing field area that it would replace. However, the 3G AGP surface will only be sanctioned for community football matches if it is certified as meeting the appropriate FIFA standard and therefore it will be essential that the surface is designed and maintained to this standard in practice. The existing running track would be realigned to the east and the rounders pitches would not be affected.

The bund that would be sited to the south and west of the AGP formed through excavated topsoil offers potential to be designed to support the use of the AGP and the college's sports facilities if a creative landscape design solution was implemented. For example, the gradients could be designed to create viewing areas over the AGP and the area could be used for creating trim trails, orienteering routes, informal running or cycling routes etc.

Conclusions and Recommendation

On the basis of the above assessment, I consider that the potential sports development benefits that the proposed AGP would offer would clearly outweigh the detriment caused by the impact on the playing field. I therefore consider that the proposed development would meet exception 5 of our playing fields policy. This being the case, Sport England does not wish to raise an objection to this application subject to the following conditions being attached to the decision notice should the local planning authority be minded to approve the application:

- Artificial Grass Pitch Certification: A condition requiring the submission and approval by the local planning authority (in consultation with Sport England) of certification that the artificial grass pitch has met the FIFA Quality Standard accreditation or equivalent International Artificial Turf Standard (IATS) requirements prior to first use of the artificial grass pitch. This is justified because AGPs can only be sanctioned for FA affiliated community football match use where the pitch has been tested to meet these requirements. Further details of the FIFA standard is on FIFA's website at <http://quality.fifa.com/en/Football-Turf/Install-Football-Turf/Certification/>. The facility is intended to be designed and maintained to meet these technical standards (if funding from the Football Foundation is secured) but this cannot be confirmed in practice unless appropriate testing takes place which certifies this. As a pitch can only be tested for certification when it is completed it would not be possible to request the information to be provided at planning application or pre-commencement stages. Following meeting the tests, the facility will need to be registered on the FA's Register of Football Turf Pitches <http://3g.thefa.me.uk/> to enable it to be sanctioned for FA affiliated community football match use. It is requested that the following condition and informative be imposed (which is based on condition 9b of our model conditions schedule:

"Use of the artificial grass pitch shall not commence until:

- (a) certification that the Artificial Grass Pitch hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS); and
- (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches;

have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy **.

Informative: The applicant is advised that the pitch should be tested every three years by an accredited testing laboratory in order to achieve and maintain FIFA Quality accreditation."

- Excavated Topsoil Landscape Scheme: A condition requiring the submission and approval by the local planning authority (in consultation with Sport England) of a detailed landscape scheme for the area proposed for the bund comprising the construction topsoil. As set out above, a creative landscape scheme which considered the sport and physical activity potential of these areas would offer scope to deliver some sport related benefits in order to mitigate the loss of this area from playing field use. A condition along the following lines is requested:

No development shall commence of the artificial grass pitch hereby permitted until an excavated topsoil landscape scheme has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme shall include details of the proposed gradients and design proposals for sport and physical activities. The excavated topsoil landscape scheme shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy **.

- Community Use Agreement: A condition requiring a community use agreement for the AGP to be submitted and approved by the local planning authority (in consultation with Sport England) prior to first occupation of the new artificial grass pitch in order to ensure that community access to the AGP and the facilities that support it are secured in practice. A community use agreement sets out a school/college's policy and arrangements for community use of its sports facilities and covers matters such as hours of use, types of bookings accepted, restrictions on community use etc. The agreement is usually between a school/college and the relevant local authority (i.e. Tendring District Council) but other bodies can be parties such as sports governing bodies. Sport England regularly secures the completion of such agreements through planning conditions on planning permissions for school developments. Such a condition is justified to avoid a scenario where community access (outside of school hours) to the facility does not take place (or is significantly restricted) following the implementation of the proposed development and to ensure that the community use arrangements are safe and well managed. Without suitable community access being secured over a long term period in practice, one of the principal sports development benefits of the proposals which mitigates the impact of the development on the playing field would not be realised. A community use agreement also provides clarity and formalisation with respect to community access arrangements for all parties. Community use agreement templates, examples of completed agreements and further advice can be provided upon request although advice should be sought from both Tendring District Council and Sport England before an agreement is prepared. The following condition is requested to be imposed to address this which is based on model condition 16 of Sport England's conditions schedule:

"No occupation shall commence of the artificial grass pitch hereby permitted until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial grass pitch and supporting ancillary changing and parking facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure

the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement."

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy"

If you wish to amend the wording of the conditions or use another mechanism in lieu of the conditions, please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments. If the Council decides not to attach the above conditions, Sport England would wish to be advised before the application is determined so that our position on the planning application can be reviewed. If your Council decides not to attach the above conditions, Sport England would wish to raise an objection to this application. Should the local planning authority be minded to approve this application without the above conditions, then given Sport England's subsequent objection and in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State via the National Planning Casework Unit.

COMMENTS MADE AS A NON-STATUTORY CONSULTEE

As a non-statutory consultee, without prejudice to our position as a statutory consultee set out above, Sport England would wish to make advisory comments on the following matters:

Principle of the Development

Sport England assesses this type of application in line with its planning objectives and with the National Planning Policy Framework (NPPF). Sport England's planning objectives are to PROTECT existing facilities, ENHANCE the quality, accessibility and management of existing facilities, and to PROVIDE new facilities to meet demand. Sport England's Planning for Sport guidance can be found here: <https://www.sportengland.org/facilities-and-planning/planning-for-sport/planning-for-sport-guidance/>. Principles 6 and 7 of the guidance relate to the 'Enhance' objective and in summary support improvements to the existing sport provision where they are needed (principle 6) and encourage/secure wider community use of existing and new sports provision. The proposed development would provide an enhanced sports facility that would offer potential to make a significant contribution towards meeting community sports facility needs in the Frinton-on-Sea area for the reasons set out above. The proposals are therefore considered to meet principles 6 and 7 of the guidance therefore. Sport England would therefore wish to confirm its support for the principle of the proposed development as a non-statutory consultee.

Hours of Use and Sports Lighting

The proposal for the AGP to include sports lighting is welcomed and considered essential as this will offer significant sports development benefits in terms of facilitating use by the community during peak periods of demand. Without suitable sports lighting, it would not be possible for the facility to meet the needs that it has been designed to address and the potential for securing revenue to support its long term maintenance would be prejudiced.

While Sport England would not require a planning condition to be imposed relating to the hours of use of the AGP or its sports lighting, it is acknowledged that the Council may wish to impose such a condition in order to address potential impact on residential amenity or the environment. If planning permission is granted, it is recommended that any condition that may be imposed by the Council relating to the hours of use of the lighting and the use of the AGP is not overly restrictive. In this regard, it is advised that peak community use of AGPs on similar sites usually extends until 10.00 p.m. on weekday evenings and the application is seeking use of the AGP

and its floodlights until 10.00pm on weekday evenings. If the Council wishes to impose a planning condition restricting the hours of use of the AGP or its sports lighting, consideration should be given to using condition 14 from our model conditions schedule.

It should be noted that if the Council sought to remove the sports lighting or impose significant restrictions on the hours of use of the AGP or its lighting in the evenings this may affect our position on the planning application as the potential sport related benefits would be diminished plus it may affect the feasibility and sustainability of the project. If such an approach is to be taken it is requested that Sport England be advised before the planning application is determined to provide an opportunity to review our position on the planning application.

If the design of the lighting scheme is material to the assessment of the planning application, I would recommend that consideration be given to Sport England's 'Artificial Sports Lighting' guidance note (2012) <https://www.sportengland.org/guidance-and-support/facilities-and-planning/design-and-cost-guidance/artificial-lighting> and the FA's floodlighting guidance <http://www.thefa.com/get-involved/player/facility-development-and-technical-guidance>.

Noise

If noise generated from the use of the AGP is an issue in the determination of the planning application, Sport England has published a guidance note on the planning implications of AGP acoustics. This is intended to aid in developing a more consistent approach when assessing the noise associated with AGP use and to provide some rules of thumb when assessing noise impact. If applicable, it is recommended that this guidance is considered to inform any assessment of noise impact as it has been tailored to assist with the consideration of this issue. This can be downloaded from our website at <https://www.sportengland.org/guidance-and-support/facilities-and-planning/design-and-cost-guidance/outdoor-surfaces>.

The absence of an objection to this application in the context of the Town and Country Planning Act, does not in any way commit Sport England or national governing bodies to support for any related funding application.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

If you would like any further information or advice please contact me.

Essex Wildlife Trust

19.08.2024

No comments received.

7. **Representations**

7.1 The application has been called to be determined by the Planning Committee in the event the application is recommended for approval by Councillor Turner, with concerns raised that the development would result in a negative impact on the street scene, is of a poor layout and would result in a negative impact to neighbours.

7.2 Frinton and Walton Town Council objected to the initial submitted plans, raising the following concerns:

- Overdevelopment of the site;
- Will be open 365 days per year from 8am to 10pm;

- Inadequate engagement with the community;
- Height of floodlights is excessively high;
- Potential health concerns regarding the use of micro plastics; and
- Concerns with sound management.

7.3 Following the submission of amended plans and additional information, Frinton and Walton Town Council again recommend refusal, however welcomed the reduction in operating hours. They have suggested an alternative scheme could be prepared, centralising the pitch and rotating it 90 degrees, and include the running track around the pitch away from boundaries to residential gardens and properties.

7.4 Since the application was last brought before the Planning Committee in May 2024, Frinton and Walton Town Council have again confirmed they recommend refusal of the application, on the following grounds:

- **Hours of operation too excessive for a residential area;**
- **Sound and light pollution;**
- **Environmental concerns relating to the composition of the crumb from the pitch, and it dispersing within the environment;**
- **Not in keeping with the area;**
- **Bat survey carried out was insufficient in duration; and**
- **Lack of engagement with Town Council and local residents**

7.5 In addition, in total there were initially 75 letters of objection received, as well as a petition signed by 265 people. This is the total number of representations received, including in response to the initial plans submitted and the amended plans. A summary of the concerns raised are as follows:

- Unacceptable noise disturbances;
- Harm to bats and wildlife;
- Significant light disturbances via floodlights;
- Overlooking concerns;
- Operating hours are excessive;
- Harm to property prices;
- Inappropriate location for such a development;
- Parking issues already, which will be made worse;
- Increased traffic concerns; and
- Will result in anti-social behaviour.

7.6 Since the application was last brought before the Planning Committee in May 2024, an additional 34 letters of objection have been received, with the following points raised:

- **Noise impacts to neighbours, including in windy conditions;**
- **Parking issues that will arise;**
- **Light pollution;**
- **Damage to surrounding properties;**
- **Overlooking into garden areas via bunding;**
- **Impacts to wildlife;**
- **Wrong location for a football pitch;**
- **Devaluation of local properties;**
- **Bat Survey does not meet guidelines as surveys were condensed, and the report states the conditions were sub-optimal;**
- **Health impacts as a result of the pitch material;**
- **Lack of notification of the planning application;**
- **Fencing will be an eyesore;**

- **Unacceptable hours of use;**
- **Lack of consideration in Noise Impact Assessment for noise generated from spectators, staff and substitutes;**
- **Discrepancies on the application form;**
- **Insufficient analysis of the independent Noise Impact Assessment;**
- **Noise Impact Assessment based on noise figures from Bristol in 2014, which should not be relied upon;**
- **Re-location of pitch makes no difference to harm to neighbours;**
- **Impact of floodlights to users of the adjacent highways; and**
- **The construction and maintenance costs that would be associated with the 3G pitch.**

7.7 The Council also initially received, in total, 100 letters of support and a petition of support submitted by Frinton and Walton Youth Football Club and signed by 359 people. This is the total number of representations received, including in response to the initial plans submitted and the amended plans. A summary of the points raised are as follows:

- An excellent addition for the school;
- Would provide facilities to cater for housing developments previously approved;
- Allow children to keep fit and healthy in a safe environment;
- Provision of facilities not available locally;
- Would provide all-year round facilities;
- Great asset for the community;
- Important for health and wellbeing of community; and
- Great alternative facility for children.

7.8 Since the application was last brought before the Planning Committee in May 2024, an additional two letters of support have been received.

8. Assessment

Site Description

8.1 The application site is land located within the grounds of Tendring Technology College (TTC), which is located on the southern side of Rochford Way within the parish of Frinton-on-Sea. The area of that site specifically is part of the existing playing field, located to the south-eastern corner of the site.

8.2 The main built form associated with the college is located north of the application site, with the remainder of the playing fields being to the north-east. Further out to the west are additional community playing fields which are Safeguarded Open Space. Beyond this, though, the character of the area is heavily urban with a significant number of residential properties, most notably to the south along Heronsgate and Walton Road, to the east along Cedar Close and Lumber Keys, and to the north and west along Rochford Way and Stewards Close.

8.3 The site falls within the Settlement Development Boundary for Frinton-on-Sea within the adopted Local Plan 2013-2033.

Planning History

8.4 The overall wider site within the TTC grounds has a vast array of planning history, however there are two applications considered to be particularly relevant in relation to the proposed development. Firstly, under reference 98/00657/FUL, planning permission was granted in October 1998 for a two storey extension to the sports hall as well as a new all weather sports pitch with floodlights/fencing, that was to be located in the northern corner of the site (adjacent to Rochford Way and Lumber Keys). It appears that this permission was implemented, as aerial images show an all-weather pitch

since at least 2000, although there is no evidence before Officers to suggest the floodlights were ever erected.

8.5 Following this, under reference 11/00730/FUL planning permission was granted in August 2011 to extend the hard surfaced sports area previously approved and constructed under permission 98/00657/FUL to create a multi-use games area.

Description of Proposal

8.6 This application seeks planning permission for the erection of a 3G Artificial Grass Pitch (AGP) to accommodate a football pitch measuring 97 metres x 61 metres. The pitch will be bounded by 4.5 metre high ball stop fencing with entrance gates which will form an enclosure around the pitches perimeter, a 3.5 metre high acoustic fence along the southern perimeter of the pitch, as well as 6 x 13 metre high LED floodlights.

8.7 In addition, the proposal includes a hard standing spectator area with a 1.2 metre high protective fence along its north-eastern boundary, two goal storage areas to accommodate sports equipment to the north-east and north-west of the pitch, and a steel storage container painted green and measuring 2.59 metres to the north-east of the pitch, and a 1.1 metre high bund along the southern and western boundaries.

8.8 The operating hours proposed are as follows:

- Monday to Friday: 8am to 9pm; and
- Saturdays, Sundays and Bank Holidays: 9am to 5pm.

8.9 Within the initial plans submitted, Officers raised some concerns relating to the impact to local residents, and accordingly amended plans/additional information has been provided during the determination of the application, as follows:

- The operating hours have been reduced from 8am to 10pm Mondays to Fridays and 9am to 10pm all other days, to the hours that are listed above;
- The pitch has been re-located approximately 3.2 metres further north away from neighbouring properties;
- A landscaping strategy has been provided to provide planting on top of the proposed bund;
- The inclusion of a running trail around the bund; and
- The preparation of a statement of need outlining the benefits and reasoning for the proposal being in this location.

Principle of Development

8.10 Paragraph 102 of the National Planning Policy Framework (NPPF, 2023) states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

8.11 In this respect the proposal is to provide for a new outdoor sporting facility. TTC was chosen to help satisfy an identified unmet local demand for artificial football pitches. An enhanced sports facility would expand for a range of accessible sports, recreation, and community facilities in Frinton and Walton, which in turn supports school and community demands.

8.12 In particular, the Playing Pitch Strategy (PPS) for Tendring stated there is both a current and future shortfall of youth 11v11 and 9v9 football pitches which is further exacerbated when future demand

is factored in. It also noted overplaying on several sites and a number of the pitches have been assessed as standard (53) or poor (25), with only one recognised as good quality.

- 8.13 In this context the proposal will provide a high-quality artificial grass pitch surface to allow structured football activities to provide certainty that scheduled training and matches would not be disrupted in all but the most inclement weather. The proposal will also allow more intensive football activities to be played at the College which will broaden the opportunity to take part in sport by local community groups and football club players.
- 8.14 Therefore, taking into account the benefits of the scheme, it is considered the proposals are compliant with national and local planning policies governing proposed leisure uses.
- 8.15 Notwithstanding the above, Sport England are a statutory consultee on this planning application as the proposal affects an existing playing field. They have confirmed that, while the proposal will result in the partial loss of an existing playing field, the proposed development is for an outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport and which outweighs the detriment caused by the loss of the playing field or playing fields. Consequently, Sport England consider the development meets exception 5 of their adopted Playing Fields Policy and therefore do not wish to raise any objections subject to conditions.
- 8.16 Within their consultee response, Sport England also outline a series of benefits that the proposed development would generate, which can be summarised as follows:
- Provision of a modern all weather surface capable of intensive use throughout the year for matches, training and coaching;
 - Ability to accommodate a range of different sized football pitches, suitable for both matches and training;
 - Design and layout of the AGP accords with the Football Association's design guidance, which ensures a fit for purpose facility suitable to meeting community needs;
 - AGP would provide benefits for Tendring Technology College in that an all weather facility could be used for the school's curricular and extra-curricular PE and sport needs, and offers continuity of facility provision when natural turf pitches are unavailable due to adverse weather or ground conditions; and
 - Facility available for community use outside of school hours.
- 8.17 In addition to the above, following a request by Officers, further details have been provided to outline that other locations for the proposed development have been considered, however due to the existing infrastructure, daytime use by the school and the general community ethos of educational establishments, the TTC site was considered to be the optimum location. In addition, two local football clubs (Frinton and Walton and Kirby Athletic) are identified as partners of the scheme, and it is noted a high level of support letters/petition have been submitted. The submission also highlights the benefits associated with all-year use of a pitch that would not be impacted by weather conditions as natural turf is, and that the proposal can also generate local economic benefits through bringing visitors to the area.
- 8.18 Taking all of the above into consideration, Officers are content that the proposal would generate a high level of public benefits, notably through the inclusion of modern fit for purpose facilities that can be utilised all year round, and note that Sport England offer strong support despite the part loss of an existing playing pitch. Officers are not aware of an alternative location better suited for the proposed development, note that the Playing Pitch Strategy highlights there is both a current and future shortfall of youth 11v11 and 9v9 football pitches, and also accept the argument that the TTC site is ideally located for the aforementioned reasoning. A strong level of weight in the overall balance is therefore given to the public benefits the scheme would provide.

Impact to Character of the Area

- 8.19 Paragraph 135 of the NPPF (2023) 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.
- 8.20 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs. Policy SPL3 and LP4 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 which create a unique sense of place.
- 8.21 The proposal will see the erection of an outdoor sports facility located to the rear of Tendring Technology College, in-lieu of part of the existing playing field. The character of the immediate surrounding area includes the school to the north and residential properties to the east and south, and a playing field to the west. Against this context, while the proposal will be relatively prominent from the street scene, it is not necessarily considered to be out of character with the existing setting on a broad level.
- 8.22 The proposed perimeter fencing at 4.5m high would be visible, as will the 3.5 metre high acoustic fencing along the southern and eastern elevations, although Officers note that the majority of this will be set away from the street scene and is finished in a powder coated RAL6005 Moss Green colour. In addition, Officers note an existing 1.8 metre high metal fence as well as the proposal also including a 1.1 metre high landscape bund between the existing fencing and the proposed fencing/pitch. The combination of these factors, as well as the fencing aiding in reducing noise and the frequency of balls having to be retrieved from the surrounding grassed playing field whenever kicked over the fenced enclosure, ensure that this element would not appear overly prominent and would not appear incongruous within the wider complex.
- 8.23 The proposed floodlighting (six in total) would be the most prominent of that being proposed from wider views, however this is a typical addition to a 3G pitch and will consist of slim line poles. Officers acknowledge that these floodlights, by nature of their height, will naturally be visible from certain views via the surrounding roads. However, in relation to the existing built form in the immediate surrounding area, these views would not be so significantly harmful that Officers consider it would be reasonable to recommend a reason for refusal.

Impact to Neighbouring Amenities

- 8.24 Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions 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.
- 8.25 Policy SP7 of Section 1 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.
- 8.26 There are a number of residential properties located further out to all sides, and a key consideration is understanding whether the noise and light disturbances generated from the proposal would be to a significant level. It is noted at this stage that a significant number of objection letters/petition have been received, with concerns relating to these matters being a prominent issue raised.
- 8.27 During the determination of the application Officers raised some concerns with the initial set of drawings that the level of harm to neighbouring amenities was to an unacceptable level, and accordingly revisions to the development have been made. Notably the operating hours have been reduced to 9pm on Mondays to Fridays and 5pm on Saturdays, Sundays and Bank Holidays (**previously 10pm**), the AGP has been relocated approximately 3.2 metres north away from the

nearest residential properties, and a landscaping strategy has been provided to provide planting on top of the proposed bund.

Noise Impacts:

- 8.28 With respect to the associated noise levels, a Noise Impact Assessment has been provided as part of the application submission. Within this it confirms the nearest noise sensitive residential receivers are the dwellings to the south and west of the proposed AGP. The highest predicted noise level from the proposed AGP when in use is 46 dB at the façade of the residential houses to the south, and 46 dB at the façade of the residential houses to the west, which is below the 50 dB threshold for the onset of moderate community annoyance, as clarified by the World Health Organisation (WHO).
- 8.29 Furthermore, in terms of transient noise levels, noise from voices is predicted to be a maximum of 48dB (56dB without the acoustic fencing), a maximum noise from whistles of 65dB (71dB without the acoustic fencing), and noise from ball impact is a maximum of 64dB (71dB without the acoustic fencing), all falling within the WHO 65dB criteria, although Officers acknowledge some figures are on the cusp of the WHO criteria. To counter the impacts of the development, the proposal includes 3.5 metre high acoustic fencing to the southern and western elevations, as well as a 1.1 metre high landscaping bund.
- 8.30 In addition, the Noise Impact Assessment refers to the need for a Noise Management Plan, which would include the facility for neighbours to report excessive noise and/or anti-social behaviour, the preparation of a written action plan for staff to utilise to deal with complaints, and that all perimeter fencing is fixed to support posts with a neoprene isolator installed to fully isolate the panels from the posts, which reduces the 'rattling' effect when a ball impacts on the fencing. The supporting Design and Access Statement adds that the maximum user capacity will not be exceeded and only pre-booked lettings will be permitted to use the site.
- 8.31 The Council's Environmental Protection team have been consulted, and have confirmed they agree with the conclusions of the Noise Impact Assessment, and recommend that all recommendations contained within the Assessment, notably the installation of acoustic fencing and the submission of a Noise Management Plan, are implemented.
- 8.32 Following this, local residents have provided an independent review of the potential noise impacts of the proposal. In summary this review outlines there is likely to be low level background noises as the current baseline position, and therefore even with proposed mitigation measures noise from the AGP will be clearly audible, particularly during evening hours. This harm is exacerbated by the all year round use of the site, which offers little respite for neighbouring properties. It concludes that alternative locations within the college grounds further away from residential properties should be considered. It is important to note that this assessment was initially reviewed by the Council's Environmental Protection team, who noted its contents but maintained their earlier comments given that the Noise Impact Assessment was undertaken in line with relevant guidance and standards. They do, however, accept there will be a Low Observed Effect Level, of which the perception is nuanced and can be varied for each person.
- 8.33 Following the previous resolution by the Planning Committee in May 2024, Officers have requested additional views of the Council's Environmental Protection team in relation to the Noise Impact Assessment that was provided by local residents. They have confirmed that they have considered both Noise Impact Assessment's fully, however their earlier no objection comments remain unchanged.**
- 8.34 The above notwithstanding they have suggested that the applicants Noise Impact Assessment be updated to include the existing noise environment, and calculations evidencing the predicted noise values from the proposal and the subsequent observed impact level. In addition, they suggested the applicant included an assessment of noise**

within a revised site layout to include a larger buffer zone, and therefore reduce the potential adverse impact to existing residential premises.

- 8.35 The agent for the application has, in response to this, provided a revised Noise Impact Assessment that now includes details of a site noise survey undertaken in October 2024 which sought to determine the existing ambient noise climate at a location that is representative of the nearest noise sensitive residential properties. The noise measurements were undertaken between 18:00 hours and 22:00 hours, with the equivalent noise level across each hour ranging between 42dB and 47dB.**
- 8.36 The Council's Environmental Protection team were again consulted following this revised Noise Impact Assessment, and they have confirmed they are satisfied with the predicted noise levels and the evidence of compliance with relevant guidance, and therefore have no adverse comments subject to the measures outlined within the Assessment being implemented.**
- 8.37 Therefore, in conclusion, from a purely technical perspective the change in noise level is considered to be acceptable due to the absolute noise levels being within the WHO guidelines with the suggested mitigation measures. However, that said, Officers acknowledge that there is inevitably a degree of noise disturbances given the relatively close proximity of the development to neighbouring properties. The amendments to the scheme to reduce operating hours and re-locate the AGP away from neighbouring properties aids in reducing this harm, but Officers do afford a level of weight to this harm in the overall planning balance.

Lighting:

- 8.38 Having regard to the impact of the floodlighting columns, there are to be six in total located across the perimeter of the pitches. A lighting plan has been provided which shows the luminance calculations to the closest residential properties to the west along Heronsgate and to the south along Walton Road. The calculations demonstrate that the luminaire intensity (glare) created whilst floodlights are operated is below the threshold for an Environmental Zone E3 location and as such does not create an unacceptable impact by way of artificial lighting. More specifically, the lighting plan demonstrates that all lighting glare from the proposal will be inward facing towards the AGP and would, in this respect at least, have a negligible impact to neighbouring amenities.
- 8.39 The Council's Environmental Protection Department have raised no objections but requested the external lighting be located, designed and directed so to avoid intrusion into neighbouring residential properties. Officers are content that the submitted plans demonstrate this.
- 8.40 It is acknowledged that many of the local residents objection letters/petition raise concerns with the impacts of the floodlights to existing amenities. Notwithstanding what is stated above, Officers are appreciative of the fact that by being in such close proximity to the development, there will naturally be some level of visual disturbance via the floodlights, if not from the glare of them specifically but via the light spillage naturally generated. As stated above, there have been amendments to the scheme which Officers consider reduce this level of impact, however that is not to say there would be no impact. Accordingly, a low level of weight is given to these impacts in the overall planning balance.
- 8.41 Following the resolution of the Planning Committee in May 2024, the applicant has since explored the potential of amending the wider site layout in order to find a solution that might be less harmful to neighbouring residents. The submitted drawing includes three alternative layouts, with two showing that it would not be possible without overlapping with the running track (which Officers consider would likely generate an objection from Sport England if put forward, due to the loss of existing sports provision), with the third option being sited along the north-eastern boundary which in turn would be closer to a greater number of local residential properties, thereby generating a higher level of harm than the currently proposed**

siting. Following this, Officers consider that it has been sufficiently demonstrated that there are no alternative locations across the wider site that could accommodate the proposal.

- 8.42 Some concerns from local residents have also been raised that the proposed running trail along the bunding will result in a level of overlooking into neighbouring rear garden areas. However, Officers note that the entrance to the bunding areas are secured by maintenance gates, and would therefore not be accessible to students or other users unless there are school related events. In addition, the running trail shown only goes along the bunding to the south-west of the site; the area of bunding closest to neighbouring garden areas along the south-eastern boundary does not include the running trail, with this instead being sited to the north of the bunding. Given this, and that there would not be significant and sustained noise as a result of the running trail, Officers conclude that this element would not result in significant levels of overlooking and result in significant harm to amenities.

Highway Safety

- 8.43 Paragraph 115 of the National Planning Policy Framework 2023 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- 8.44 Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.
- 8.45 Essex Highways Authority have been consulted, and note that no changes are proposed to the established vehicular access off Rochford Way and that the site is within an accessible and sustainable location close to bus stops. Given that the maximum parking demands will occur either during weekends or outside of peak travel times, any off-site highway impact is unlikely to be significant and therefore from a highway and transportation perspective the impact of the proposal is considered acceptable. However, conditions are recommended in relation to a Construction Management Plan and the submission of a Travel Plan, however ECC Highways have since confirmed that the Construction Management Plan is covered within the submission already and is therefore not required to be included as a condition. A further condition relating to floodlights is recommended, however full details have been provided and it would therefore not be reasonable or necessary to impose on this occasion.
- 8.46 The Essex Car Parking Standards (2009) state that for such a use there should be parking provision for 20 spaces per pitch plus one space per 10 spectator seats. However, these standards relate to a full size outdoor playing pitch, so while the current proposal is technically for four pitches, this is the equivalent to one full playing pitch. Given this, and there being no spectator seats, there should therefore be provision for 20 parking spaces. On this occasion, there is provision for 110 vehicular spaces, and therefore this need is met.

Tree and Landscaping Impacts

- 8.47 The Council's Tree and Landscaping Officer has been consulted on the application, and in response to the initial set of drawings, provided the following comments:

"The application site is set to grass and does not contain any trees or other significant vegetation.

The position of the proposed development is such that it will be seen from the rear gardens of adjacent properties on Walton Road and to a lesser extent from properties in Heronsgate. The

development will also be visible from Frinton Park Playing Field and from the footpath running from Heronsgate to the Walton Road.

It is noted that acoustic fencing and floodlighting form part of the development proposal. In this regard it would appear desirable for new soft landscaping to be carried out on the proposed bund on the south-western and south-eastern boundaries of the site for the screening benefit that it would provide

Soft landscaping would soften and screen the appearance of the proposed new fencing and, in time will, reduce light spillage from the floodlights.

Should planning permission be likely to be granted then details of soft landscaping should be secured by a planning condition. Soft landscaping should aim to soften, and screen appearance of the development."

- 8.48 Following these comments, the agent for the application has provided amendments to the overall scheme, including the submission of a Landscape Strategy. Upon re-consultation, the Tree and Landscaping Officer stated the following:

"The additional information provided shows a good level of soft landscaping that will soften and screen the proposed development.

Regarding plant species and specification, the information provided is acceptable and the proposed planting will, in time, grow to be a good buffer between the proposed development and dwellings on adjacent land.

In terms of the consistency of information provided it appears that the position of the proposed new bund, as shown on the Proposed Site Plan drawing referenced 03 Rev 05 (and other drawings such as: ref 04.04 and 06.02) does not strictly accord with that provided on the Landscape Strategy drawing ref; 5085_500.

The Proposed Site Plan drawings and others show a linear and formal 'L shaped bund' on the south-eastern and south-western boundaries of the new facility whereas the Landscape Strategy drawing shows a bund along the same boundaries, but in a less formal way, and in a slightly different position to that shown on the other drawings.

Notwithstanding the slight variation in the position of the bund the information provided in terms of soft landscaping is satisfactory. Although the position of the bund does not appear to be consistent on all drawings the slight variation in its position, as described above, is not likely to affect its overall purpose or functionality."

- 8.49 Given the above comments, the agent for the application has since provided updated drawings to align all drawings. No objections are therefore raised in this regard, although a condition is recommended to ensure the landscaping shown on the plans is undertaken.

Drainage

- 8.50 Policy PPL5 states that proposals for development must demonstrate that adequate provision exists, or can be provided in time, for sewage disposal to a public sewer and water recycling centre (sewage treatment works).
- 8.51 The application is supported by a Drainage Strategy, which confirms the site falls within Flood Zone 1, there is currently no existing site drainage for the area, and that a drainage scheme shall be installed beneath the AGP area to ensure that the rate of surface water run-off from the site does not increase as a result of the proposed development. There will also be no foul water associated with the proposals.

8.52 Essex SuDS have been consulted and initially raised a holding objection due to issues with the discharge rate restriction and climate change allowances. However, following the submission of a revised assessment to address these technical points, Essex SuDS have confirmed they do not raise any objections subject to conditions relating to the submission of a detailed surface water drainage scheme for the site, the submission of a maintenance plan, the maintenance of yearly logs, and the clearance of existing pipes within the site.

Renewable and Energy Conservation Measures

8.53 Paragraph 116 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

8.54 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.

8.55 The proposal includes for a development that has the potential to incorporate ULEV charging points for electric cars, and potentially additional renewable features. No details, however, are provided within the application submission. Therefore, it is considered reasonable and necessary to include a planning condition requiring a scheme, together with a timetable to be submitted for the consideration and installation of these measures, as such a condition is capable of addressing these policy requirements.

Impact to Protected Species

8.56 Paragraph 180(d) of the National Planning Policy Framework (2023) states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 186(a) of the NPPF adds that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

8.57 Adopted Policy PPL4 (Biodiversity and Geodiversity) states that as a minimum, there should be no significant impacts upon any protected species, including European Protected Species and schemes should consider the preservation, restoration or re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations.

8.58 The application is supported by a Preliminary Ecological Appraisal and Preliminary Roost Assessment to assess the ecological value of the proposed development. It concludes that the development site has a broadly low ecological value due to the absence of notable areas of habitat, however recommends a series of ecological mitigation and enhancement measures relating to Great Crested Newts, reptiles, bats, nesting birds, badgers and hedgehogs.

8.59 ECC Place Services Ecology were consulted on the application, and previously confirmed that they are satisfied there is sufficient ecological information available for determination of this application. They add that the floodlighting scheme represents a sensitive lighting scheme for foraging and commuting bats, with little to no spill onto adjacent suitable habitat or building. Given this, they raise no objections subject to conditions relating to securing mitigation/enhancement measures, a biodiversity enhancement strategy and a wildlife sensitive lighting scheme.

8.60 During the determination of the application, comments have been received stating that bats will be affected by the proposal and that the data contained within the reports demonstrates that bats

exhibiting light adverse behaviour would be affected by very low levels of light. It has therefore been requested that the applicant provide data contained within its lighting scheme 3.4 Horizontal 1.8m Filled ISO Contour, to include the contours for 0.21 and 0.5 not currently shown in the report.

- 8.61 ECC Place Services Ecology have been re-consulted following these comments and have confirmed they are satisfied that no additional information is required to be submitted by the applicant prior to determination of the application. Furthermore, they confirm they are satisfied that the inclusion of a bund around the 3G pitch would adequately prevent light spill to the treeline to the west of the proposed pitch.
- 8.62 **Following the resolution at the previous Planning Committee, the applicant has now provided a Bat Survey Report, which confirms that overall bat activity was low and predominantly along the periphery of the site, with the highest area of activity being along the south-western boundary. One bat species was found to be utilising the site, common pipistrelle bat. The proposed development is due to retain the value of the site for foraging and commuting bats.**
- 8.63 **The report further outlines that provided the lighting levels along the periphery of the site do not exceed those specified in the Floodlighting Scheme and Flood Lighting Performance Report, then the implementation of these plans would reduce the potential indirect impacts on foraging and commuting habitats used by the local bat population to a negligible level.**
- 8.64 **Therefore subject to mitigation measures including the current temporary flood lighting being removed or altered, the report considers the impacts to bats to be to an acceptable level.**
- 8.65 **ECC Place Services (Ecology) have been consulted following the submission of this report, and have confirmed they are still satisfied that there is sufficient ecological information available for determination of this application, and raise no objections subject to securing biodiversity mitigation and enhancement measures. In addition, concerns have been raised with the validity of the report, and ECC Ecology confirm that whilst a night-time Bat Walkover Survey was carried out, there is no submission provided to confirm if a Potential Roost Feature (PRF) inspection survey was undertaken for the Oak tree on site and also if an endoscope was used to assess this and any other PRFs. However, they consider that, as long as all PRFs are retained as part of the local roost resource, they will continue to be available for roosting bats, and therefore the PRF inspection survey is not necessarily required to make this acceptable and would not alter their view so long as the lighting scheme is secured by any consent.**
- 8.66 **In line with the comments from ECC Ecology, Officers recommend conditions be included relating to mitigation measures, a Biodiversity Enhancement Strategy, and a wildlife sensitive lighting design.**

Biodiversity and Geodiversity

- 8.67 Paragraph 186 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 180 of the NPPF requires that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value. TDLP 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.
- 8.68 This report addresses the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

General duty on all authorities

- 8.69 The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.
- 8.70 This development is subject to the general duty outlined above. The proposal is for a 3G football pitch on a site currently utilised as part of a wider school playing field. On this occasion, full landscaping details have been provided and conditions are recommended to secure the planting . Moreover, an informative recommending the applicant is strongly encouraged to improve the biodiversity of the site through appropriate additional planting and wildlife friendly features is included.
- 8.71 Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

Biodiversity net gain

- 8.72 Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals. The application was submitted prior to the introduction of this requirement and this can not be imposed in law on this basis.

Protected Species

- 8.73 In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. The proposal includes for a 3G football pitch on part of the wider school playing field. The impacts to protected species have been carefully addressed within the report above, and it is considered that the proposal is unlikely to adversely impact upon protected species or habitats.
- 8.74 In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Planning Balance and Conclusion

- 8.75 The proposal is for the erection of an Artificial Grass Pitch on land that forms part of the existing playing pitch within the grounds of Tendring Technology College. On this occasion the proposal would generate a high level of public benefits, notably through the inclusion of modern fit for purpose facilities that can be utilised all year round. Sport England offer strong support despite the part loss of an existing playing pitch, and Officers are not aware of an alternative location better suited for the proposed development, whilst equally noting that the Playing Pitch Strategy highlights there is both a current and future shortfall of youth 11v11 and 9v9 football pitches. A strong level of weight in the overall balance is therefore given to the public benefits the scheme would provide.
- 8.76 Furthermore, the proposed development is not considered to result in significant harm to the character and appearance of the wider area, there is sufficient parking provision and ECC Highways offer no objections subject to conditions. Similarly, ECC Ecology do not object to the proposal subject to conditions, and whilst ECC SuDS initially objected, this was on more technical matters which have since been addressed.

- 8.77 The above notwithstanding, a key consideration of this application is the impact to neighbouring amenities. Whilst from a purely technical perspective the change in noise level is considered to be acceptable due to the absolute noise levels being within the WHO guidelines and the suggested mitigation measures proposed, Officers do equally acknowledge that there is inevitably a degree of noise disturbances given the relatively close proximity of the development to neighbouring properties. Amendments to reduce the operating hours and re-locate the AGP away from neighbouring properties have helped reduce the level of harm, but Officers do still afford weight to this harm in the overall planning balance.
- 8.78 Similarly, with regards to the impacts of the proposed floodlights to neighbouring properties, the lighting plan provided demonstrates that the glare created would not be to an unacceptable level, with all lighting facing inwards towards the pitch. That said, given the close proximity of the development, there will be a degree of visual impact to neighbours, if not from the glare of the floodlights but from the light spillage generated. Officers afford this level of harm a low level of weight in the overall planning balance.
- 8.79 Since the application was deferred by the Planning Committee in May 2024, a Bat Survey has been provided and considered acceptable subject to conditions by ECC Place Services (Ecology), and the Council's Environmental Protection team have commented on the local residents Noise Impact Assessment to confirm they have considered both Noise Impact Assessment's fully, however their earlier no objection comments remain unchanged. They did, however, suggest that the applicants Noise Impact Assessment be updated to include additional information which has since been undertaken. The Council's Environmental Protection team have now confirmed they are satisfied with the predicted noise levels and the evidence of compliance with relevant guidance, and therefore have no adverse comments subject to the measures outlined within the Assessment being implemented.**
- 8.80 In addition, the agent for the application has clarified that a Construction Method Statement was submitted alongside the original application submission, and the Council's Environmental Protection team have previously confirmed they are satisfied with the contents and had no adverse comments to make. An additional drawing has also been provided to outline alternative layouts for the 3G pitch alongside the wider site. Three options are shown, with two showing that it would not be possible without overlapping with the running track (which would likely generate an objection from Sport England if put forward, so would not be feasible), with the third option being sited along the north-eastern boundary which in turn would be closer to a greater number of local residential properties, thereby generating a higher level of harm than the currently proposed siting.**
- 8.81 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 – these provisions also apply to appeals). The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at paragraphs 11 - 14 of the Framework (for decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay). If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed. Furthermore, the NPPF confirms local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition**
- 8.82 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is**

material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

8.83 There is clear support for the economic and social benefits that would result due to this proposal, and this is in line with both national and local policy. There is also clear planning harm to the environment and residential amenity in the balance to consider that some planning conditions will counter, but not entirely remove as harm. It is rare that any proposal has no benefit or no harm in absolute terms. Instead, all these material considerations, both positive and negative, are considered and in the planning balance the proposal is considered to be of sufficient merit to recommend as approval. Members need to decide if that weight is agreed or not, but if the benefit of the facility is not given significant weight, it may be viewed that the floodlight and noise impacts on neighbouring amenity does outweigh the benefits. Alternatively, without reducing the weight given to the benefits, more weight to residential amenity may be given in reasonable terms that alters the concluding balance.

8.84 Taking all of the detailed matters above into consideration, in the planning balance Officers consider that the wider public benefits of the proposed development outweigh the overall identified areas of harm and with careful assessment the planning application is recommended for approval.

9. Recommendation

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

9.2 Conditions and Reasons

1 **CONDITION:** The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 **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 01 Revision 00, 02 Revision 01, **03 Revision 07**, 04 Revision 04, 05 Revision 00, **06 Revision 04**, 07 Revision 02, **08 Revision 04**, 09 Revision 02 (titled 'Playing Field Layout'), 10 Revision 00, **11 Revision 00**, 5085_500 Revision A, 5085_501 Revision A, and the documents titled

'Noise Impact Assessment' received 31st October 2024, 'Design and Access with Planning Statement' received 15th March 2024, 'Tendring Community Sports Pitch', 'Landscape & Ecology Enhancements Statement', 'Greenfield runoff rate estimation for sites', **'Proposed Lighting Scheme REV02'**, 'OptiVision LED gen3.5 –Smart area and recreational sports lighting', 'Sports Lighting Statement', 'Appendix E – Proposed Materials and Appearance', 'Construction & Environmental Management Plan (CEMP)', 'Noise Management Plan', 'Preliminary Ecological Appraisal' and **'Bat Survey Report'**.

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.

- 3 CONDITION: No development shall commence above slab level until 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 include as a minimum:-

- Electric car charging points;
- Agreement of a scheme for water and energy conservation
- Agreement of scheme for waste reduction.

The scheme shall be fully implemented prior to the first use of the development 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 reduce need, better use or savings in the use of water, energy and resources; reduce harm to the environment; and result in wider public benefit in accordance with the NPPF.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab

level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

- 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.

- 5 **CONDITION:** Prior to commencement of any development on the playing field, a contractor's specification for the works to convert the hard porous sports pitch to a natural turf playing field area which includes an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The playing field enhancement works shall be implemented in accordance with the approved specification and implementation programme.

REASON: To ensure the satisfactory quantity, quality and accessibility of compensatory provision, to ensure that the playing field is reinstated to an adequate standard and is fit for purpose.

- 6 **CONDITION:** Use of the artificial grass pitch hereby permitted shall not commence until:

(a) certification that the Artificial Grass Pitch hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS); and

(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches; have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development is fit for purpose and sustainable, provides sporting benefits.

- 7 **CONDITION:** Prior to first use of the artificial grass pitch hereby permitted a community use agreement prepared in consultation with Sport England shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used at any time other than in strict compliance with the approved agreement.

REASON: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport, including use of the site from external football clubs.

NOTES: The agreement shall apply to the artificial grass pitch and supporting ancillary changing and parking facilities and include details of pricing policy, hours of use, access by noneducational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities.

- 8 **CONDITION:** No development shall commence (except demolition) until details of a surface water management scheme/plan, detailing how surface water and storm water will be managed on the site during construction and during the lifetime of the development, is submitted to and agreed in writing by the local planning authority. The scheme shall include but not be limited to:

- Details and verification of the suitability of infiltration of surface water for the development.

- Details of all discharge rates for all flood and storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- Provide details of sufficient on site storage to be installed and demonstrate if off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event is likely to occur.
- Provide details to demonstrate if all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Provide details that demonstrate if features proposed are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Provide final modelling and calculations for all areas of the drainage system.
- Provide detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Unless a timetable is agreed as part of the surface water management scheme submitted, no part of the development shall be first occupied or brought into use until the scheme is fully installed and is functionally available for use, unless alternative timing for installation is otherwise agreed in writing by the Local Planning Authority. The drainage scheme shall thereafter be maintained as approved.

REASON: To safeguard the ground water environment and minimise the risk of flooding. 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 by reason of flood risk.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to the commencement of development. This condition is imposed to ensure the potential impact on a sensitive area is considered and harm avoided that may be detrimental to amenity and the environment.

- 9 CONDITION: Prior to first use of the hereby permitted development a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to, and agreed in writing by, the Local Planning Authority. Maintenance shall be carried out as approved in accordance with the details and timescales in the plan.

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

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

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

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

- 11 CONDITION: The development hereby permitted shall not be commenced until details have been provided to, and agreed in writing by, the Local Planning Authority to demonstrate that the existing

pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

REASON: To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site.

12 CONDITION: The hereby permitted development/use, including the use of the floodlights, shall only operate between the following hours:

- Monday to Friday: 8am to 9pm; and
- Saturdays, Sundays and Bank Holidays: 9am to 5pm.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

NOTE/S FOR CONDITION:

1) This condition shall engage and restricts the operation of the development from the first commencement of the use. This condition is imposed to ensure the development avoid unreasonable impact on the residential amenity of neighbouring dwellings, especially given the location of the development with considerations to the prevailing character and amenity currently enjoyed in this location. Without the imposing of this condition, the development would be refused due to the risk of harm and this condition is considered necessary, enforceable and reasonable in all other respects. This condition as detailed will apply to the development at all times unless varied or removed legally.

2) If the development operates outside of the hours stated this may result in unlawful development/use at risk of Enforcement Action. You are encouraged to discuss any concerns with this condition with the Local Planning Authority.

13 CONDITION: Prior to the first occupation of the hereby approved development, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greenwood, August 2023) **and the Bat Survey Report (Greenwood, August 2024)**, and thereafter maintained.

REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations.

14 CONDITION: Prior to first occupation of the hereby approved development, 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 and habitats.

- 15 **CONDITION:** Prior to the erection/installation of any floodlighting or other means of external lighting at the site, a lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (ILP) shall be submitted to and approved in writing by the local planning authority. The lighting shall be carried out and retained in accordance with the details as approved. There shall be no other means of external lighting installed and/or operated on/at the site except that approved.

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

REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations.

- 16 **CONDITION:** Prior to the first use of the hereby approved development, the acoustic fencing as shown on **Drawing Numbers 03 Revision 07 and 04 Revision 04**, shall be fully erected and retained in this form in perpetuity.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

9.3 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: 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.

4: 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.

Biodiversity Enhancements Informative:

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

10. **Additional Considerations**

Equality Impact Assessment

- 10.1 In making this recommendation/decision regard must be had to the public sector equality duty (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 that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.
- 10.2 It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.
- 10.3 In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Human Rights

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

Finance Implications

- 10.7 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. There are none for consideration with this application.

11. Background Papers

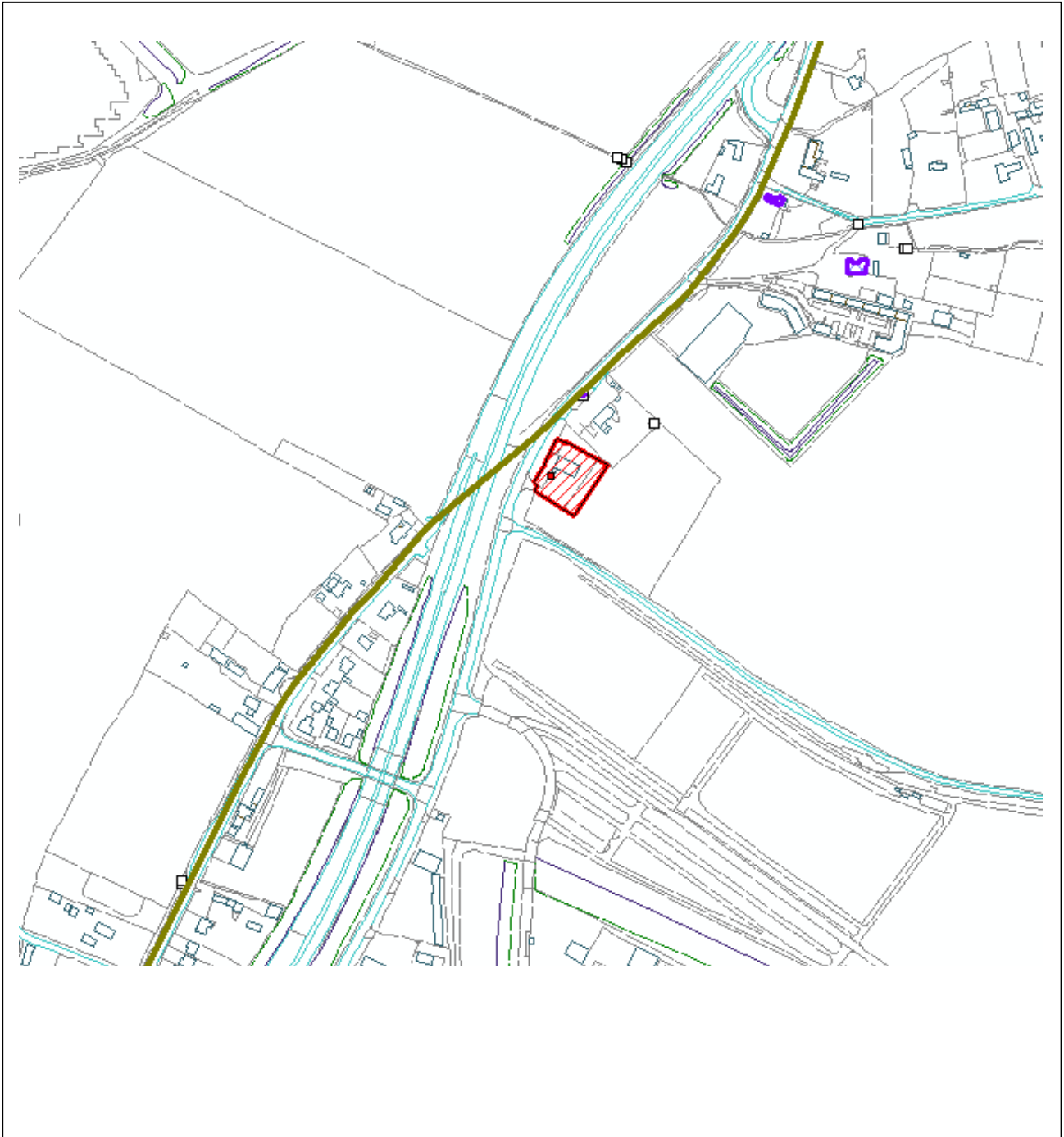
- 11.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report)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

PLANNING COMMITTEE

3rd December 2024

REPORT OF THE DIRECTOR OF PLANNING

A.2 PLANNING APPLICATION – 24/00885/FUL – TOTAL ROOFING SUPPLIES OLD IPSWICH ROAD ARDLEIGH CO7 7QL



DO NOT SCALE

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Application:	24/00885/FUL	Expiry Date:	29th October 2024
Case Officer:	Oliver Ashford	EOT Date:	8 th November 2024
Town/ Parish:	Ardleigh Parish Council		
Applicant:	Mr Simon Patrick Earl		
Address:	Total Roofing Supplies Old Ipswich Road Ardleigh CO7 7QL		
Development:	Planning Application - Change of use of land for the siting of 2 no. containers, hardstanding, car parking area (retrospective planning consent) and retention of 2no. existing portacabin offices to serve the existing use.		

1. Executive Summary

- 1.1 This application is before the Planning Committee at the request of Cllr. Fairley.
- 1.2 The application seeks permission for the retention of 2No. existing portacabin offices to serve the existing roofing company on site. In addition, two further portacabins, a car parking area to the front of the site and the creation of a hardstanding area to the rear have all been implemented without express planning permission. This application seeks retrospective planning consent for all unauthorised elements and other than the works outlined above, no further additions are proposed as part of this application.
- 1.3 The proposed works are not considered to be harmful to the current prevailing character and appearance of area. The proposal will also not result in any significant impact to neighbouring amenities and is satisfactory in terms of highway safety. Accordingly the application is recommended for approval subject to conditions.

Approval

<p>Recommendation: Approval</p> <ol style="list-style-type: none"> 1) That the Head of Planning and Building Control be authorised to grant planning permission subject to conditions as stated at paragraph 9.2, 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.
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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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

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>

Ardleigh Neighbourhood Plan

The Ardleigh Neighbourhood Plan was made in October 2024 and sets out the vision for development until 2033. The relevant policies pursuant to this application are outlined in section 3.1 below.

3. **Planning Policy**

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

National:

National Planning Policy Framework December 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

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

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP5 Employment

SP6 Infrastructure and Connectivity

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP7 Employment Allocations

PP12 Improving Education and Skills

PP13 The Rural Economy

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation and Energy efficiency Measures

PPL13 Ardleigh Reservoir Catchment Area

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

DI1 Infrastructure Delivery and Impact Mitigation

Ardleigh Neighbourhood Plan 2020-2033

GDP General Approach to Development

EP Natural, Built & Historic Environment

TP Transport & Parking

Essex Minerals Local Plan Adopted July 2014

S8 Safeguarding mineral resources and mineral reserves

DM1 Development Management Criteria

Supplementary Planning Documents

[Essex Design Guide](#)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

4. Relevant Planning History

93/00729/FUL	(Land adjoining Wick Lane and Old Ipswich Road, Ardleigh) Change of use to airfield for group 1 purposes [light aircraft] including part regrading of land with buildings and associated facilities	Refused	19.07.1994
21/00003/FUL	Retrospective erection of warehouse building for roofing trade supplies	Approved	08.03.2021
24/00885/FUL	Planning Application - Change of use of land for the siting of 2 no. containers, hardstanding, car parking area and retention of 2no. existing portacabin offices to serve the existing use.	Current	
95/00042/FUL	Construction of a building for the sale, repairs, maintenance of agricultural and horticultural machinery together with ancillary access road, car parking, storage and servicing (Variation of Condition No. 1 to extend the time limit for commencement for further 5 years)	Refused	14.03.1995
96/00885/FUL	Variation of the design of a building previously approved and partly implemented to be used for the sale, repair and maintenance of agricultural and horticultural machinery together with ancillary access road, car park, storage and servicing facilities	Approved	14.12.1998
04/01623/CMTR	Development of offices, industry, stores and metal recycling centre.	Withdrawn	18.02.2005

10/01270/FUL	Use of land as car dealership:- Erection of building for use as car show room, workshop and ancillary offices with associated car parking and landscaping, and construction of new access and upgrading of existing access.	Withdrawn	07.03.2011
11/00289/FUL	Use of land as car dealership:- Erection of building for use as car show room, workshop and ancillary offices with associated car parking and landscaping, and construction of new access and upgrading of existing access.	Approved	13.06.2011
13/30135/PREAPP	Erection of office, stores and vehicular garaging combined premises, including hardstanding and operational yard, for use as main (regional) depot for UK Power Networks.		28.10.2014
14/30367/PREAPP	Erection of warehouse and office totalling 1772sqm, access and parking.		31.10.2014
16/01036/FUL	Erection of 2 No. new workshop buildings and 7 No. office cabins with associated surfacing works to create new depot for the fitting/repairing of hire container units.	Approved	27.01.2017
17/00976/FUL	Erection of 2 No. new workshop buildings and 7 No. office cabins with associated surfacing works including formation of new site access off Wick Lane create new depot for the fitting/repairing of hire container units.	Withdrawn	23.10.2017
17/01777/DISCON	Discharge of conditions 04 (illumination Scheme), 05 (Working hours), 07 (access), 08 (Visibility Splays), 09 (Surface Treatment), 10 (Off Road Parking), 11 (HGV Parking and Turning Facilities) and 13 (Surface Water Drainage) of planning permission 16/01036/FUL.	Approved	22.01.2018
20/30024/PREAPP	Proposed logistics and distribution centre.	Support	

20/00594/FUL

Proposed hybrid application: Full Approved
planning for food storage and 21.07.2023
distribution facility and associated
parking, logistics yard and offices.
Outline planning to comprise further
B8 distribution warehouses and
offices.

5. 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/>.

ECC Highways Dept

23.07.2024

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. A previous site visit was undertaken in conjunction with an earlier planning application. It is noted that no new or altered means of access is proposed and the proposal is for the retention of two existing portacabin containers and the installation of an additional two portacabin containers, while the application is similar to earlier planning application, 21/00003/FUL that was previously acceptable to the Highway Authority. The introduction of two additional portacabins should not give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site, considering these factors:

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

1. There should be no obstruction above ground level within a 2.4-metre-wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be retained and kept free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

2. Prior to installation, the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety in accordance with policy DM1.

3. Prior to installation, a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed and maintained free from obstruction within the site and retained at all times for that sole purpose.

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

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted

as County Council Supplementary Guidance in February 2011 and National Planning Policy Framework 2023.

Informative:

i) 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

ii) 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.

iii) 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.

ECC Highways Dept

18.11.2024

I have had a look at my recent recommendation and as you say, as this is a retrospective application, conditions 2 and 3 are affected by this. Based on the Parish Council comments if there are any outstanding conditions from the previous approved application it would be beneficial to reimpose these, possibly with a time limit (if that is possible) so they don't drift again as per the previous application.

Looking at the previous recommendations 3,4,5,6 & 7, it appears 3 is catered for, as they have parking at the front and this was highlighted on the latest drawing, submitted with application: 24/00885/FUL and is not changing. While 7 relates to the gates at the entrance, (albeit these need to be set back a minimum distance of 20 metres from the edge of carriageway) and these are set back from the carriageway and open inwards, based on google maps. So, it appears conditions 4,5 and 6 need to be reimposed.

6. Representations

6.1 Parish Council

Ardleigh Parish Council object to the proposal on the following grounds:

Previous conditions were not complied with and that portacabins on site have remained despite assurances that the whole site would be vacated. This is alluded to in the Planning Application as below.

'From our previous conversation, the company had intended to move to another site due to the anticipated granting of the new distribution centre for Surya Rice. I understand that there was a delay in signing the legal agreements, but the decision has now been issued, and the containers have remained in place. Additionally, I am aware that the decision is subject to an ongoing Judicial Review (JR), which could take a significant amount of time to resolve through the legal system. Therefore, I must request that a new permission be applied for the

retention of the containers. You may wish to apply for temporary permission to cover the time period until the company is able to relocate, or, of course, you may wish to apply for them to be retained permanently. If you could please ensure that a planning application for the retention of the containers connected with the company is submitted by the end of May. If you have any queries in the meantime, please do not hesitate to contact me directly.'

Application for Planning Permission- Details of Pre-Application Advice Received'

Our Parish Council opposes the granting of permission for the permanent retention of both the portacabins which were not included in the earlier application, and the new portacabin – located within an already inadequate parking area. We object to other changes seeking retrospective permission such as changes to boundaries and fencing which may encroach on Highways land.

Our Council has serious ongoing concerns about the highways safety aspects of the operations on this site. The entrance to the site is on the Old Ipswich Road, which is subject to the national speed limit, and is very close to the busy junction with Wick Lane. We have had regular reports of HGV and other vehicles accessing the Total Roofing business parking on the street and causing dangerous blind spots for vehicles using both Wick Lane and Old Ipswich Road. We raised concerns about highways safety in the original retrospective application in 2021 and the level of perceived danger has not abated since that time.

Double red line parking restrictions have recently been extended along the Old Ipswich Road around the entrance to the site, but the problems have continued. At the very least we would wish to see a further planning restriction to limit all on-road parking for all users of this site and for Essex Highways and the North Essex Parking Partnership to be asked to specifically comment on the safety aspects of the entrance and provide any recent data on breaches of parking restrictions in this location.

We note that there were a number of conditions attached to the previous retrospective permission 21/00003/FUL which related to parking and access. These do not appear to have been properly implemented, which raises concerns about whether future conditions would be met.

'3 - All parking must take place within the site boundaries. Within 1 month of the date of this decision a parking plan shall be submitted to and approved in writing by the Local Planning Authority. This parking plan shall be retained for the that sole purpose for the lifetime of the development. The levels of parking shall adhere to a B2 General Industrial Use as detailed in the Essex Parking Standards 2009. The vehicle parking area shall be hard surfaced, sealed and if required marked out in parking bays. The vehicle parking area and associated turning 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 unless otherwise agreed with the Local Planning Authority. Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

4 - There should be no obstruction above ground level within a 2.4-metre-wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be retained and kept free of any obstruction at all times. Reason - To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety.

5 - The areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose. Reason - To ensure that appropriate loading / unloading facilities are available in the interest of highway safety.

6 - Within 1 month of the date of this decision a vehicular turning facility shall be submitted to and approved in writing by the Local Planning Authority. The turning facility shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose. Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

7 - As per previous application: 17/00976/FUL, any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 20 metres from the back edge of the highway. Reason - To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the highway in the interest of highway safety'.

We are aware of numerous complaints since the above permission was granted and since the double red lines were put in place and can provide photographs and testimonials if required.

We have been aware of a new building and business operations on this site since at least 2020. Building work and then trading began without any planning permission. In the intervening years there have been applications for retrospective permission, including this one, enforcement complaints, then assurances that the site will be vacated and now an application to continue permanently. We are disheartened by the reliance of retrospective permission and the apparent disregard for the conditions applied. We are particularly concerned that the site and its access is not suitable for the scale of the current operations and poses a serious safety risk to highways users.

We are also aware of a S106 agreement dated 16th March 1990 regarding this site (relating to application TEN/1157/89) which we understand placed restrictions on the future / change of use of the site to retain its agricultural connections. We would ask that this document be reviewed to ensure that there has not been a breach of the legal agreement and that a further change of use application should have been included before this business started operating on this site.

Given the history of this site and the ongoing material planning concerns, we would ask that the decision be made by the Planning Committee. We are copying our District Councillor to confirm that we would wish for this application to be called in to Committee.

Officer comment: All the above issues will be covered and where relevant, addressed in the 'Assessment' section below.

Officer Note: In Summary, Ardleigh Parish Council objects to the proposal for several reasons:

1. Non-compliance with previous conditions: The council highlights that portacabins were supposed to be vacated but remain on-site despite assurances, suggesting a failure to meet planning conditions. This matter would be the subject of separate enforcement action if necessary and is not material to the merits of the proposal made for determination.
2. Retrospective permission concerns: The council opposes granting permanent retention of portacabins and other changes (e.g., fencing and boundary alterations), which were not included in earlier applications. These changes may also encroach on highway land. This is not a judgement on the merits of the proposal and the applicant is entitled to make the application for change of use and associated works without penalty or prejudicial judgement on being retrospective.

3. Highway safety issues: There are ongoing concerns about the safety of the site's access on the Old Ipswich Road, especially near a busy junction with Wick Lane. Reports of HGVs and other vehicles parking on the street have caused dangerous blind spots. Despite recent parking restrictions, the issues persist. While this may be the case and if these are vehicles in association with the use, these matters in themselves are not within the control or scope of the Local Planning Authority to manage or enforce as offences in the highway and should be forwarded to the Highways Authority. The Local Planning Authority is required to consider all other legalisation would be fully complied with in the planning judgement.

4. History of non-compliance: The council is frustrated by the site's ongoing use without planning permission since 2020, with multiple retrospective applications and enforcement complaints, and concerns about the scale of operations being unsuitable for the site. While noted, it is only the merits of this application that should be considered.

5. S106 Agreement concerns: The Parish Council requests a review of a 1990 S106 agreement, which may place restrictions on the site's use, to ensure no breach has occurred and that a change of use application should have been submitted. This is a separate matter, but in terms of this application the application is for change of use and associated works to serve the existing use that is not defined and shall be the lawful existing use. On review of the S106, the obligation has two requirements
 - A) The site and the building comprised in the proposed development shall only be used for the sale, repair and maintenance of agricultural and horticultural machinery.

 - B) The retail floorspace within the building comprised in the proposed development shall not exceed 500 sqm (Officer Note: only applies to building and not cabins that are not buildings)

It is unusual to have use restricted by obligation rather than planning condition. In effect this permission in 1990 and agreement as been superseded by 21/00003/FUL that approved retrospective erection of warehouse building for roofing trade supplies 8th March 2021 for the site. Beyond the description of development, the site and building is for roofing trade supplies and is not restricted in use or permitted development by condition or obligation.

It is normally considered that the 1990 obligation falls away as the use and permission it applies to has been superseded, but there is an argument that it may still remain. If this was the case, this would be conflict with the approved supplies use granted. If this was the case it is considered unlikely to be enforced reasonably as the council has granted the use under 21/00003/FUL that has been implemented or a simple deed of variation agreement would unlikely be resisted given the planning permission for the supplies use has been granted. However, this is not a matter for consideration for this application as the proposal and extension of area is to serve the existing use without definition and if this either agricultural repair or supplies these have both been agreed by the council.

7 Assessment

Site Description

- 7.1 The application site is located on the eastern side of Old Ipswich Road, close to the junction with Wick Lane, Ardleigh and is rectangular in shape. The site measures approx. 0.24 hectares in land area with a frontage of approx. 48 metres and a maximum depth of approx. 45 metres. The site is used by a roof tiling company for the storage and retail of these

products.

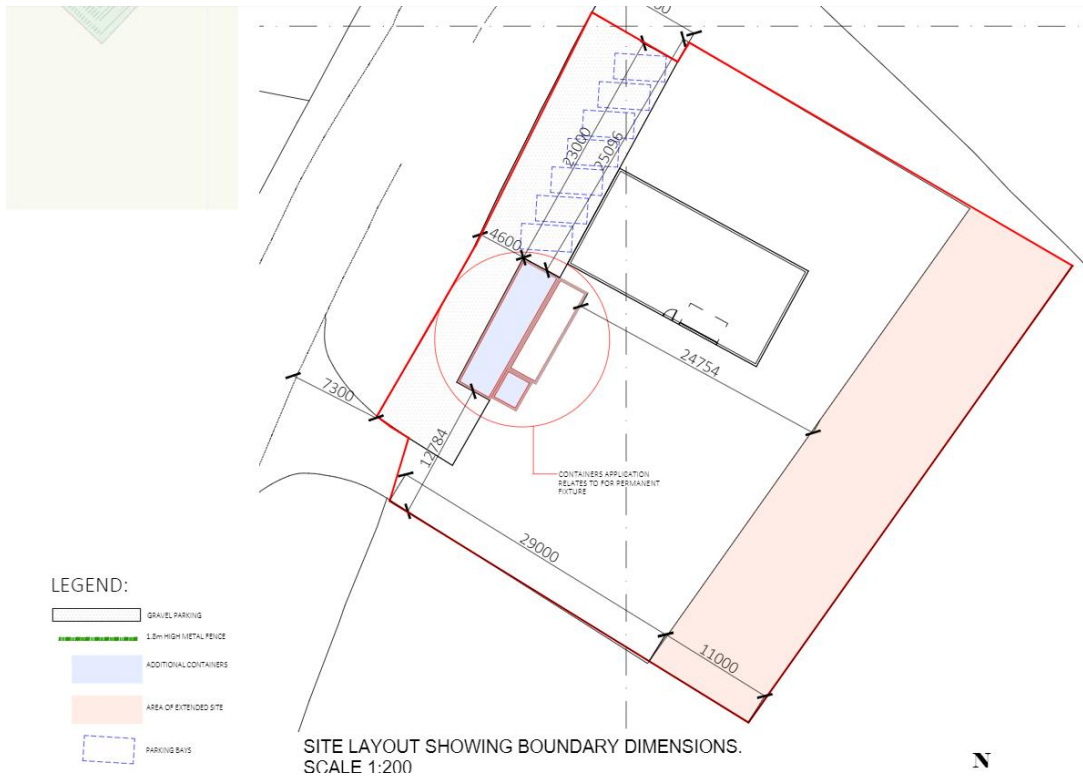
- 7.2 At present on site there is a large warehouse building storing the tiles and machinery, two portacabin buildings stacked on top of each other used for Office space, a further two single storey portacabins which are a recent additions added to the side and rear elevation of the previous portacabins, and an area of extended hardstanding to the rear of the site with a depth of approximately 11m, extending across the full width of the site. Within the site there is an array of related building supplies. This is within a fenced enclosure boarding the site. This palisade fencing is 2 metres in height as are the front gates. There is a gap of approximately 12m from the western boundary and Old Ipswich Road to the red line entrance to the site.
- 7.3 Parking occurs within an undefined new gravelled area along the western boundary and provides parking for approximately 7 vehicles.
- 7.4 To the north of the site, there are further forms of sporadic commercial development along Old Ipswich Road. Further to the south of the site (along Old Ipswich Road) there is a combination of quarrying and a mixture of warehouse and commercial development with sporadic residential pockets further to the south-west. The A12 (part of the strategic road network) dominates the landscape both visually and audibly. As a result of the above the area has a truly mixed character but commercial uses pre-dominate.

Planning History

- 7.5 The application site is subject to a fragmented and complex planning history and has been operating in breach of planning conditions imposed on planning permission 21/0003/FUL. The current application before members seeks to regularise unauthorised elements and some of the conditional breaches.
- 7.6 Below highlights the approved layout under previous application reference 21/0003/FUL and the alterations that have occurred since this approval, subject to this current application, followed by an indicative superimposed plan.



Approved Block Plan – 21/00003/FUL



Current application 24/00885/FUL



Superimposed indicative plan highlighting extent of proposed changes

Proposal

7.7 The application seeks planning permission for:

- Retention of 2no. existing portacabins (Hereafter referred to as Portacabins 1&2) on site stacked vertically
- Retrospective addition of 2no. further portacabins (Hereafter referred to as Portacabins 3&4) attached to the existing.
- Extension of hardstanding on site to the north and east
- Dedicated parking area to the west of the site for approximately 7 vehicles

Portacabins 1 & 2 were in situ during the previous 21/00003/FUL application consideration.

Condition 8 of this permission sought for their removal following the granting of consent as follows:

8. Notwithstanding the details submitted on the approved plans, the two portacabin buildings are not included in this application and do not benefit from planning permission. Unless otherwise agreed in writing by the local planning authority, within 6 months of the date of this decision, the two portacabin buildings stacked on top of each other, shall be removed from site. Reason - In the interests of visual amenity and good design.

7.8 Condition 8 was not complied with and the commercial operation has continued on site making use of these structures, they have therefore taken on a degree of permanence and this application seeks for their retention.

7.9 The proposal therefore seeks to retrospectively regularise all unauthorised works on site with no proposed additions.

Principle of Development

7.10 Paragraph 88 of the National Planning Policy Framework (NPPF) (2023) states planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

7.11 The application site is located outside of a defined Settlement Development Boundary as defined by Section 2 of the Tendring District Local Plan 2013-2033, Policy SPL1. Policy SPL2 states that Outside of Settlement Development Boundaries, the Council will consider any planning application in relation to the pattern and scales of growth promoted through the Settlement Hierarchy in Policy SPL1 and any other relevant policies in this plan.

7.12 Further, Paragraph 5.62 of the Ardleigh Neighbourhood Plan (2024) recognises that there are several business parks, notably around the Old Ipswich Road area offering units for small and medium sized enterprises of various sorts.

7.13 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development; economic, social and environmental. In this case, the expansion of the existing commercial use will have a moderate positive impact on the local economy. With regards to the social impact the site is situated towards the edge of Colchester, where there is easy access to the main road network (A12 and A120) and there are bus stops in the nearby area which are easily accessible from the application site. The environmental role is about contributing to, protecting and enhancing the natural built and historic environment. The further extension of the site has resulted in the loss of agricultural land. The Natural England Agricultural Land

Classification map does not specifically layer the application site, however the land immediately to the south (of Wick Lane) is grade 2 and grade 3 agricultural land. Based on this it would be reasonable to assume that the area to the rear that has been incorporated into the site comprises grade 2 agricultural land (where Grade 1 is best quality and grade 5 is poorest quality). The area of land that has been incorporated into the site is fairly modest and the loss of agricultural land for food production is therefore not significant. Moreover, a much larger area of land (which includes the application site) benefits from planning permission for a large warehouse development. The neighbouring site to the north is also used for commercial purposes and Old Ipswich Road has a number of commercial and leisure uses – these elements weigh further in favour of the scheme insofar as the principle of the development is concerned.

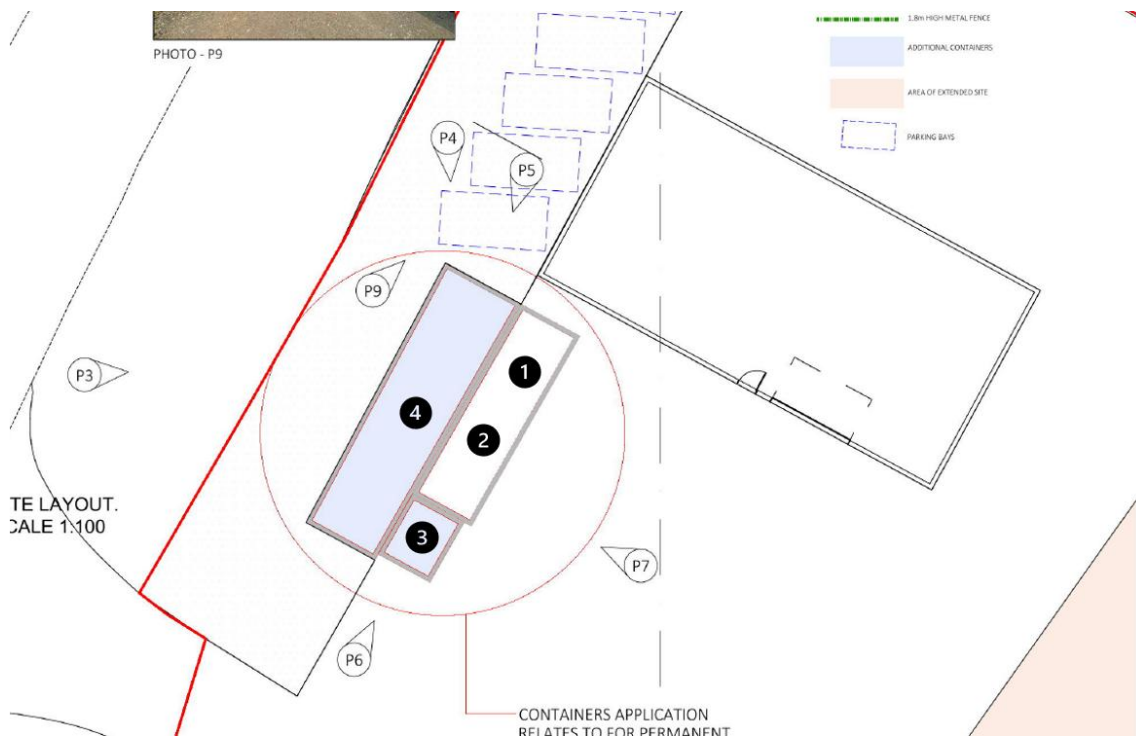
7.14 For the above reasons it is considered that the principle of development is acceptable subject to the detailed considerations set out below.

Design & Appearance

7.15 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.

7.16 Paragraph 135 of the NPPF requires that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment, function well and add to the overall quality of the area, and establish or maintain a strong sense of place.

7.17 Local Plan Policy SP7 seeks high standards of urban and architectural design, which respond to local character and context. Local Plan Policies SPL3 and LP4 also require, amongst other things, that developments are designed to high standards and which, together with a well considered site layout that relates well to its surroundings.



7.18 All four containers are of a functional design as is determined by their very nature. The surrounding area is characterised by a mixture of functional and utilitarian warehouse and commercial buildings. Approximate dimensions are as follows:

Portacabin 1 – Ground floor level

Height – 2.76m

Width – 9.80m

Depth – 3.06m

Portcabin 2 – First floor level

Height 2.35m

Width – 9.80m

Depth – 3.06m

Combined height of Portacabins 1 & 2 – 5.11m

Portacabin 3

Height – 2.55m

Width – 3.10m

Depth – 2.60m

Portacabin 4

Height – 2.76m

Width – 12.30m

Depth – 3.90m.

- 7.19 All portacabins are used in connection with the existing business on site and provide an office and storeroom facilities. They are a mixture of grey colour pallettes with a steel outer wall, steel roof and galvanised steel floor frame.
- 7.20 The expanded hardstanding used for storage and business operations and car parking area use a mix of concrete and gravel, this is typical of the commercial nature of the business and the surrounds and is not considered so harmful as to refuse planning permission.
- 7.21 In accordance with the above National and Local policies, the existing and the existing portacabins are therefore not considered to be out of character with the area in terms of design and appearance and are considered to comply with both the Framework and the TDLP.

Landscape Character

- 7.21 The first bullet of relevant Policy SP7 states that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 Part B criterion c) states that development must respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Amongst other things, criterion d) of Part B requires that the design and layout of development maintains or enhances important existing site features of landscape value.
- 7.22 Paragraph 7.3.3 of the Section 2 Local Plan states that as a largely rural area, Tendring District's countryside is one of its main assets and maintaining an attractive rural environment is important to the quality of life experienced by both residents and visitors. It can also be an important consideration for the location of some businesses and help to expand the tourist economy and related services.
- 7.23 Policy PPL3 is criteria based, and states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance, including to:

- a) *estuaries, rivers and undeveloped coast;*
- b) *skylines and prominent views including ridge-tops and plateau edges;*
- c) *traditional buildings and settlement settings;*
- d) *native hedgerows, trees and woodlands;*
- e) *protected lanes, other rural lanes, bridleways and footpaths; and*
- f) *designated and non-designated heritage assets and historic landscapes including registered parks and gardens.*

- 7.24 In addition, new development within the rural landscape should minimise the impact of light pollution on the site and its surroundings, in order to protect rural amenity and biodiversity.
- 7.25 The immediate character of the area is of mixed commercial uses with significant areas of built form and hardstanding in relation to these uses. However, to the east of the site is open countryside and therefore due regard must be given to the impact of the proposals on the landscape.
- 7.26 As alluded to earlier, it should be noted that planning permission was granted for a food storage and distribution facility and associated parking, logistics yard and offices (20/00594/FUL) in July 2023. This planning permission relates to land immediately surrounding the site and including the site itself. The bulk and scale of the warehouse building approved under the above planning reference number is very substantial in relation to the proposals before members and whilst this permission is yet to be implemented, it is still extant and it is therefore likely that this permission will, in time, be implemented.
- 7.27 Therefore whilst not yet implemented, the above scheme is a significant material consideration and the surrounding landscape immediately beyond the site is proposed to be altered significantly. Officers do not consider that the proposals as submitted provide significant harm to the landscape and for the reasons set out above, and specifically due to the site specific circumstances, officers consider that the proposals accord with both National and Local Policy in relation to Landscape character.

Highway Safety/Parking

- 7.28 Paragraph 114 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.
- 7.29 Policy CP1 of the Local Plan states that Proposals for new development must be sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.
- 7.30 Essex County Council (ECC) as Highway Authority have been consulted as part of this application, they state that the introduction of two additional portacabins should not give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site. They have clearly given due regard to the fact that no new or altered vehicular access is proposed. ECC Highways have reached their position subject to the imposition of certain conditions (covered below).
- 7.31 Representations from Ardleigh Parish Council refer to a number of highway conditions imposed on the previous 21/00003/FUL consent which have not been complied with.
- 7.32 Officers note these comments and have evaluated and enhanced the responses received from the Highway Authority (see Section 5 of this report) by reviewing which of the previous conditions are relevant, necessary and reasonable in accordance with the tests set out in the NPPF. Officers are therefore proposed Conditions 2, 3, 4 & 5 in relation to Highways matters

below based upon the expanded site as proposed. This is to in order to mitigate any potential harm.

- 7.33 The proposal is set well back from the public highway, and subject to the recommended conditions, it is not envisaged that the alterations and expansion would give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site, therefore the proposals are acceptable from a highway safety point of view subject to appropriate conditions.

Impact on Amenity

- 7.34 Paragraph 135 of The Framework maintains that policies and decisions should result in new development that creates 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 SPL3 seeks new development that does not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 7.35 The site is in a semi-industrial area with a mix of commercial non-residential uses in the immediate vicinity. The A12 Dual Carriageway is located immediately to the west of the site beyond Old Ipswich Road with associated background noise. There are no residential uses within the vicinity of the site with the closest being on the opposite side of the A12 to the west on Turnpike Close. For these reasons it is not considered that the proposals would have an adverse impact on the amenity of the neighbouring properties.

Habitats, Protected Species and Biodiversity Enhancement

- 7.36 General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. In the event of an approval an informative can be imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

- 7.37 Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). This proposal involves a habitat area of greater than 25sqm considered to have previously been an agricultural field and is therefore

applicable for Biodiversity Net Gain (BNG). A condition is suggested below in accordance with the Council's position on Biodiversity Net Gain.

7.38 Protected Species

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

7.39 In accordance with the overarching duty outlined above, subject to condition, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Other Considerations

7.40 In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity, officers consider that lighting condition is both reasonable and necessary in accordance with the NPPF tests and this has been recommended accordingly.

8 Conclusion

8.1 In conclusion, the existing site currently is operating at an unrestricted level and this application will ensure that the retrospective changes are regularised accordingly. Officers consider that there is no significant landscape impact because of the current enclosure taking into account the surrounds and extant planning permissions. If approved, the proposals will ensure highways impacts are adequately and safely controlled. There is no further harm due to the lack of other constraints on site. Subject to conditions, it is considered that the proposal is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

9 Recommendation

9.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives

9.2 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 No. TRS.01_100 – Location Plan, Block Plan & Site Layout Plan. Received 03.09.2024

Drawing No. TRS.01_101 – Photo Reference Plan and Photos – Received 03.09.24

Drawing No. TRS.01_102 – Proposed Floor Plans and Elevations – Received 03.09.24

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:** There should be no obstruction above ground level within a 2.4 metre wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site entrance (taken to be 12 metres in depth from the nearside edge of the metalled carriageway). Such vehicular visibility splays shall be provided before the hereby approved road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety

3. Within 3 months of the date of this planning decision a zoning plan shall be submitted to and approved in writing by the Local Planning Authority which indicates the areas within the site identified for the purpose of loading/unloading/reception/parking and locations for the storage of materials, including areas for the manoeuvring of vehicles as well as a clear vehicular turning facility and maximum storage heights. All indicated areas shall be retained thereafter for those sole purposes for as long as the development and use of the site exist.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety.

4. **CONDITION:** There shall be no gates restricting vehicular access at any time, unless they are set back a minimum of 20 metres from the back edge of the adopted metalled highway. Any current provision of gates in conflict with this condition shall be removed within 6 months of this decision.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the highway in the interest of highway safety.

5. **CONDITION:** Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) there shall be no gates/fence and/or other means of enclosure installed across the site unless details are first agreed, in writing, by the local planning authority. Any gates to be erected on site that may be approved, shall only open into the site and not over any area of the public highway at any time.

REASON: In the interests of highway safety.

NOTE/S FOR CONDITION: Carriageway is the part of a road intended for vehicles rather than pedestrians normally define by kerb if available or edge of a bound surface. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

6. **CONDITION:** Prior to the erection/installation of any floodlighting or other means of external lighting at the site, details to include position, height, aiming points, lighting levels and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out and retained as may be approved. There shall be no other means of external lighting installed and/or operated on/at the site except that approved.

REASON: In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity.

9.3 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.

10 Additional Considerations

Equality Impact Assessment

- 10.1 In making this recommendation/decision regard must be had to the public sector equality duty (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 that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.
- 10.2 It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation

to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

- 10.3 In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Human Rights

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

Finance Implications

- 10.7 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. Declaration of Interest

Please refer to the minutes of this meeting, which are typically available on the councils website which will be published in due course following conclusion of this meeting.

12. Background Papers

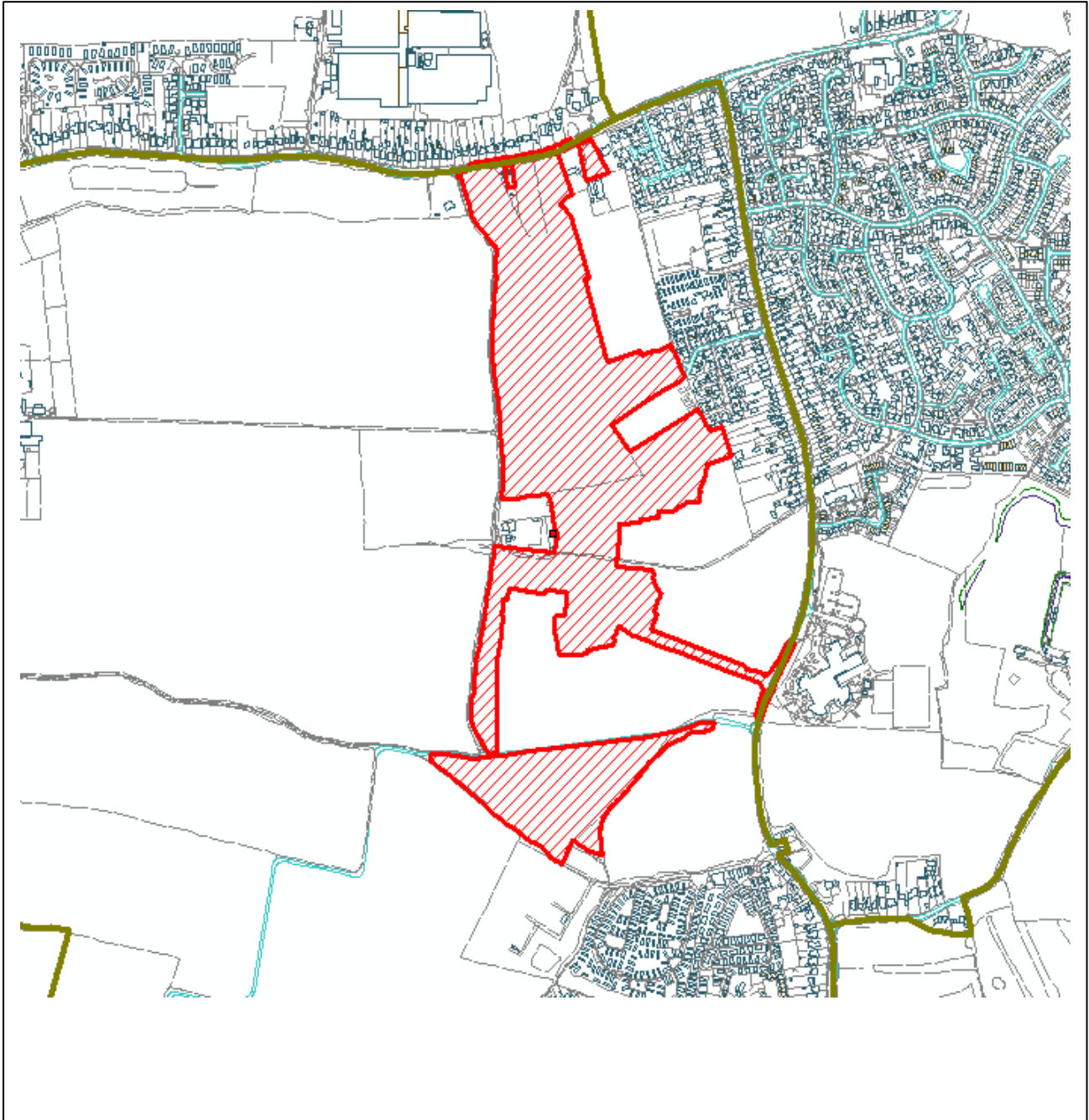
- 13.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report)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

3rd December 2024

REPORT OF THE DIRECTOR OF PLANNING

A.3 PLANNING APPLICATION – 24/00712/DETAIL – LAND AT 757 ST JOHN'S ROAD AND ROUSES FARM JAYWICK LANE CLACTON ON SEA CO16 8BJ



DO NOT SCALE

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Application:	24/00712/DETAIL	Expiry Date:	21st August 2024
Case Officer:	Jacob Jaarsma	EOT Date:	
Town/ Parish:	Clacton Non Parished		
Applicant:	Miss Genny Middlemast - Persimmon Homes Essex		
Address:	Land at 757 St John's Road and Rouses Farm Jaywick Lane Clacton On Sea CO16 8BJ		
Development:	Submission of details under Outline Planning Permission 17/01229/OUT - considering appearance, landscaping, layout and scale for residential phases one and two for 417 no. dwellings, open space, principle spine road linking St Johns Road to Jaywick Lane and associated ancillary works.		

1. Executive Summary

- 1.1 This application seeks approval for the Reserved Matters relating to appearance, landscaping, layout, and scale for residential phases one and two, comprising 417 dwellings. Phases one and two form part of a larger site that is a strategic allocation which already benefits from outline planning consent for its redevelopment to provide up to 950 residential units. The above mentioned outline consent (reference number 17/01229/OUT) also includes a new neighbourhood centre comprising a local healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes E(a) (shops), E(b) (food and drink) and/or F .2 (community centre); a 2.1ha site for a new primary school – these elements do not form part of the reserved matters application the subject of this report.
- 1.2 This application is in front of Members at the discretion of the Head of Planning and Building Control because the site is of major strategic importance for the Strategic Urban Settlement of Clacton-on Sea.
- 1.3 This submission follows statutory consultations and discussions between the Local Planning Authority (LPA), the applicant and other stakeholders such as Essex County Council Highways and Education, resulting in revisions to address concerns raised by local objectors, planning officers and consultees.
- 1.4 Key elements of the approved outline consent, including primary access from St Johns Road and Jaywick Lane, the broad location of major open spaces, and the designated Education Land are all fixed and have been carefully integrated into this detailed application. While some local objections were raised, these mainly pertain to aspects already agreed upon in the outline permission, or are issues that will be addressed through planning conditions and obligations imposed on and included in the outline consent, or are matters that the LPA feel have now been addressed through the submission of revised plans and documents (justifications provided in main body of report below).
- 1.5 The proposed layout builds on the approved access routes and spine road, and it is considered that the overall design and layout of phases one and two will create a cohesive and attractive development. The tree-lined spine road and strategically positioned open spaces in phases one and two will contribute to a strong sense of place. The scale and appearance of the dwellings, along with the high-quality landscaping proposals, are considered appropriate for the surrounding area and set a positive precedent for future phases.

- 1.6 Concerns regarding access to the Education Land, particularly for vehicular and pedestrian traffic, have been addressed through revised plans. Both Planning Officers and ECC Officers now deem the indicative access arrangements to and from the future school to be capable of being safe and suitable for all users, including future school attendees.
- 1.7 Overall, the details for phases one and two are considered acceptable, and the application is recommended for approval, subject to conditions.

Recommendation: Approval

- 1) That the Head of Planning and Building Control be authorised to grant reserved matters approval subject to the 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,
- 2) The informative notes as may be deemed necessary.

2. 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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19th December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in November 2023, and demonstrates a 6.44-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the

'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

3. **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>

There are currently no neighbourhood plans in place for this area.

4. **Planning Policy**

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

National:

National Planning Policy Framework December 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

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

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

HP2 Community Facilities

HP3 Green Infrastructure

HP5 Open Space, Sports and Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable Housing

PP3 Village and Neighbourhood Centres

PP12 Improving Education and Skills

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL7 Archaeology

PPL9 Listed Buildings

PPL10 Renewable Energy Generation and Energy efficiency Measures

- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- CP3 Improving the Telecommunications Network

DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Tendering Provision of Recreational [Open Space for New Development SPD](#) 2008

[Essex Design Guide](#)

[Technical housing standards](#): nationally described space standard Published 27 March 2015

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

5. Relevant Planning History

19/01660/EIASC	EIA Screening Opinion Request following outline permission 17/01229/OUT.	Withdrawn	09.06.2022
24/00712/DETAIL	Submission of details under Outline Planning Permission 17/01229/OUT - considering appearance, landscaping, layout and scale for residential phases one and two for 417 no. dwellings, open space, principle spine road linking St Johns Road to Jaywick Lane and associated ancillary works.	Current	
01/01415/FUL	Workshop for the repair of cars (Renewal of 99/01370/FUL)	Refused	12.10.2001
92/00248/FUL	Change of use of farm yard to a base for three goods vehicles and use of building for repair and maintenance of these goods vehicles	Approved	01.09.1993
99/01370/FUL	Workshop for the repair of cars	Approved	17.08.2000
15/30060/PREAPP	Request for EIA scoping opinion for the construction of up to 800 residential dwellings, primary school, local centre and associated infrastructure.		09.04.2015
15/30108/PREAPP	Redevelopment of the site to provide 875 residential dwellings, primary school, local centre and associated infrastructure.		24.08.2015
17/01229/OUT	Outline planning permission (all matters reserved except means of access) for the redevelopment (including demolition) of the Site for up to 950 residential units (including affordable housing) with a new neighbourhood centre comprising a local	Approved	11.01.2024

healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes E(a) (shops), E(b) (food and drink) and/or F .2 (community centre); a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.

19/01660/EIASCR	EIA Screening Opinion Request following outline permission 17/01229/OUT.	Withdrawn	09.06.2022
24/00712/DETAIL	Submission of details under Outline Planning Permission 17/01229/OUT - considering appearance, landscaping, layout and scale for residential phases one and two for 417 no. dwellings, open space, principle spine road linking St Johns Road to Jaywick Lane and associated ancillary works.	Current	

6. 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 unless otherwise indicated.

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

07.06.2024

The information provided in relation to soft landscaping of both the residential and open space elements of the proposed development is comprehensive and detailed.

The soft landscaping proposals are sufficient to satisfactorily soften, screen and enhance the appearance of the proposed development.

ECC Highways Dept

21.11.2024

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

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

1. Prior to the occupation of any of the proposed development the internal road layout, parking and associated visibility splays shall be provided in principle and accord with Drawing Numbers:

- PH-123-003 Rev. B Detailed layout north,
- PH-123-004 Rev. B Detailed layout south,
- PH-123-002 Rev. B Amended Masterplan,
- 700-A to 704-A Onsite highway geometry and visibility splays,
- 900-A to 904-A Onsite swept path refuse vehicle,
- PH-123-063-A Amended garage elevations and floor plan,
- PH-123-067 Car ports floor plans and elevation.

Reason: To ensure that vehicles using the site do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

2. Prior to occupation of any phase of the development a 1.5 metre x 1.5 metre clear visibility above a height of 600mm, as measured from and along the boundary, shall be provided on both sides of each 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 public highway in the interest of highway safety in accordance with policy DM1.

3. Prior to the first use of any vehicular access to the development that crosses a shared footway/ cycleway, a minimum 2.4 m x 17 m cycle visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall thereafter be retained free of any obstruction at all times and must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and cyclists in the adjoining highway in the interest of highway safety. In accordance with policy DM1.

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

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

5. The development of any phase shall not be occupied until such time as a car parking and turning areas has been provided in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 & 8.

6. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

7. The Cycle parking shall be provided for those dwellings without a garage in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and National Planning Policy Framework 2023.

Officer comment: *The above recommended conditions will be considered, and where deemed to align with the NPPF tests for planning conditions, will be imposed should this reserved matters application be recommended for approval.*

Notes:

- A Stage 2 Road Safety Audit (RSA) will be required as part of the technical approval process.
- Priority for pedestrians and cyclists across internal junctions. (Internal layout subject to a 20mph Zone).
- Street lighting will be provided in accordance with ECC Operational Plan.
- All highway related details should be agreed with the Highway Authority.
- Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 or Minor Works Authorisation to regulate the construction of the highway works.
- The spine road will be subject to a red route waiting restriction and the Traffic Regulation Order process is a separate statutory process that can attract comment/objections that require determination, and that outcome cannot be pre- judged.

Active Travel England (ATE)

21.06.2024

Notice is hereby given that Active Travel England's formal recommendation is as follows:

Deferral: ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.

1.0 Background

This is the reserved matters application for 450 dwellings which forms the first two phases of a approved outline application 17/01229/OUT (all matters reserved except means of access) for the redevelopment (including demolition) of the Site for up to 950 residential units (including affordable housing) with a new neighbourhood centre comprising a local healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes E(a) (shops), E(b) (food and drink) and/or F .2 (community centre); a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.

There is also currently an application under consultation to discharge a number of conditions (24/00877/DISCON) including the details of the spine road. Active Travel England (ATE) has not been consulted on the discharge of conditions, but many of the comments below also apply to it.

As the principles of the access were approved as part of the outline application ATE has not commented on these.

As this is a reserve matters application no transport assessment (TA) has been submitted. ATE has looked at the peak hour traffic flow data and junction assessment information in the TA submitted with 17/01229/OUT estimated that all day traffic flows along the spine road to be in the order of 7000 vehicles per day. (This is based on the assumption that that a peak hour represents 10% of the total flow).

The TA did not include any information concerning the number of pedestrian and cycle trips the development is forecast to generate but assumed internalisation of a proportion of trips due to the proposed primary school, health care facility, shops and community centre, these are expected to undertaken by walking, wheeling and cycling as will trips to catch the local bus. There is also an obligation to implement a travel plan for 5 years to encourage active

and sustainable travel. Therefore, the number of active travel trips per day is expected to be considerable, in excess of 1500 per day.

2.0 Summary

As far as can be determined from the submitted documents the application does not provide sufficient information for Active Travel England (ATE) to be assured that the design of the development will create an environment that supports and embeds active travel in line with government's aims for 50% of all journeys in towns and cities to be made by walking, wheeling and cycling.

ATE considers that the application as submitted does not demonstrate that 'appropriate opportunities to promote sustainable transport modes can be - or have been - taken up' in accordance with the National Planning Policy Framework (NPPF), paragraph 116. It is therefore recommended that this application should not be determined until further information has been submitted and reviewed.

3.0 Areas of Concern

The documents submitted as part of this application did not include dimensioned drawings. In order to get further details ATE has assessed the documents submitted for application to discharge condition 11- details of the Spine Road (24/00877/DISCON) which is currently out to consultation.

Design of the Spine Road

Speed of the Spine Road: It is not clear from the application what the speed of the spine road is intended to be. ATE recommends that all the roads in the development, including the spine road are designed to keep speeds at or below 20mph in accordance with Manual for Streets (Section 1.6.1) to encourage walking, wheeling and cycling.

Traffic Calming: The road is proposed to be relatively straight and wide to accommodate buses therefore a scheme of traffic calming is required to help ensure the speed limit is self-enforcing. Best practice is not simply to rely on speed humps but to design-in features such as protected parking bays, planting, reduced radii, raised treatments of side roads and changes to horizontal alignment that provide a pleasant street scene is compatible with a bus route and that prioritises pedestrians and cyclists.

Active Frontage: A key aspect to self-enforcing speed limits is for developments to be designed with active frontage. It is noted that the fronts of houses are separated from the spine road with a private drive and verge, meaning drivers will feel less obliged to slowdown. Active frontages are also recommended to provide surveillance over walking and cycling routes, creating a feeling of security for pedestrians and cyclists. ATE recommends that the design is revised to include more active frontage in accordance with guidance in the National Design Guide, the national Model Design Code and Active Design.

Shared Footway/Cycleway: A shared use facility is proposed on the eastern side of the spine road. this approach is contrary to the prevailing national design guidance on encouraging walking, wheeling and cycling. This guidance is summarised below:

- Shared use paths (i.e. an unsegregated path or surface which is available for use by both pedestrians and cyclists) should be avoided along all new streets, unless they fit within the limited acceptable situations listed in LTN 1/20 (see paragraph 6.5.6 and section 1.6 (2)). ATE does not consider this development to meet these criteria as the development will form part of the urban residential area.
- Section 1.6 (2) of LTN 1/20 states that "on urban streets, cyclists must be physically separated from pedestrians and should not share space with pedestrians." This is further

supported by paragraph 6.5.4 which states, "the conversion of a footway to shared use should be regarded as a last resort. Shared use facilities are generally not favoured by either pedestrians or cyclists."

- Page 21 of 'Gear Change a bold vision for cycling and walking' outlines the Government's key design principles for encouraging cycling and these include the following:

- o "Cyclists must be separated from volume traffic, both at junctions and on the stretches of road between them;

- o Cyclists must be separated from pedestrians;

- o Cyclists must be treated as vehicles, not pedestrians."

- Section 6.4 of Manual for Streets includes the following guidance, "If cycle tracks are provided, they should be physically segregated from footways/footpaths if there is sufficient width available" and on footways/shared paths, "the fear of being struck by cyclists is a significant concern for many disabled people."

- National active travel design guidance is clear therefore that cyclists should either be provided with their own space within the highway that has the appropriate level of protection (see Figure 4.1 of LTN 1/20), or should be accommodated on the carriageway.

- ATE recommends that a segregated facility including a 3m bi-directional cycleway and 2m footway is provided. This will avoid conflict between user and provide adequate space for all users. The width of the footway should be wider in the vicinity of the school.

Side Road Treatments: It is unclear from the submitted drawings how the side roads are being treated. In order to provide priority for pedestrians and cyclists it is recommended that all side roads are designed to provide level crossings along the cycleways and footways as shown in figure 10.13 of LTN1/20.

Crossings: As a cycling facility is provided only on the eastern side of the road, a number of crossings will have to be provided to allow access to the cycleway from the dwellings on the western side. These crossings should be designed with reference to table 10-1 of LTN1/20 and be provided at regular intervals and on desire lines. The controlled crossing at the school is welcomed and similar crossing should be provided to serve the neighbourhood centre, it is recommended that a parallel crossing be provided with a length of cycleway to serve the neighbourhood centre to ensure easy access to the facilities and services there by bike.

Cycle Parking

Cycle parking should be provided at the play areas, this can be in the form of simple Sheffield stands.

They cycle parking for plots 405-417 appears to be served by a 1m path. A minimum shared use path should be provided. Cyclists should not have to cycle through the car park to reach the cycle parking as they may come into conflict with vehicles reversing. The cycle parking should be situated in a convenient location and accessed by a lit overlooked route.

The same comments concerning access and dimensions apply to the cycle parking for plots 226-235.

The distance between the stands in the cycle store shown on drawing number PH-123-066 appears to be 500mm. Table 11-2 of LTN1/20 stipulates a minimum distance of 1m. Please check the measurements against and Table 11-2 and note that a proportion of the cycle parking (typically 5%) should be provided for non-standard cycles to accommodate people with mobility impairments. (11.3.2).

Policy / Guidance References:

- NPPF 110 provide supporting infrastructure such as cycle parking.

- LTN 1/20 Guidance

- Active Design Principles 7 and 8.

Permeability

Cycle routes should be provided to the play areas at present it appears that only walking are proposed.

Where walking routes are provided between blocks of housing on or to the spine road, these should be made suitable for cyclists by increasing the width to a minimum of 3m.

The walking connection south of plot 213 should be designed to serve cyclists as well.

The southern plots would benefit from having access to the leisure cycle routes in the north, it is not clear how the transition from they cycleway to the private drive adjacent to plot 344 will be made.

Please provide details of the cycle parking for the housing with out garages and indicate it on the plans. Please confirm that access to all cycle parking can be achieved without bringing the cycle through the house.

Policy / Guidance References:

- NPPF: 96a: promoting social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other - for example through... street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods

- NPPF 116a: giving priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.

4.0 Next Steps

These recommendations should be forwarded to the applicant and highway authority. ATE would be content review further submitted information to help address the identified issues; with a view to providing a further response and recommended wording for planning conditions and obligations.

Officer comment: *LTN = Local Transport Note a general guidance notice by central government. Revised plans and information were submitted following the above comments, and ATE re-consulted. No updated comments are available from ATE. Where necessary, the comments and concerns raise by ATE will be addressed in the main body of the report below.*

Affinity Water

No response

Anglian Water Services Ltd

No objection raised subject to standard informatives.

Officer comment – *The above-mentioned response is available on the Council's publicly accessible website and the development is aware of the informatives.*

Independent Water Networks Ltd

No Response

Essex County Council Archaeology

18.10.2024

Thankyou for re-consulting Place Services on the above application for Submission of details under Outline Planning Permission 17/01229/OUT - considering appearance, landscaping, layout and scale for residential phases one and two for 417 no. dwellings, open space, principle spine road linking St Johns Road to Jaywick Lane and associated ancillary works.

A Written Scheme of Investigation (WSI) has been submitted to this office and approved, the WSI covers all phases of the development and will commence with a programme of trial trenching. The WSI provides a commitment to carry out the requested investigation prior to development. On this basis there is no objection to the above application.

Essex County Fire Officer

17.10.2024

Raised no objection but requested that a number of fire prevention matters are considered throughout the ongoing design and development phases of the development as set out in their response dated October 2024.

Officer comment: *Developer made aware (consultation response available online).*

ECC Green Infrastructure (ECC GI)

11.06.2024

Thank you for your email which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed landscape and green infrastructure (GI) strategy/plans for the aforementioned planning application.

ECC currently provides advice on green infrastructure schemes (GI) for major developments. ECC have been consultees on GI since 2018. Although there are no statutory requirements for GI, the 25 Year Environment Plan and emerging Environment Bill will place significant importance on protecting and enhancing GI, accessibility and biodiversity net gain.

In providing advice we look to ensure that adequate provision, protection and improvements of high-quality GI comply with the objectives and planning principles set out in the following documents:

- Local Planning Authorities (LPA) Green Infrastructure Strategy/ SPD or equivalent green and open space strategies provides further guidance on the LPA's Local Development Plan policies regarding the Council's approach to green infrastructure provision in the local authority area.
- Essex Green Infrastructure Strategy, 2020, aims to enhance the urban and rural environment, through creating connected multi-functional GI that delivers multiple benefits to people and wildlife. It meets the County Council's aspirations to improve GI and green spaces in our towns, city and villages, especially close to areas of deprivation.
- Essex Green Infrastructure Standards, 2021, provide clear guidance on the requirements on both planning policy and planning application and processes.

ECC GI position

The application site forms part of a wider development site located at land at St John's Road and Rouses Farm, Clacton On Sea that was approved in an outline application 17/01229/OUT. This detail application as part of the reserved matters is for Phase 1 and 2 of the development.

The design principles outlined in the Environment Statement and Open Space Parameter Plan at the previous outline application stage have been maintained in accordance with condition 3 in providing details of the landscape and open space, as well as condition 6 for conformity, in the submitted landscape masterplan, amended detail landscape for public open space, and soft landscape plans for phases 1 and 2.

Having reviewed the Landscape Masterplan, Planning, Design and Access Statement, Amended details landscape and soft landscape plans, and the associated documents which accompanied the planning application, we do not object to the granting of 24/00712/DETAIL based on the following recommendations:

1. Grassland Alternatives [from Monoculture/Single seed Grass]. ECCs GI team support an approach to landscaping that seeks to maximise opportunity for biodiversity enhancement, carbon sequestration, drought resistance, and ease of maintenance and management. To ensure the integration of nature and other multifunctional benefits, ECCs GI team recommends alternatives to low quality, monoculture grasses and artificial grass are explored for grass verges and amenity grassland areas. ECCs GI team recommends consideration of the following, depending on variables like sunlight and soil type:

- Grassland: Consideration of species rich grassland within developments can encourage biodiversity by providing habitat, it is low maintenance as it requires less mowing, and also provides a carbon sink. For more information see Grassland | The Wildlife Trusts.

- Wildflower Meadows: Meadows can look spectacular and attract a variety of pollinators to enhance biodiversity of an area. A mixture of wildflower species is recommended and there are many Native British species to consider. For example, the Primrose (*Primula vulgaris*).

Meadows can also be both small and large scale. For more information see: <https://www.rhs.org.uk/lawns/wildflower-meadow-establishment>

- Lawns: Encouraging residents to keep their lawns longer, especially in the spring can increase the biodiversity within the development. Schemes such as 'no-mow-May' provide an example into the impact 'wild' lawns can have on the biodiversity in a local area.

(ECC welcomes the inclusion of permeable paving: Which will allow rainwater to infiltrate through into underlying layer where it is temporarily stored and fills gaps of exposed turf between plants.)

2. We welcome the provision of two play facilities within the public open space area and supports the consideration of natural play. For this, we would expect play strategies to be formed by the character and function of the green spaces. It should be imaginatively designed using landforms, level changes and water, as well as natural materials such as logs or boulders, which create an attractive setting for play. Further considerations could be the inclusion of play on the way facilities along the trim trails/green links/corridors.

We would recommend the following conditions:

The ECC GI Team support the requirements for condition 38 for a Landscape Ecological Management and Maintenance Plan and condition 39 for an Ecological Management Plan as set out within the Decision Notice dated 11 January 2024 from the outline planning permission granted for 17/01229/OUT. For the management and maintenance of the landscaping proposed to ensure that both retained and new habitats are appropriately managed in the long-term and that their ecological value for wildlife is maintained.

On page 40, of the Planning, Design, and Access Statement states that a GI strategy will deliver long-term landscape, biodiversity, recreation, and sustainability; however, it is unclear whether this was a condition based on the outline planning permission granted and this application.

The Ecological Mitigation and Management Plan, which was created to further inform the reserved matters, is mentioned on page 41 of the Planning, Design, and Access Statement; however, it was not submitted with this application as specified.

Since it is unclear from the outline planning permission granted for 17/01229/OUT and this application whether there was a condition, other than the Construction Management Plan for Highways, to prevent impacts on retained habitats and protected species and management of the adverse impacts of development on the environment, the ECC GI Team would advise the provision of a Construction Environmental Management Plan: Biodiversity outlined in Condition 1.

Condition 1

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a Construction Environmental Management Plan (CEMP). Ideally, strategic elements of the GI framework are brought forward in phase one of the development, to create a landscape structure or evidence is shown that substantive GI is secured as early as possible in initial phases of delivery to allow early establishment. Therefore, a Construction Environmental Management Plan (CEMP) will be required to set out how retained GI, such as trees, hedges and vegetation, as well as any nature designated sites (e.g., SSSI's etc.) will be protected during construction.

Reason:

The phased implementation of new GI of the development construction will allow for the GI to mature and it will provide further benefit of reducing/buffering the aesthetic impact from the construction work.

INFORMATIVES:

- Any GI features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- It is not within the scope of the GI team to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of green infrastructure and the information submitted on planning applications based on the key documents listed within this letter. However, any relevant information relating to green infrastructure submitted as part of any previous applications should be submitted with the updated information.
- The GI consultation responses provide a high-level review of the proposals onsite. However, the relevant specialists e.g., ecology and landscape specialists should still be consulted on the information submitted. It should be noted that detailed discharge of condition applications should be referred to technical specialists rather than the GI planning team.
- There are opportunities to work with the Essex Forest Initiative to assist in tree planting for new development, including funding and advice. For more information, please contact Environment@essex.gov.uk who would be very interested in discussing further.
- 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.

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.

Officer comment – *The comments by ECC GI team are noted including the suggested conditions. Should this reserved matters application result in an approval and if considered necessary and reasonable, a condition could be imposed seeking precise detail, where required, of the soft landscaping planting details, or a compliance condition imposed seeking to ensure that the proposed soft landscaping details are implemented within a certain timescale. The other conditions as suggested by the GI team, including a condition seeking details of a Construction Environmental Management Plan, have either already been imposed on the outline consent, or similarly worded conditions seeking similar details have already been imposed on the outline consent. Therefore to impose these suggested conditions again would fail the NPPF tests of necessity and reasonableness.*

Infrastructure Planning Officer (Essex County Council) 31.10.2024

Summary – Holding objection removed

Thank you for providing details of the above Reserved Matters application linked to Application TEN-17-01229-OUT.

A Holding Objection to TEN/24/00712/DETAIL was submitted via email dated 24th September 2024.

Prior to this, an email dated 3rd July 2024 was submitted, whereby ECC advised they could not support the application as it was considered that the highways element subject to this application would prejudice the achievements of the s106 requirements relating to the Education Site Access Plan as set out under Sch8 of the s106 Legal Agreement dated 14th December 2023.

Lengthy discussions have taken place between ECC and the applicant setting out the importance of achieving acceptable vehicular access points that would serve the Education Site and meet the obligations set out in the s106 legal Agreement. Discussions with Essex Highways has also taken place to ensure the requirements would not prejudice the delivery of the highways element of the scheme.

I can advise that ECC are now in receipt of Education Site Access Plan Rev A which establishes the two vehicular accesses as required to meet the obligations set out under Sh8 of the extant s106 Legal Agreement. These accesses should be included on any formally agreed plans for this application to ensure their locations are secured as the application proceeds.

The Education Site Access Plan RevA, however, does not address the pedestrian only access as required under SH8 of the extant s106 Legal Agreement. Further discussions are needed prior to submission of the Reserved Matters application for the area to the south of the Education Site.

The Holding Objection raised on 24/00712/DETAIL is removed for the reasons set out above.

Officer comment: *The issue in respect of the pedestrian only access will be addressed under the 'Education Land' heading below*

ECC SuDS Consultee

04.07.2024

(comments summarised) - Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a do not object to the granting of planning permission based on the Reserved Matters (relating to appearance, landscaping, layout and scale) for residential phases 1 and 2 for 417 dwellings, open space, principal spine road linking St Johns Road to Jaywick Lane and associated ancillary works pursuant to Condition 3 and 6 of planning permission ref: (ref: 17/01229/OUT).

We also have the following advisory comments:

- Please be aware that under this submission the drainage design/strategy has not been reviewed as this will fall under Conditions 22, 23 & 24.
- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protectingenvironment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk)

Essex County Council Ecology

14.11.2024

No ecological objection

Summary

We have reviewed the submitted documents relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We note the drawings have been updated to reflect amendments to the scheme. Therefore, we have reviewed the landscaping drawings 'LSDP 15-114-01-rev F' to LSDP 15-114-22 rev F, 'LSDP 15_114-23 Rev C' to 'LSDP 15_114-34 Rev C, and LSDP 15_114-35 Rev B Landscape Masterplan for POS. We are satisfied that these still show the provision of biodiversity enhancements including Sparrow terraces, Starling boxes, House Martin nest cup, integrated bat boxes, hedgerow planting, wildflower and meadow planting.

We are still satisfied that there is sufficient ecological information available for determination of this application. We provide updated comments from 20 June 2024:

The site falls within the evidenced recreational Zone of Influence (ZOI) of Essex Coast RAMS. We note that the LPA prepared a HRA Appropriate Assessment and secured a per dwelling tariff for Essex Coast RAMS under the Tenth Schedule of the signed S106 agreement for the respective Phases of this development. We advise that collection of the financial contribution is needed at RM stage for Phases 1 and 2 to ensure delivery of mitigation measures is in place prior to occupation. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.

We also note Conditions 36, and 39 secured as part of the original outline application (17/01229/OUT), securing measures for the conservation, enhancement and mitigation of biodiversity throughout the site.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured by conditions of the consent under Outline 17/01229/OUT, the development can be made acceptable.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended)

Environmental Protection

Environment Protection raised no objection subject to a contaminated land condition and the submission of a construction method statement.

Officer comment: *Both elements were secured as conditions as part of the outline planning permission.*

Architectural Liaison Officer, Essex Police

20.06.2024

The 'Essex Police ' Designing out Crime Office' (DOCOC), welcomes the opportunity to comment on the submission of details under Outline Planning Permission 17/01229/OUT - considering appearance, landscaping, layout and scale for residential phases one and two for 417 no. dwellings, open space, principal spine road linking St Johns Road to Jaywick Lane and associated ancillary works. (24/00712/Detail)

We recognise that communities where safety and security has been addressed and 'designed in' at the earliest planning stages, will enhance the health and wellbeing of its residents. Perception of crime and fear of crime can be an influential factor in determining the synergy and ongoing sustainability of a community.

An integrated approach to crime prevention at an early stage is necessary to all significant components of its design, planning, and layout. Good design and early co-ordination, incorporating 'Crime Prevention Through Environmental Design' (CPTED), can avoid the conflicts that may be expensive or impossible to resolve once the construction is complete. We note that Secured by Design (SBD) principles have been incorporated within the design, as per the Design and Access Statement, (page 37) however, due to the scale of the proposed development we would strongly advocate for Secured by Design ' Homes, Gold compliance to be made conditional for this planning application.

While the proposed primary school and community centre is not part of this planning application, the DOCOC would welcome discussion for these future developments to ensure the seamless integration within this specific residential development and the established surrounding neighbourhood.

Upon review of the documentation submitted to the planning portal by the applicant, we would wish to identify the below Designing Out Crime considerations and observations for further consultation from a CPTED perspective:

' Access and movement:

o While the trim and cycle trail is a welcome addition, it is important that this designed to be a safe space for all, especially considering the Violence Against Women and Girls agenda. We would require discussion with the applicant to ensure this public amenity is created as a safe, inclusive amenity.

o Additionally, the public right of way (PRoW) currently appears to cut through plots 120-146; is it proposed for this PRoW be relocated, we would welcome urgent discussion regarding this matter.

' Road layout

o We would advocate early engagement with our Roads Policing team to discuss road infrastructure and traffic management. This will be pertinent prior to the construction phase and equally to gauge the long-term impact that the additional traffic could have on the local area. It is imperative that emergency services can always obtain unrestricted access, to the development and neighbouring communities. Essex Police recommend adopting the 'Safe system approach' to road design, this will ensure that vehicle, cycle and pedestrian access and movement is as safe as possible.

o Additionally, the principal spine road has the potential to become a cut through for motorists to avoid the St Johns Road and Jaywick Lane roundabout junction, we would welcome discussion around proposed measures to mitigate non-resident vehicle volume and speed.

o Whilst acknowledging the school and community centre are not part of this planning application, however we would be keen to review the Traffic Management Plan for the area adjacent to these structures.

' Landscaping and Public realm provision: We would welcome discussion about the landscaping and public realm provision. It is important that landscaping provision takes account of all other opportunities for crime that it may generate, to make sure that the environment is as unobstructed as possible allowing clear sight lines to the front of buildings, avoiding the creation of potential hiding places. We would like further information and specification regarding the proposed amenity areas including the children's play areas, any public seating areas and management and maintenance policies.

' Lighting provision: At the appropriate stage within the planning and development we would wish to discuss and review the lighting strategy to ensure its uniformity is maintained to prevent any potential dark areas that could offer opportunity for criminality. We understand that the ecology of the site could impact upon the amount of lighting provided and we would welcome discussions to ensure that the environment is as unaffected as possible, whilst maintaining safe spaces where people do not fear crime.

' Parking provision: We would wish to discuss provisions for car parking and parking courts to ensure it is safe and secure and there is sufficient lighting to enhance the feeling of safety for its users.

' Electric vehicle charging points (EVCP): We would recommend due consideration is given to the security provision for EVCPs and that early consideration will mitigate the opportunities associated with this emerging crime type. We would welcome consultation regarding the infrastructure, proposals, and management of EVCPs.

' Physical security of dwellings and cycle storage: The proposed physical security intended for this development is not alluded to in the submitted documents however security forms a key part of a sustainable and vibrant development. We would welcome discussion around the considerations for security of the dwellings and further detail for specifications and standards of products including cycle storage for those properties without a garage. Essex Police considers that it is important that this site is designed incorporating the maximum achievable benefit of crime prevention through environmental design for which Secured by Design (SBD) is the preferred enabler, in this case Secured by Design ' Homes 2024. SBD is the national official police security initiative that works to improve the security of building and their immediate surroundings to provide a safe and secure environment to help reduce the opportunities for crime and minimise the fear of crime, as referenced in the NPPF, 'Promoting Healthy and Safe Communities'.

In view of the above points, we would strongly advocate for Secured by Design - Gold compliance to be made conditional for this planning application.

We would welcome the opportunity to discuss with the applicant the security design aspects of the application to ensure provision of a safe and secure environment for future residents.

Contact with Essex Police Designing Out Crime team is via email:
designingoutcrime@essex.police.uk

Officer comment – *a full set of revised plans have been submitted aiming to address the comments above – the matters raised by the Architectural Liaison Officer will be addressed in the relevant sections below.*

Police Strategic Planning Consultation

No response received

Housing Services

No response

NHS East Essex CCG

18.06.2024

Introduction

Thank you for consulting Suffolk and North East Essex Integrated Care Board on the above planning application.

I refer to the above planning application and advise that, further to a review of the applicants' submission the following comments are with regard to the health and social care system provision on behalf of Suffolk and North East Essex Integrated Care System.

Existing Healthcare Position Proximate to the Planning Application Site

The proposed development is likely to have an impact on the services of six GP practices including three branch surgeries operating within the vicinity of the application site. These GP practices and branch surgeries do not have capacity for the additional growth resulting from this development.

In addition to a primary healthcare response, the proposed development is likely to have an impact on other health and social care system providers that have been consulted as part of this healthcare impact assessment. This incorporates responses from:

- East Suffolk & North East Essex Foundation Trust
- Essex Partnership University Foundation Trust (Mental Health)
- East of England Ambulance Service NHS Trust

The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. As the commissioner of primary care services, Suffolk and North East Essex ICB understands that the mitigation and S106 agreement is in place for 17/01229/OUT.

Healthcare Needs Arising From the Proposed Development

At the earliest stage in the planning process it is recommended that work is undertaken with NHS England and Public Health England to understand the current and future dental needs of the development and surrounding areas giving consideration to the current dental provision, current oral health status of the area and predicted population growth to ensure that there is sufficient and appropriate dental services that are accessible to meet the needs of the development also address existing gaps and inequalities.

Encourage oral health preventative advice at every opportunity when planning a development, ensuring that oral health is everybody's business, integrating this into the

community and including this in the health hubs to encourage and enable residents to invest in their own oral healthcare at every stage of their life.

Health & Wellbeing Statement

As an Integrated Care System it is our ambition that every one of the one million people living in Suffolk and North East Essex is able to live as healthy a life as possible and has access to the help and treatment that they need in the right place, with good outcomes and experience of the care they receive.

Suffolk and North East Essex Integrated Care System, recognises and supports the role of planning to create healthy, inclusive communities and reduce health inequalities whilst supporting local strategies to improve health, social and cultural wellbeing for all aligned to the guidance in the NPPF section 91.

The way health and care is being delivered is evolving, partly due to advances in digital technology and workforce challenges. Infrastructure changes and funds received as a result of this development may incorporate not only extensions, refurbishments, reconfigurations or new buildings but will also look to address workforce issues, allow for future digital innovations and support initiatives that prevent poor health or improve health and wellbeing.

The NHS Long term plan requires a move to increase investment in the wider health and care system and support reducing health inequalities in the population. This includes investment in primary medical, community health services, the voluntary and community sector and services provided by local authorities so to boost out of hospital care and dissolve the historic divide between primary and community health services. As such, a move to health hubs incorporating health and wellbeing teams delivering a number of primary and secondary care services including mental health professionals, are being developed. The Acute hospitals will be focussing on providing specialist treatments and will need to expand these services to cope with additional growth. Any services which do not need to be delivered in an acute setting will look to be delivered in the community, closer to people's homes.

Conclusions

In its capacity as the primary healthcare commissioner, Suffolk and North East Essex ICB has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Assuming the above is considered in conjunction with the current application process, Suffolk and North East Essex ICB would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that Suffolk and North East Essex ICB deem appropriate having regard to the formulated needs arising from the development.

Suffolk and North East Essex ICB is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

Suffolk and North East Essex ICB look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate

acknowledgement of the safe receipt of this letter.

Officer comment – *As part of the section 106 legal agreement attached to the outline consent provision of land on-site for a new healthcare facility together with a £554,900 financial contribution towards its provision have been secured.*

North Essex Parking Partnership

31.05.2024

There is an expectation that all junctions, turning points (turning hammerheads) and bends are adequately restricted to promote safe and unhindered access to all road users, but particularly larger vehicles, including those associated with the emergency services, where unhindered access can be required at anytime of the day.

Consideration and provision to school based parking measures will need to be catered for if access via the new spine road is planned. Ideally a red line measure would be desired, if required.

Parking control measures will also encourage home owners to utilise available parking, including off street assets such as garages and driveways, removing pressures on Highway parking and allowing other users, such as cyclists, greater freedom to use associated roads.

UU Open Spaces

21.07.2024

No further comments from Public Realm in respect of the detail application. Just to clarify that Public Realm do not want to adopt any of the on site open spaces or play areas.

Network Planner - UK Power Networks

04.06.2024

We note there are HV overhead cables on the site running within close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.

In the instance of overhead cables within the vicinity, GS6 (Advice on working near overhead powerlines) and a safety visit is required by UK Power Networks. Information and applications regarding GS6 can be found on our website <https://www.ukpowernetworks.co.uk/safety-equipment/power-lines/working-near-power-lines/advice-on-working-near-overhead-power-lines-gs6#Apply>

Should any diversion works be necessary because of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.

You can also find support and application forms on our website [Moving electricity supplies or equipment | UK Power Networks](#)

Officer comment – *In the event of an approval an informative can be included on the decision notice making the developer aware of the above.*

7. Representations

7.1 Parish / Town Council

No response - Clacton on Sea is non-parished
There is no comment on file from St Osyth Parish Council

7.2 Neighbour / Local Representations

7.3 A total of 4 letters of objection have been received from nearby residential occupiers, all of whom live on St Johns Road close to where one of the two accesses into the site will be. The objectors raised the following concerns (subject matter followed by an officer comment in *Italic* directly below):

- The development will destroy what is now a pleasant place to live

The outline consent granted planning permission for up to 950 new dwellings to be build over multiple phases. The reserved matters application the subject of this report covers the details of the first two phases only – i.e. the details including the layout, landscaping, appearance etc of the first 417 dwellings to be build as part of phases one and two. These elements are covered in detail in the ‘Assessment’ section below.

- The infrastructure in this area cannot support the influx of additional people, cars and demands on already overloaded services

As mentioned above, the outline consent granted planning permission on a much larger site for up to 950 residential units (including affordable housing) with a new neighbourhood centre comprising a local healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes E(a) (shops), E(b) (food and drink) and/or F .2 (community centre); a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure. Matters such as whether the infrastructure can support this scale of development were considered as part of the outline application. The Outline consent was granted in 2023 subject to a number of planning conditions including a section 106 legal agreement to further mitigate against the impact of the development. The section 106 secured the following:

- 20% On-site Affordable Housing
 - Provision of land on-site for a new healthcare facility together with 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 (RTP) and RTP monitoring fee
- This reserved matters application makes no mention of the Primary school or Health Care Facility (to be provided as part of the development) - nearly all the schools are over subscribed and also secondary schools over subscribed

As set out above, this application covers the specific details (as set out in the description of the development) for the residential phases one and two only – the outline consent secured the land (as well as financial contributions to assist in bringing forward) the Primary school and Health Care Facility

- Proposed three storey houses will overlook nearby bungalows due to insufficient separation distances

Matters such as overlooking and separation distances (between proposed dwellings and proposed dwellings and existing properties on the perimeter of the site) will be covered in the Assessment section below (under 'Layout', 'Scale' and Impact on Residential Amenity').

- Poor or no provision for visitor parking
This element will be covered in the Assessment (under Highways Parking) below.
- New road layout on St Johns Road will take months to complete and create a danger for road users due to the removal of grass verges.

The new road layout (along St Johns Road) and access (into the development site) off St Johns Road have been approved as part of the outline consent. All matters concerning highways safety (insofar as this relate to highways safety on the existing road network), and the necessary highways land required to facilitate the construction of the new access on St Johns Road have been considered, and found to be acceptable, as part of the outline planning application. The highways safety aspect of the development insofar as it relates to the proposed new road layout in phases one and two will be considered in the main body of the report below.

- No mention of visibility splays for properties along St Johns Road due to the removal of the grass verges

See above, for the avoidance of doubt, ECC Highways raised no objection to the outline planning application including the now approved access off St Johns Road and the required land take to create the additional space for the dedicated right turn lane into the development from St Johns Road (that will necessitate the removal of the grass verges).

- New road layout on St Johns Road will be unsuitable for HGVs and will result in the relocation of existing infrastructure such as internet cables etc

See above in respect of the highway safety concern for HGV. The removal and relocation of existing infrastructure such as internet cables is not a planning consideration and cannot be taken into account as part of the consideration of this application.

8. **Assessment**

Site Context

- 8.1 The larger strategic allocation (Rouses Farm) comprises 42.13 hectares of predominantly arable agricultural land that is situated to the western side of Clacton on Sea and north of Jaywick. The northern boundary of the site is demarcated by St John's Road (B1027) and is punctuated by the curtilages of existing dwellings at Nos. 717, 719, 755 & 757 St John's Road. On the opposite side of St John's Road, to the north-east is a grade II listed building known as Duchess Farmhouse. To the west of the larger strategically allocated site is Rouses Lane which is demarcated by field hedging for part of its length and leads to Rouses Farm (outside of the application site) and the track of Botany Lane, beyond this boundary is open farmland. The southern boundary of the proposed developable area is formed by a metalled farm track which leads to Jaywick Lane, almost opposite the Tendring Education Centre. Beyond the farm track is more farmland, the southern point of which just touches the start of the built-up area of Jaywick (adjacent to the Sackett's Grove caravan site). The majority of the eastern boundary is formed by either Jaywick Lane itself or the rear of properties that front it, and include a new development of bungalows at 82 Jaywick Lane and the Chester and Silver Dawn Caravan Parks within the Bockings Elm Ward.

- 8.2 As mentioned repeatedly in this report, this reserved matters application relates to the details in respect of the residential phases one and two, which covers the northern and central parts of the larger site (that benefits from the outline consent), which the exception of the residential parcel immediately south of the land reserved for the primary school.
- 8.3 The site as a whole is relatively flat, but does slope slightly towards the south. Where a lack of hedging allows, views across the site are quite open, from one boundary to another, bar where existing buildings are located.
- 8.4 The site is also currently served by several buses which run via St Johns Road. These include FirstGroup routes 17 and 18 between Clacton and Point Clear (combined half-hourly service Monday – Saturday daytimes, hourly Monday – Saturday evenings and Sundays), and FirstGroup route 74 between Clacton and Colchester (hourly Monday – Saturday daytimes, two-hourly Monday – Saturday evenings and Sundays). The Go Ride 72 and 79 routes also operate along Jaywick Lane and connect the site to Colchester and Brightlingsea respectively.

Proposal

- 8.5 The submission includes the details of Appearance, Access (including the layout and design of the spine road from the two approved accesses), the overall Landscaping, Layout and Scale for 417 dwellings within Phases One and Two. The application includes 'Access' only insofar as the internal spine road is concerned because the principal means of access from the adopted public highway remains as permitted at outline stage, with access to the development obtained from St Johns Road and Jaywick Lane via two already approved junctions. For the avoidance of doubt the Reserved Matters detail the accesses and routes within the site.

Alongside this reserved matters application, permission is also sought to formally discharge condition 3 of the outline consent which states:

- 8.6 *No development on any phase shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping (including a hard and soft landscaping scheme for that phase), layout and scale, for that phase, have been submitted to and approved, in writing, by the Local Planning Authority development shall be carried out in accordance with the approved details.*

Reason - A pre-commencement condition is necessary because the application as submitted does not provide sufficient particulars for consideration of these details.

6. The reserved matters shall be in general conformity with the following plans and documents unless as otherwise varied by an approved Phasing Plan and Programme pursuant to condition 4:

P.1509_08 Sheet No. 07 Rev. F - Phasing Parameter Plan

P.1509_08 Sheet No. 06 Rev. C - Density Parameter Plan

P.1509_08 Sheet No. 04 Rev. B - Land Use Parameter Plan

P.1509_08 Sheet No. 03 Rev. E - Access and Movement Parameter Plan

P.1509_08 Sheet No. 02 Rev. C - Open Space Parameter Plan

P.1509_08 Sheet No. 01 Rev. B - Building Height Parameter Plan

P.1509_07 Rev. G - Masterplan

P.1509_13 E - Design and Access Statement

Principle of Development

- 8.7 The principle of residential development at this location has already been established by the granting of outline planning permission reference 17/01229/OUT (dated 11 January 2024) which allows for up to 950 residential units (including affordable housing) with a new neighbourhood centre comprising a local healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes E(a) (shops), E(b) (food and drink) and/or F .2 (community centre); a 2.1ha site for a new

primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.

8.8 The site lies within the Settlement Development Boundary (SDB) for Clacton on Sea, a Strategic Urban settlement (at the top of the settlement hierarchy as set out in the Local Plan). Moreover the site is also designated for a Mixed-Use development in the adopted Tendring District Local Plan 2013-2033 and Beyond (TDLP). These facts further emphasize that the Council have assessed the suitability of the site and found that the principle of development is acceptable.

Scale, including Market Housing Mix and Affordable Housing Mix/Provision

8.9 The 417 dwellings comprise a range of house types, providing detached, terraced and semi-detached homes. The mix of housing is shown in the accompanying accommodation schedule and is summarised in the table directly below:

Unit Type	Market dwellings	Affordable Rent	Affordable Intermediate
1 Bed Apartment	0	12	0
1 Bedroom House	88	0	0
2 Bed Apartment	0	21	0
2 Bed House	127	14	8
3 Bed House	72	13	7
4 Bed House	46	7	2
TOTAL (417)	333	67	17

8.10 In accordance with the Section 106 agreement this Reserved Matters scheme provides details confirming that 20% (or 84 of the 417 dwellings) are to be provided as Affordable Housing, with a mix of tenures consisting of Affordable Rent and Affordable Intermediate, as set out above. The mix of Affordable Homes consists of properties ranging in size from 1-bed apartments to 2 bedroom apartment and houses, as well as 3 and 4-bed houses.

8.11 TDLP Policy LP5 states ‘...to avoid an over-concentration of council housing in one location, no single group of council houses will exceed ten dwellings’. The Detailed Tenure Plans for phases one and two identify the size of the affordable housing clusters, and these range from small groups of 3-5 dwellings through to groups of 7 or 8 dwellings clustered together in short rows positioning these dwellings side by side. On each occasion these groups of affordable dwellings form part of residential blocks with market dwellings. Along the spine road south of the equipped play area there is one instance of a total of 12 affordable rent and affordable intermediate dwellings in a single row, however again these dwellings form part of the ‘inverted block’ of some 44 dwellings wrapping around the indented boundary of the site along its eastern edge. Moreover, the appearance of affordable dwellings here and across phases one and two is not dissimilar to the market dwellings. The location of the affordable dwelling across phases one and two will therefore not result in an over-concentration of council housing in one location and no policy conflict can be identified in respect of policy LP5.

8.12 TDLP Policy LP2 states that major developments should provide a mix of dwelling size and type that broadly reflects the housing need identified in the District’s latest Strategic Housing Market Assessment. On review the SHMA identifies a need for approximately 8% of new market dwellings to be 1-bed units. A total of 100 one-bedroom units (either in the form of 1 bed apartments or 1 bedroom houses) are proposed – equating to 21% of the units in phases one and two. This percentage is fairly high compared to the SHMA requirement however smaller dwellings including 1 bedroom market units are much more affordable to a large percentage of the population and will nevertheless assist in creating a mixed and balanced community.

8.13 The overall percentage of 2-bed, 3-bed and 4-bed homes being proposed (39%, 20% and 13% respectively) is broadly consistent with the need identified in the SHMA (27.9% 40% & 22.8%). The

number of 2-bed units proposed is noticeably higher at 39%, and the number of 3 beds noticeably lower at 20.0% (against the assessed need expressed in the SHMA of 27.9% and 40% respectively) however there remains a significant need for smaller dwellings in the area, including 2 bed dwellings, which is also a more affordable tenure whether it is a market or affordable unit, and the 3 bed unit provision at 20% would go a long way in meeting identified need for these units in the latest SHMA.

- 8.14 Officers consider that the mix of homes proposed in the reserved matters application is appropriate for the location and context and is broadly consistent with the identified needs set out within the latest Council's Strategic Housing Market Assessment, and no clear policy conflict that would result in overriding harm (insofar as the development's potential to bring forward a good mix of units is concerned) can be in terms of policy LP2 of the Local Plan. The proposed mix is therefore broadly reflective of the housing need in this part of the district.
- 8.15 In terms of scale, due regard is given to the location of the site on what is currently the edge of the strategic urban settlement of Clacton on Sea. There is variation in the building heights in the area (predominantly two storey dwellings with the occasional 3 storey dwellings and 4 storey corner/anchor buildings - bungalows feature strongly in depth (behind Jaywick Lane) to the east of the site). Accordingly, and aligned with this prevailing character, the building heights across the site vary in accordance with the parameters set by the Outline Permission. While the majority of the dwellings are two storeys, the slightly taller 2.5, and limited number of 3 and 4 storey buildings are strategically located, particularly within character areas and corner locations that frame public open spaces.

Layout

- 8.16 Access was approved as part of the outline planning permission so both the location and design of the vehicular accesses off St Johns Road to the north, and Jaywick Lane to the south are already fixed. Additionally, due to the above, the positioning of the main spine road through the site (running north south) is also broadly fixed, and it was agreed that this main spine road will include a footway/cycleway to serve the development and link up with existing footways and cycleways around the site.
- 8.17 The Section 106 agreement contains an open space parameter plan which identifies indicatively and for illustrative purposes the location of the principal areas of Open Space. Moreover the section 106 agreement also includes an Education Site plan showing the extend of the education land in the north eastern part of the larger strategic allocation.
- 8.18 The latest amendments to the scheme contains some variations to the illustrative layout that was presented as part of the Outline planning application however the shape and location of the education land has not changed, and the broad locations of the principal areas of Open Space have also not changed.
- 8.19 Paragraph 131 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. Key local plan policies on design and layout repeat this theme and fundamentally seek to ensure that all new development must meet high standards of urban and architectural design.
- 8.20 The main north-south spine road (which also passes the Primary School Land and Public Open Space with equipped play area) includes sections of wide grass verges on both sides of the road and street trees planted rhythmically on both sides. The approach to tree planting on secondary streets is more varied. On these streets smaller trees are shown and planted less frequently, however the theme of greenery and open areas in front of dwellings remain present. The applicant has selected locations, such as corner locations and the spacious verges (set back from roads) as

locations where trees can be added and indeed shown on the proposed landscaping plans. Frontage parking is also regularly broken up through the introduction of green pockets sufficiently large for additional beddings and tree planting in key locations. The applicant also relies on views of trees (established and new) at the end of the streets to give the sense of trees predominating. This will all help to soften the streetscene as trees mature and provide a pleasant suburban feel to phases one and two.

- 8.21 In terms of refuse and recycling provision, for the dwellings refuse bins will be store in an in-depth location towards the side/rear of dwellings, and on collection day wheeled out the short distance, mostly over the hard surfaced car parking areas, to the edge of the roadside kerb for collection. The flatted blocks will be provided with integral refuse storage areas large enough for 3 x Euro Bins, on each occasion set close to the nearest roadside kerb to ensure bins can be wheeled out the short distance for collection.
- 8.22 Without exception dwellings are designed to address the street, to create an active street frontage and provide natural surveillance, and this includes properties occupying corner plots. The dwellings along the spine road are set back to create and maintain the sense of space that will be key a feature through phases one and two, but also the development as whole.
- 8.23 In terms of separation between dwellings, in phases one and two, detached and semi-detached dwellings are the predominant dwelling type with regular and rhythmic gaps in between. Back-to-back garden separation distances are covered in more detail in the sections below however even the slightly taller corner buildings frequently benefit from greater separation distances and gaps between these and the slightly smaller (in hierarchical terms) two storey dwellings positioned along the roads leading of the main spine road. Back-to-back separation distances between properties is generous to very generous at distances of between 22m-25m.

Open Space design and layout

- 8.24 As outlined in the approved Design & Access Statement, the open space within the development has been designed to meet the recreational needs of both the existing and new communities, in accordance with the requirements of Policy SAMU4.
- 8.25 There are four main areas of public open space within the site. The central area will include a play space with play equipment (details to be secured as part of a clause in the section 106 legal agreement), with three additional areas located to the south. Additionally, two smaller pockets of open space are provided adjacent to St Johns Road in the north, and extensive landscaping, footpaths and tree planting is planned throughout the development, particularly along the western boundary. The overall open space strategy creates a green and verdant environment, achieved through the incorporation of street trees, landscaped open spaces, and swales.
- 8.26 The open space layout also accommodates attenuation areas, aligning with the surface water drainage strategy from the Outline Planning Permission. Semi-natural open spaces are positioned along the eastern, southern, and western edges of the larger site, while a series of Amenity Green Spaces are distributed along the Spine Road. Two of these will host formal play areas. These areas are strategically located to be within short and safe walking distances from the proposed pedestrian access to the primary school, making them attractive spots for parents and children to visit after school.
- 8.27 The design of the open space areas in Phases One and Two is highly strategic. Over 50% of the 417 dwellings (210 units) will face green areas and /or public open spaces, including parks and linear pocket parks. This high percentage not only provides substantial visual appeal but also maximizes the functional benefits for residents. Additionally, the layout includes critical open spaces along the western boundary to ensure a harmonious transition with the open countryside and in the south to maintain the “Green Gap” between the settlements of Clacton and Jaywick.

8.28 The open space areas are all interconnected by a network of pedestrian and cycle paths which will link up with existing public rights of way crossing the site (the details of which will be secured as part of a planning condition if approved) and this will ensure seamless accessibility and permeability throughout the development.

Appearance

8.29 As set out above, the mix of housing is varied with 1 and 2-bed apartments, 1 and 2-bedroom houses and 2, 3 and 4-bedroom houses.

8.30 Initially, the dwellings along the Spine Road were proposed to feature a single (buff) facing brick, and the secondary roads also showed limited variation in materials – such lack in variation in the use of materials has the potential to result in a monotonous appearance which, for a large-scale development such as this will cause localised and permanent harm. Moreover, the initial submission featured the placement of the frontage dwellings along the spine road in an incoherent pattern in areas, with side gables abruptly projecting forward of neighbouring rows that would have resulted in a jarring, and visually harmful arrangement. Dwellings along some of the secondary roads and blocks to the west of the spine road also featured extensive and continuous areas of hardstanding, again with potential to result in substandard appearances, devoid of any soft landscaped features in key and highly visible areas.

8.31 Following the concerns raised by officers regarding this lack of diversity in materials and layout shortcomings, the LPA and applicant worked collaboratively, and the applicant responded positively by introducing multiple brick types and colours, high quality weatherboard cladding (in areas) and three different roof tiles, all as set out below and under the different character areas. These critical amendments ensure that no two rows of dwellings along the Spine Road will use the same dominant brick type. Instead, an appealing mix of yellow, and two variations of red brick dwellings have been introduced, reflecting the prevailing brick styles found in the surrounding area. The variety in the use of materials on dwellings along the secondary roads and residential blocks off the spine road is now also much improved with at least 3 different (main) brick types being used per block. A total of 18 different housetypes will feature in phases one and two as illustrated in the comprehensive drawing pack submitted as part of the (last) November 2024 revisions. This not only enhances visual interest but also complements the existing local character.

8.32 As the scheme has evolved through various pre-application meetings, several distinct character areas have been established within the site. While most adhere to the Design and Access Statement (DAS) approved under the Outline Permission, additional character areas have been developed to include the following:

1. Character Area CA1: Main Spine Road
2. Character Area CA2: Core Housing
3. Character Area CA3: Green Edge
4. Character Area CA4: Public Open Space

8.33 These areas are pivotal in shaping the overall sense of place and improving wayfinding through thoughtful design. The following sections discuss the building design and appearance within each character area:

Character Area CA1: Main Spine Road

8.34 As outlined in the approved DAS, development along the Main Spine Road is characterized by linked terrace units that create continuous building lines, establishing a strong sense of place. The terraced units are set back behind a tree-lined avenue and punctuated by pockets of open space. While the majority of buildings here are two storeys, key focal points are marked by three and four-storey flat blocks. The building materials in this area include:

- Red brick: Thoresby Riven Brick

- Buff Brick: Cusworth Riven Brick
- Mixture of Black and Cream Weatherboarding (RCM Supertech)
- Roof tiles: Mixture of Grey (Anthracite) and Brown (Seawave) roof tiles

Character Area CA2: Core Housing

- 8.35 The Core Housing Area accommodates the majority of the proposed dwellings, featuring a mix of detached, semi-detached, and terraced homes. The materials used here include:
- Red brick: Thoresby Riven Brick
 - Slight variation of Red Brick: Sherborne Riven
 - Buff Brick: Cusworth Riven Brick
 - Roof tiles: Mixture of Grey (Anthracite), Red (Seawave Terracotta) and Brown (Seawave Brown) roof tiles

Character Area CA3: Green Edge

- 8.36 In line with the DAS and Parameter Plans, development within the Green Edge consists of lower-density detached and semi-detached dwellings, with heights ranging from 2 to 2.5 storeys. These homes are served by private drives and offer views over the landscaped areas and open countryside to the west. The materials used include:
- Red brick: Thoresby Riven Brick
 - Slight variation of Red Brick: Sherborne Riven
 - Buff Brick: Cusworth Riven Brick
 - Mixture of Black, Green and Cream Weatherboarding (RCM Supertech)
 - Roof tiles: Mixture of Grey (Anthracite), and Brown (Seawave Brown) roof tiles

Character Area CA4: Public Open Space

- 8.37 This new character area, introduced during pre-application discussions, frames the central open space. Development in this area includes taller terraced units, up to four storeys. The materials used include:
- Slight variation of Red Brick: Sherborne Riven
 - Buff Brick: Cusworth Riven Brick
 - Mixture of Black, Green and Cream Weatherboarding (RCM Supertech)
 - Roof tiles: Grey and brown
- 8.38 Having regard to the above the application now indicates that a rich range of materials would be used across the site with a mix of red and buff stock bricks, occasional weatherboarding and renders and roofs covered with grey, red and brown plain tiles. These materials are found in the surrounding areas and will help the development assimilate into the area and help create a 'sense of place'. The proposed mix will ensure variety and visual interest across the development. External material plans (north and south areas) are included with the application documents, and this specifies named materials. Officers are content that the mix of materials as proposed and set out above will be of a suitably high standard as such a compliance condition is necessary to ensure the development is carried out in accordance with these material details (in the event of an approval).

Highway Safety/Parking

- 8.39 Policy SAMU4 of the TDLP requires the site layout to include a new spine road with a 6.75-meter carriageway, connecting St John's Road and Jaywick Lane. This road must accommodate buses and large vehicles and allow for traffic calming measures or access restrictions on Jaywick Lane, benefiting local residents. The policy also mandates necessary enhancements to highway capacity, safety, public transport, and pedestrian/cycle infrastructure. A safe cycle path/footpath linking the development to Clacton Coastal Academy and the new primary school is required.

- 8.40 Following consultation, ECC Highways initially raised a holding objection, identifying several concerns related to the Principal Spine Road, including:
- The spine road should be designed as a 20-mph zone with bus-friendly traffic calming features, such as cushions and buildouts.
 - A full-width raised table (over 12m long) is recommended near the school to ensure safe pedestrian crossing.
 - Speed restraints should be placed every 60m, beginning within 50m of the entry junction.
 - Private drives, such as plots 305-308, should not have direct access to the spine road.
 - Visibility splays must be indicated for side roads joining the spine road.
 - Cycle routes should comply with LTN 1/20 standards and extend to play areas, not just footways.

Bus Stops:

- Bus cage markings should align with the front of the bus shelter. The markings near plots 117 and 118 seem incorrect, as they are shown on the wrong side of the road.

Residential Areas:

- All residential areas should adhere to the 20-mph zone guidelines.
- Visibility splays need to be shown at junctions (e.g., plot 203), and there should be clarity regarding the start and end points of raised tables.
- No more than 25 dwellings should be included within a shared surface area, and tactile paving must be indicated at crossings.
- Clear details are required for visibility splays, turning heads, and no-build zones to prevent walls/buildings from encroaching into restricted areas.
- Turning areas and footway connections need to be clearly illustrated and annotated on the drawings (e.g., plots 31-49).

8.41 In response to the initial concerns, the applicant submitted revised the plans, adding more traffic calming measures along the spine road and incorporating two indicative vehicular access points for the school—one for emergency vehicles and one for staff—along with a pedestrian access point on the southern boundary. Following a re-consultation ECC Highways has confirmed approval of these revisions subject to conditions as set out above. The recommended conditions by ECC Highways are all considered to comply with the NPPF tests for planning conditions and will be included in the event of a recommendation for approval.

8.42 It is also worth mentioning that the spine road must meet adoptable standards to accommodate buses and large vehicles, further necessitating the implementation of effective traffic calming measures as part of any final agreed plans to be submitted under any process seeking formal adoption of the main spine road.

8.43 It is noted that some of the objectors cite concerns about increasing traffic on the local highway network. The impacts of the proposed development on the network were assessed as part of the Outline planning application and the outline permission includes a vast number of planning conditions relating to necessary highways improvement works to roundabouts and other public transport infrastructure in the vicinity of the site (and not least to ensure that the local road network can accommodate the additional traffic that the development will generate), as well as a Section 106 agreement which secured a financial contribution towards public transport provision. The details of these conditions are yet to be discharged and do not form part of this application.

8.44 Some objectors raise concern about highway safety and capacity, these concerns are noted however as alluded to above, these matters have already been assessed as part of the outline planning permission which was approved subject to conditions and planning obligations. Once again these matters cannot be reconsidered as part of this Reserved Matters application.

8.45 In terms of other transport issues and specifically the internal road layout and its detail, paragraph 104 of the NPPF (2023) states that transport issues should be considered from the earliest stages of development proposals, so that amongst other things opportunities to promote walking, cycling and public transport use are identified and pursued; and patterns of movement, streets, parking

and other transport considerations are integral to the design of schemes, and contribute to making high quality places

- 8.46 Strong pedestrian / cycle connectivity continues through the development. A shared pedestrian / cycle path continues from the access off Jaywick Lane to the north in a southern direction to the south down the spine road and indeed the quitter residential side street. The shared pedestrian / cycle path along the spine road is separated from the carriageway by new trees planted in a grass verge with wide grass areas beyond to further improve safety and the sense of space and openness. The shared path will ultimately continue as far as the Jaywick Lane junction where it will join up with existing road infrastructure.
- 8.47 In total three Public Rights of Way (PROW) lead up to, straddle or cross the site. While for the most part the proposed layout allows the routes to follow their current alignments, the development will invariably result in very minor diversions and amendments to the footpaths so that they would better align with layout of the development and indeed nearby pavements and connection points. The Highway Authority have raised no objection in principle to the revisions subject to development not commencing in a phase until such time as an Order securing the diversion of any existing public right of way in that phase has been agreed – this requirement can be secured by condition.
- 8.48 In terms of Residential Development Parking – the Council’s adopted parking standards require a minimum of one vehicle parking space per 1-bed dwelling and two vehicle parking spaces per dwelling with 2 or more bedrooms. Each new dwelling also needs to be provided with one secure cycle parking space.
- 8.49 All the dwellings are shown to be provided with off-street allocated parking which meets the minimum standards and provides one or two parking spaces, usually to the side or in front of the dwelling.
- 8.50 The total number of parking spaces (excluding visitor spaces) is 824 Spaces (given that phases one and two will provide 417 dwelling, a total of 710 spaces are required under Essex Parking Standards)
- 8.51 The 824 car parking spaces referred to above will be allocated as follows:
- 1 Bed Flats = 1 Parking Space
 - 1 Bed Houses = 2 Parking Spaces
 - 2 Bed+ Dwellings = 2 Parking Spaces
- 8.52 The total no visitor parking spaces provided in phases one and two equates to 100 spaces bringing the total number of parking spaces provided to 924 parking spaces across phases one and two which will marginally exceed Essex Parking Standards requirements.
- 8.53 The Council require appropriate cycle parking is provided for the residential dwellings. The applicant has explained that all houses will have a cycle store in the rear garden via a shed and that this would result in cycle parking provision in accordance with the Essex Parking standard. The details and locations of these sheds are unclear therefore a condition is considered reasonable and necessary seeking details such as the size and various locations of the sheds to be placed in rear gardens of dwellings to provide the required covered and secure parking for cycles. All garden areas benefit from access independent from the house ensuring that the cycle parking provision is functional and convenient. The 7th and final condition recommended by ECC Highways is considered to fail the tests of necessity and reasonableness because the flatted accommodation proposed are all provided with covered cycle parking provision at the rear and this provision is considered to be acceptable.
- 8.54 Overall, this detailed application for phases one and two is considered be acceptable and policy compliant from a highway safety and parking provision perspective.

Landscaping

- 8.55 The landscaping proposals will significantly enhance the character of the development by creating a tree-lined boulevard along the spine road and a series of formal and informal open spaces. The design is informed by ecological mitigation measures required by conditions (imposed on the outline consent), and aimed at improving nature conservation and supporting local biodiversity.
- 8.56 A key feature of the landscaping is the buffer along the western edge, as highlighted in the Outline Permission. This buffer softens the transition between the built environment and the open countryside, creating a visually appealing and functional space for walking and cycling, connecting St John's Road to the south. In addition to this, phases one and two will deliver on the required open space areas as outlined in the Outline Permission.
- 8.57 At the northern boundary, the development is set back from St John's Road to create an attractive landscaped gateway entrance, contributing to the open aspect of the area. The internal road layout will make it possible for future residents to follow a core circular network along the built form in the central and eastern sections, linking up with the linear landscaped park along the western boundary. Secondary roads also connect regularly with the central spine road, providing access to homes along the western and eastern boundaries.
- 8.58 The landscaping strategy also supports key character areas within the development, including the Main Spine Road, Core Housing, Green Edge, Site Entrance, and Public Open Space. These areas will be further enhanced by the extensive tree planting throughout the site, including tree-lined streets, contributing to both the aesthetic and environmental quality of the development. The landscaping details will be secured through a compliance condition ensuring that the planting is carried out, and the necessary aftercare provided prior to first occupation.

Impact on Residential Amenity

Existing residents nearby/adjacent to the site:

- 8.59 Dwellings along St John's Road – The dwellings along the north side of St Johns Road are separated from the site by St Johns Road and/or extensive areas of public open space facing St Johns Road ensuring that the proposal will have no unacceptable impact on these properties in terms of loss of daylight/sunlight/sense of enclosure, or unacceptable overlooking. Some occupiers along St Johns Road raised objection in respect of the proposed access into the development, and the loss of road frontage/grass verges as a result of these works. As set out elsewhere in this report, the main access into the development from St Johns Road has already been approved under the outline consent.
- 8.60 In terms of the dwellings along the south side of St Johns Road, the closest dwellings positioned to the north-east of the site (Nos 719-717 St Johns Road) are both set back from St Johns Road. The small pocket of dwellings proposed in the north-eastern corner of the site (6 dwellings in total – plots 1-6) is also set back from St Johns Road to ensure this element responds appropriately to the St Johns Road streetscene and the placement of the above mentioned dwellings. Moreover the dwellings are set a sufficient distance away from boundaries, and orientated in such a manner to ensure that no unacceptable impact on the dwellings at Nos. 717 and 719 would occur in terms of loss of daylight/sunlight/sense of enclosure or unacceptable overlooking.
- 8.61 The dwelling at No. 755 St Johns Road shares a western boundary with No. 757 (which forms part of the application site and will remain in situ). Therefore insofar as the impact on this property's western boundary and immediate area to the west is concerned, there will be no impact because no changes are proposed in this area. To the east of No. 755 is a 10-12m wide green buffer before the main access (off St Johns Road) is formed going into the site. The separation distance of between 10 and 12 metres is considered sufficient to ensure that the side and rear garden areas,

and indeed the property itself will not be subjected to unacceptable levels of noise and vibration as a result of one of two main accesses into the site being placed in this area. The committee report recommending approval of the outline planning application reached a similar conclusion. To the south of No. 755 is an internal access lane of approximately 5.5m wide followed by a two-storey detached dwelling set at a slight angle to the internal access lane ensuring this dwelling will have no unacceptable impact on the dwelling at No. 755 in terms of loss of daylight/sunlight/sense of enclosure or unacceptable overlooking.

- 8.62 The dwellings further to the north-east of the site (along Oakview Crescent) are set a sufficient distance away from any proposed build form on the application site to ensure that no unacceptable impact will occur on these dwellings in terms of loss of daylight/sunlight/sense of enclosure or unacceptable overlooking.
- 8.63 Further to the south, along the irregular and jagged eastern boundary of the application site are a mixture of 'in-depth' dwellings set back from Jaywick Lane, but also mobile homes/a touring park as well as dwellings with deep to very deep rear gardens. The proposed layout is considered to respond appropriately to the varied character and setting of build form along, or close to the eastern boundary of the site because all the proposed dwellings along this boundary will either have rear gardens of at least 11 metres in depth, or (in appropriate locations) side gables set well off the boundaries of the properties to the east. Indeed, the only instances where dwellings with side gables are positioned close to the eastern boundary (i.e. not rear garden areas) is when deep to very deep rear garden areas are in situ to the east – therefore demonstrating an entirely appropriate response to the mixed and varied character to the east of the site. The layout and design of properties close to or along the eastern boundary of the site will ensure that no unacceptable impact will occur the occupiers of properties to the east of the site in terms of loss of daylight/sunlight/sense of enclosure or unacceptable overlooking.
- 8.64 The remainder of dwellings proposed in phases one and two are either well contained within the site or bordering future phases of the outline consent, therefore ensuring that no unacceptable impact will occur on existing dwellings to the south, south-east and south-west of the site in terms of loss of daylight/sunlight/sense of enclosure or unacceptable overlooking.

Future residents:

- 8.65 All dwellings in phases one and two have been sited to meet or exceed the back-to-back standards detailed in the Essex Design Guide thereby ensuring that residents benefit from a high level of private amenity space, whilst ensuring these areas do not suffer from any harmful overlooking from neighbouring dwellings. The layout of the scheme has been designed to ensure that there is ample accessible open space within very easy reach of all the dwellings. In addition, the majority of dwellings have been designed and located to front the various areas of public open space, affording natural surveillance over these areas and a high-quality setting for future occupiers – these elements are commended and as a combination will result in a suitable environment for future residents.

Other Matters

Education Land

- 8.66 The shape and location of the Education Land has been stabilised as part of the outline approval.
- 8.67 The applicant has indicatively shown vehicular and pedestrian entrance points to the future school which include grounds maintenance / emergency access to the site off the main spine road. The Education Authority are keen to encourage, as far as possible, traffic free school frontages and minimal conflict between pedestrians and vehicular traffic close to pedestrian access points (to education facilities). However, the reality is that within larger settlements such as Clacton on Sea some children attending the school will need to be driven and it is appropriate to plan for this. Most

children that will attend this future facility is very likely to walk or cycle to school. The land allocated for the future two form entry education facility is considered sufficient to ensure suitable car parking areas/circulation spaces can be provided on site, without having to stop and park on surrounding roads.

- 8.68 The indicative plan also demonstrates that excellent pedestrian and cycle connections to the future school site can be provided, and these will provide attractive routes for children and families to walk and cycle to school. The residential parcel immediately to the south of the future primary school is not included in this reserved matters application. ECC Education prefers suitably designed and wide pedestrian only access to the primary school from this area and when this parcel comes forward for its detailed design, officers consider that a suitably designed access point can be included in the detailed layout. Officers are satisfied that further discussions between the applicant, County Council and District Council can take place to further refine the proposals as and when the Education Land is bought forward by Essex County Council.

Heritage Impact

- 8.69 The nearest listed building is the Duchess Farmhouse (Grade II Listed) – this building is located to the north-east of the site, on the north (opposite) side of St Johns Road.
- 8.70 ECC Heritage position on the outline consent is that the development would result ‘less than substantial harm’ to the nearby Duchess Farmhouse. As mentioned elsewhere in this report the site is allocated through Policy SAMU4 for a mix of residential development, community facilities and public open space. As part of the procedure to allocate this large 42-hectare site, the potential impact on designated heritage assets would have been a consideration. Moreover, outline planning permission has now been granted and it is considered that the layout of phases one and two, especially the provision of setbacks and open space areas along St Johns Road will ensure that the level of less than substantial harm previously identified will certainly not increase. Moreover, the public benefits of a 950 residential unit development, to include 20% affordable dwellings, a new Neighbourhood Centre comprising a local healthcare facility and units for shops, food and drink and/or a community centre and a 2.1ha site for a new primary school, will continue to clearly outweigh the identified ‘less than substantial harm’ to the designated heritage asset.

Foul and Surface Water Drainage

- 8.71 The conditions concerning all matters around foul and surface water drainage do not require details to be submitted as part of the Reserved Matters application(s) and these details will be agreed at the appropriate time and when these conditional discharge application(s) are submitted. LPA officers are confident that the detailed layout as shown in phases one and two would allow for the details around foul and surface water drainage to come forward. If not, the developer will have to amend the layout of phases one and two to allow for such an eventuality. As such these matters do not fall to be considered as part of the Reserved Matters application.

Section 106 of the Town and Country Planning Act 1990

- 8.72 As set out in the Planning History section of this report a Section 106 agreement secured planning obligations as part of the Outline planning permission. All these obligations remain in force and should be complied with/discharged at the appropriate times/when the triggers are reached.

Ecology, Biodiversity and Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

- 8.73 ECC Ecology have been consulted and confirmed that they are satisfied that there is sufficient ecological information available for determination of this reserved matters application.
- 8.74 The site falls within the evidenced recreational Zone of Influence (ZOI) of Essex Coast RAMS. The LPA prepared a Habitats Regulations Assessment and secured the per dwelling tariff for Essex

Coast RAMS under the Tenth Schedule of the signed S106 agreement appended to the outline consent, for the respective phases of this development. The collection of the financial contribution is required at the various commencement stages for the different phases to ensure delivery of mitigation measures is in place prior to occupation. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.

- 8.75 Conditions 36 and 39 secured as part of the original outline application (17/01229/OUT), seeks to secure measures for the conservation, enhancement and mitigation of biodiversity throughout the site. These conditions remain outstanding and will have to be discharged ahead of the specific triggers stated in the respective conditions.
- 8.76 Having regard to the above there is certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and with appropriate mitigation measures secured by conditions of the consent under Outline 17/01229/OUT, the development can be made acceptable. The submission is therefore in accordance with the relevant Local Plan policies, and the LPA can demonstrate compliance with its statutory duties including its biodiversity duty under section 40 of the Natural Environment and Rural Communities Act 2006 (as amended).

Biodiversity net gain

- 8.77 Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals (excluding Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow).
- 8.78 This application is a reserved matters application for an outline consent granted before April 2024 therefore this development is not applicable for Biodiversity Net Gain.

9. Planning Balance and Conclusion

- 9.1 The site benefits from outline planning consent and this application seeks approval for the Reserved Matters (namely appearance, landscaping, layout and scale) for only the residential phases one and two (for 417 no. dwellings). Following statutory consultation responses and meetings between LPA and the Applicant, a number of revisions to the scheme were submitted throughout the determination period, which sought to address many of the issues raised by Planning Officers and consultees.
- 9.2 Careful consideration has been given both to the matters which were reserved and the elements of the scheme that were previously approved – most notably the primary access arrangements off St Johns Road and Jaywick Lane, the broad location of the internal spine road, and the locations of the principal areas of Open Space and the Education Lane, all of which were approved by the outline planning permission.
- 9.3 Whilst there have been objections from some local residents, many of these issues relate either to the principle of development, which is already agreed, or matters that was considered or will be mitigated through the planning conditions and planning obligations that form part of the outline planning permission, or concerns that the LPA feels have now been addressed through the revised plans.
- 9.4 With regards to the details contained within this application the applicant has built on the approved access arrangements and the fixed spine road position dictated by the already approved access arrangements. Furthermore, the overall layout of phases one and two, in particular the treelined main spine road and open areas in highly visible locations throughout these phases will create a strong sense of place and a liveable development.

- 9.5 The scale and appearance of the dwellings in phases one and two are considered acceptable. The overall landscaping proposals will result in a very high-quality scheme, and as a whole residential phases one and two would set a strong and positive precedent for the remainder of the phases, and would be appropriate in character and appearance with reference to the areas around the site and indeed the wider context and the best it offers in terms of architectural quality.
- 9.6 The concerns of consultees and LPA Planning Officers have been addressed in a positive and proactive manner. The arrangement of the Education Land, and in particular future access arrangements to the school for vehicular traffic and pedestrians alike did concern ECC Highways and Education Officers, however the scheme has been revised and both Planning Officers and ECC Officers now consider the arrangements to be an appropriate response that will result in safe and suitable access arrangements being created for all road users and all users of the future school – an element that is critically important to the deliverability of the scheme.
- 9.7 The details of the residential phases one and two for 417 dwellings as presented through the latest revised plans and documents are considered by Officers to be acceptable and the application is therefore recommended for approval subject to conditions.

10. **Recommendation**

- 10.1 The Planning Committee is recommended to grant this reserved matters application subject to the following conditions and informatives:

10.2 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.

LAYOUT PLANS

- PH-123-001 - Site Location Plan
- PH-123-002B - Masterplan
- PH-123-003B - Detailed Layout NORTH
- PH-123-004B - Detailed Layout SOUTH
- PH-123-005A - Materials Plan NORTH
- PH-123-006A - Materials Plan SOUTH
- PH-123-007A - Boundary Treatment Plan NORTH
- PH-123-008A - Boundary Treatment Plan SOUTH
- PH-123-011A - Tenure Plan PHASE 1
- PH-123-012A - Tenure Plan Phase 2
- PH-123-013A - Building Heights Plan NORTH
- PH-123-014A - Building Heights Plan SOUTH
- PH-123-015A - Open Space Plan
- PH-123-016A - Access and Movement Plan
- PH-123-017A - Land Use Plan
- PH-123-018A - Density Plan
- ST-3231-700 Rev a - S38 Onsite Highway Geometry Plan Sheet 1 of 5
- ST-3231-701 Rev a - S38 Onsite Highway Geometry Plan Sheet 2 of 5
- ST-3231-702 Rev a - S38 Onsite Highway Geometry Plan Sheet 3 of 5
- ST-3231-703 Rev a - S38 Onsite Highway Geometry Plan Sheet 4 of 5

- ST-3231-704 Rev a - S38 Onsite Highway Geometry Plan Sheet 5 of 5
- ST-3231- 900-A-S38 Onsite Swept Path Refuse Sheet 1 of 5
- ST-3231- 901-A-S38 Onsite Swept Path Refuse Sheet 2 of 5
- ST-3231- 902-A-S38 Onsite Swept Path Refuse Sheet 3 of 5
- ST-3231- 903-A-S38 Onsite Swept Path Refuse Sheet 4 of 5
- ST-3231- 904-A-S38 Onsite Swept Path Refuse Sheet 5 of 5

HOUSETYPES

- PH-123-041 Rev A - Alnmouth HT
- PH-123-042 Rev A - Barton HT
- PH-123-043 Rev A - Danbury HT
- PH-123-044 Rev A - Garrett HT
- PH-123-045 Rev A - Ashworth HT
- PH-123-046 Rev A - Risby HT
- PH-123-047 Rev A - Glenmore HT
- PH-123-048 Rev A - Sherwood HT
- PH-123-049 Rev A - Barnwood HT
- PH-123-050 Rev A - Fowler HT
- PH-123-051 Rev A - Saunton HT
- PH-123-052 Rev A - Rivington HT
- PH-123-053 Rev A - Greenwood HT
- PH-123-054 Rev A - Brampton HT
- PH-123-055 Rev A - Selwood HT
- PH-123-056 Rev A - Malting HT
- PH-123-057 Rev A - Wivenhoe HT
- PH-123-058 Rev A - Cromwell HT
- PH-123-059 Flat Block A & B - Plans
- PH-123-060 Flat Block A & B - Elevations
- PH-123-061 Flat Block C - Plans
- PH-123-062 Flat Block C - Elevations
- PH-123-063 Rev A - Garage
- PH-123-064 - Substation
- PH-123-065 - Bin Store
- PH-123-066 - Cycle Store
- PH-123-067 - Car Ports

STREETSCENES

- PH-123-080 Rev A - Street Scenes AA BB CC
- PH-123-081 Rev A - Street Scene DD
- PH-123-082 Rev A - Street Scenes EE FF

LANDSCAPING

- LSDP 15-114-01 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-02 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-03 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-04 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-05 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-06 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-07 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-08 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-09 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-10 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-11 rev F - Detailed Landscape Proposal For POS

- LSDP 15-114-12 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-13 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-14 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-15 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-16 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-17 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-18 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-19 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-20 rev F - Detailed Landscape Proposal For POS

- LSDP 15-114-21 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-22 rev F - Detailed Landscape Proposal For POS
- LSDP 15_114-23 Rev C - Detailed Soft Landscape Proposals For Plots Phase
- 1 & 2
- LSDP 15_114-24 Rev C - Detailed Soft Landscape Proposals For Plots Phase
- 1 & 2
- LSDP 15_114-25 Rev C - Detailed Soft Landscape Proposals For Plots Phase
- 1 & 2
- LSDP 15_114-26 Rev C - Detailed Soft Landscape Proposals For Plots Phase
- 1 & 2
- LSDP 15_114-27 Rev C - Detailed Soft Landscape Proposals For Plots Phase
- 1 & 2
- LSDP 15_114-28 Rev C - Detailed Soft Landscape Proposals For Plots Phase
- 1 & 2
- LSDP 15_114-29 Rev C - Detailed Soft Landscape Proposals For Plots Phase
- 1 & 2
- LSDP 15_114-30 Rev C - Detailed Soft Landscape Proposals For Plots Phase
- 1 & 2
- LSDP 15_114-31 Rev C - Detailed Soft Landscape Proposals For Plots Phase
- 1 & 2
- LSDP 15_114-32 Rev C - Detailed Soft Landscape Proposals For Plots Phase
- 1 & 2
- LSDP 15_114-33 Rev C - Detailed Soft Landscape Proposals For Plots Phase
- 1 & 2
- LSDP 15_114-34 Rev C - Detailed Soft Landscape Proposals For Plots Phase
- 1 & 2
- LSDP 15_114-35 Rev B - Landscape Masterplan for POS

DRAINAGE

- ST-3231-500B Drainage Strategy Plan – Sheet 1 of 2
- ST-3231-501B Drainage Strategy Plan – Sheet 2 of 2
- ST-3231-600B Onsite - Indicative Finished Floor Levels Sheet 1 of 4
- ST-3231-601B Onsite - Indicative Finished Floor Levels Sheet 2 of 4
- ST-3231-602B Onsite - Indicative Finished Floor Levels Sheet 3 of 4
- ST-3231-603B Onsite - Indicative Finished Floor Levels Sheet 4 of 4

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. AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: No development shall commence above slab level in phases one or two until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development in phases one and two has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include as a minimum:-

- An electric car charging point per dwelling
- A Water-butts per dwelling
- Compost bin per dwelling
- Agreement of heating of each dwelling/building
- Agreement of scheme for waste reduction

The scheme shall be fully implemented prior to the first occupancy of the any of the units in phases one and two hereby approved, 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 to reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

NOTES FOR CONDITION:

Slab level normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visualised above ground level or seek confirmation from the Local Planning Authority for your development.

The greatest threat to our planet is the belief that someone else will save it and also forgetting that small acts, when multiplied by millions of people, can transform the world. Developments will provide buildings/homes to thousands/millions of people over their lifetime. A well-designed sustainable development in the beginning will restrict the contribution each person makes to that threat and help enable them to transform the world.

3. COMPLIANCE WITH DETAILS – HIGHWAY WORKS

CONDITION: Prior to the first occupation of any dwellings in phases one and two the internal road layout, public rights of way, parking and associated improvements shall be provided in principle and accord with Drawing Numbers:

- PH-123-003 Rev. B Detailed layout north,
- PH-123-004 Rev. B Detailed layout south,
- PH-123-002 Rev. B Amended Masterplan,
- 700-A to 704-A Onsite highway geometry and visibility splays,
- 900-A to 904-A Onsite swept path refuse vehicle,
- PH-123-063-A Amended garage elevations and floor plan,
- PH-123-067 Car ports floor plans and elevation.

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

4. ACTION REQUIRED: HIGHWAYS PROVISION OF VISIBILITY SPLAYS

CONDITION: Prior to occupation of each dwelling/flat in phases one or two, a 1.5 metre x 1.5 metre clear visibility above a height of 600mm, as measured from and along the boundary, shall be provided on both sides of each 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 public highway in the interest of highway safety

5. SPECIFIC ACTION: SHARED ROADS, CYCLEWAYS AND FOOTPATHS

CONDITION: Prior to the first use of any vehicular access to the development that crosses a shared footway/ cycleway, a minimum 2.4 m x 17 m cycle visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall thereafter be retained free of any obstruction at all times and must not form part of the vehicular surface of the access.

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

NOTES FOR CONDITION:

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

6. ACTION REQUIRED: HIGHWAYS PROVISION OF VISIBILITY SPLAYS

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

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

7. CAR PARKING

CONDITION: Prior to occupation of each dwelling/flat in phases one or two, the car parking and turning areas hereby approved shall be provided and retained in this form at all times, and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

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

8. PARKING SPACE DIMENSIONS

CONDITION: Excluding any disabled vehicular parking spaces hereby approved, each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

REASON: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety.

9. ONGOING REQUIREMENT: HIGHWAYS RETENTION OF GARAGE/PARKING SPACES

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2 of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out in such a position as to prevent vehicular access and use of land shown on the approved plans as garage and parking spaces for vehicle use only.

REASON: In the interests of highway safety and to ensure adequate vehicular access to and use of parking and turning provision within the site is provided and maintained.

10. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS EXTENSION AND ALTERATIONS

CONDITION: Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):- no enlargement of, or additional windows, doors, rooflights, or dormer windows, shall be constructed/inserted on the dwellings hereby permitted, except pursuant to the grant of planning permission on an application made in that regard.

REASON: To enable the Local Planning Authority to retain control over the development in the interest of the amenity of the occupants of adjacent dwellings, and in the interest of the visual amenity of the locality.

11. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS WINDOWS

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class A and C 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 additional first floor side windows (facing westwards) or roof lights (facing westwards) shall be erected or installed on any of the dwellings hereby approved except pursuant to the grant of planning permission on an application made in that regard.

REASON - In the interest of the amenity of the occupants of adjacent dwellings.

12.FURTHER APPROVAL – PROW DIVERSION

CONDITION: No development in any phase shall commence above slab level until such time as an

Order securing, where necessary, the diversion of the existing definitive rights of way (within that phase) to a route to be previously agreed in writing by the Local Planning Authority that has been confirmed. The new agreed route(s) within phases one and two shall thereafter be constructed to the satisfaction of the Local Planning Authority prior to first occupation of any of the dwellings in phases one or two.

REASON: To ensure the continued safe passage of pedestrians on the public right of way and accessibility

13.COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the hereby 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 in phases one or two, 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 in phases one or two. 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.

14. DETAILS OF SHEDS FOR CYCLE PARKING

CONDITION: No development in phases one or two shall commence above slab level until details, including the location, design and size(s) of sheds to be placed in rear garden areas of dwellings in phases one and two, for the provision of cycle parking, have been submitted to and approved in writing by the Local Planning Authority. The sheds shall thereafter be provided in full accordance with the approved plans and retained for cycle parking in perpetuity, prior to the first occupation of any dwellings in phases one or two.

REASON: To ensure an appropriate level of cycle parking is provided and to enable the Local Planning Authority to retain control over the development in the interest of the amenity of future occupiers of the dwellings, and in the interest of the visual amenity of the locality.

10.3 **Informatives**

Positive and Proactive

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

Highways Informatives

Please be advised that all housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the

commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by Essex County Council.

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

General note: The proposed vehicular accesses shall be constructed at right angles to the proposed carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

General note: areas where there is no footway being provided adjacent to the carriageway and the intention is for these areas to be adopted a half a metre 'no build zone' will need to be provided and hard surfaced.

The areas directly adjacent to the carriageway(s) in which trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

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.

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.

11. **Additional Considerations**

Equality Impact Assessment

- 11.1 In making this recommendation/decision regard must be had to the public sector equality duty (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 that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

- 11.2 It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.
- 11.3 In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Human Rights

- 11.4 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.
- 11.5 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).
- 11.6 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

- 11.7 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.
- 11.8 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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PLANNING COMMITTEE

3rd December 2024

REPORT OF THE DIRECTOR OF PLANNING

Planning Enforcement Report

No information in this report is considered to be confidential. Personal and site information that may allow identification of the site and/or persons is not provided given the confidential nature of enforcement activities and consideration of data protection requirements.

Live Information was taken on **6th November 2024**.

The enforcement policy seeks to report the following areas.

- number of complaints received/registered in the quarter;
- number of cases closed in the quarter;
- number of acknowledgements within 3 working days
- number of harm assessment completions within 20 days of complaint receipt.
- number of site visits within the 20 day complaint receipt period.
- number of update letters provided on/by day 21
- number of live cases presented by category, electoral ward and time period since receipt;
- enforcement-related appeal decisions.

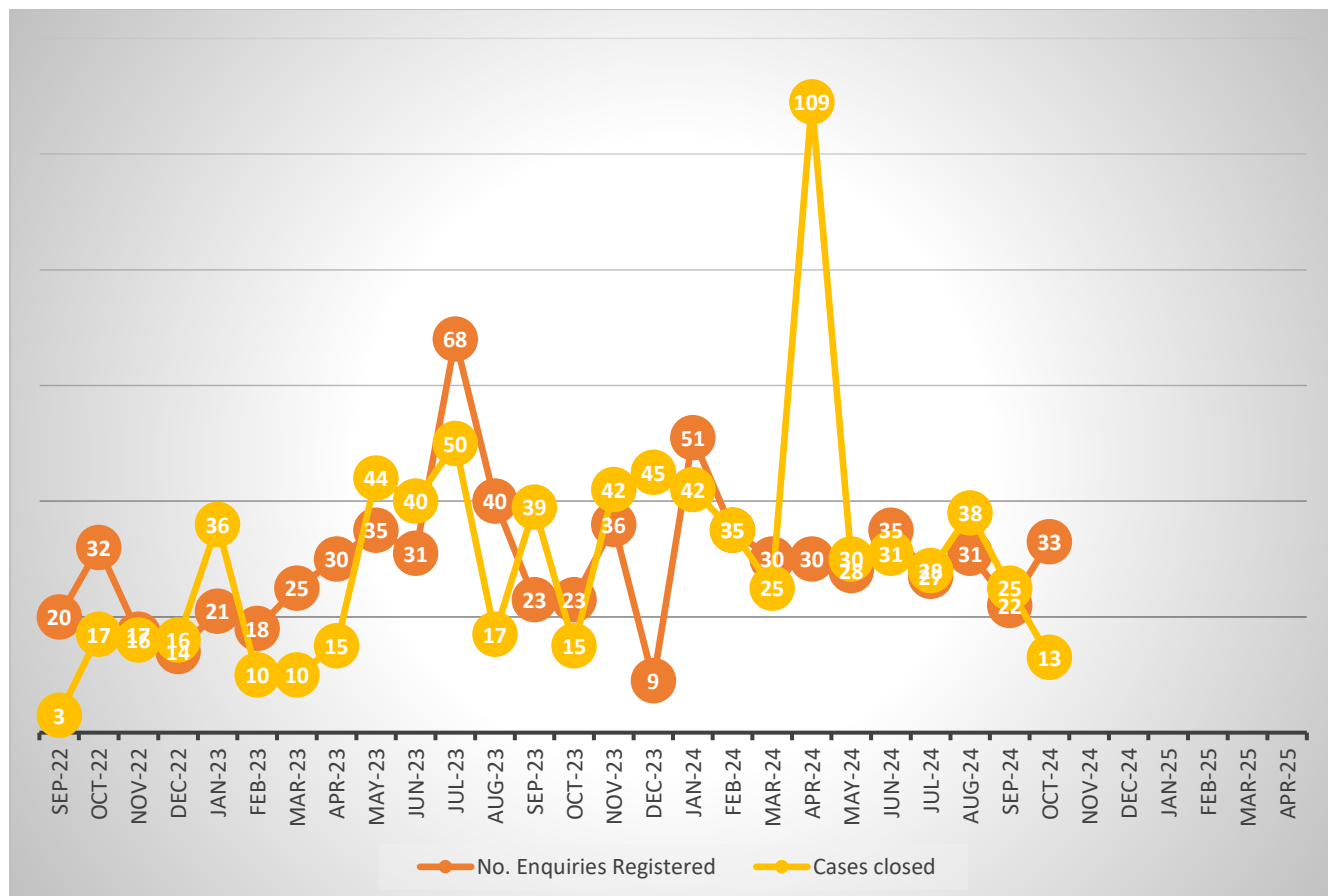
Please note that some areas continue not to be available given the resource to export information from the available system are not possible with the current database software, or as addressed directly below.

Number of enforcement complaints received/registered in the quarter +, number of cases closed in the quarter + and number of acknowledgements within 3 working days.

Month	Year	No. Enquiries Registered	No. Enquiries Registered in 3 Working Days	Cases closed
Sep-22	2022	20	20	3
Oct-22	2022	32	32	17
Nov-22	2022	17	17	16
Dec-22	2022	14	14	16
Jan-23	2023	21	21	36
Feb-23	2023	18	18	10
Mar-23	2023	25	25	10
Apr-23	2023	30	30	15
May-23	2023	35	35	44
Jun-23	2023	31	31	40
Jul-23	2023	68	68	50
Aug-23	2023	40	40	17
Sep-23	2023	23	23	39
Oct-23	2023	23	23	15
Nov-23	2023	36	36	42
Dec-23	2023	9	9	45
Jan-24	2024	51	51	42
Feb-24	2024	35	35	35

Mar-24	2024	30	30	25
Apr-24	2024	30	24	109
May-24	2024	28	28	30
Jun-24	2024	35	35	31
Jul-24	2024	27	27	28
Aug-24	2024	31	31	38
Sep-24	2024	22	22	25
Oct-24	2024	33	33	13

(Graph of information above, ENQ and Case Closed, includes earlier data not shown on the table above.)



1. Enquiries Registered:

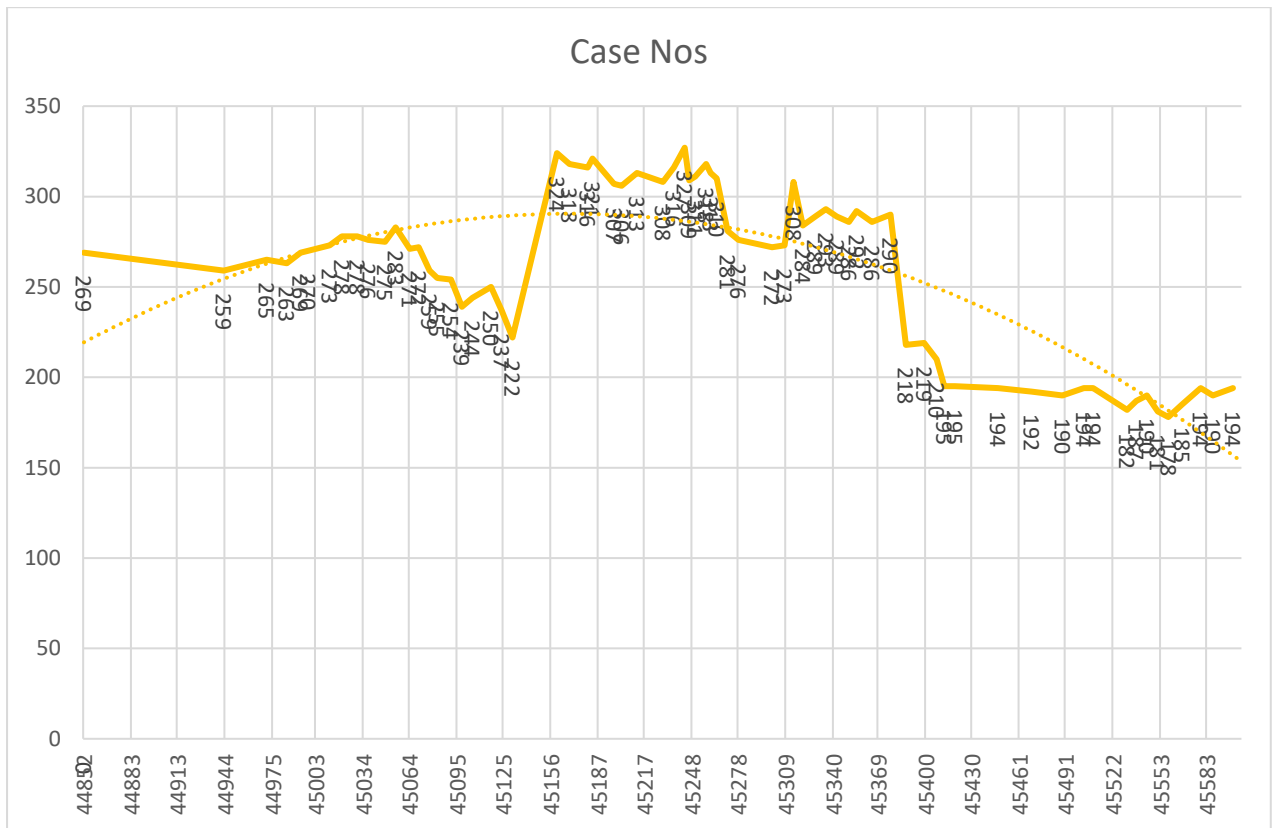
- The number of enforcement enquiries registered continues to vary each month, but through 2024 is around 30 to 35 a month.

2. Enquiries Registered within 3 Working Days:

- The data shows that all enquiries were registered within 3 working days across all months, indicating a timely response to new cases, except for April 2024 when the entire Uniform system was replaced taking over a week, causing delay to all parts of the service.

3. Cases Closed:

- The running average of case closures is around the same as new cases, but given the recent drop in staffing for Planning enforcement this has recently dropped. New officers will start at the end of November, but will need training and so this trend may take few months to resolve.



Above are points in time that that live case numbers have been recorded, around once a week as in the last year. As demonstrated above there was a significant decline in numbers of enforcement cases until August 2023 when the Jaywick project can forward. While this project continues and some of these matters are closed, officers have also tackled the historic backlog. From March 2024 we have maintained a consistent case load of around 190 to 200 to date.

Number of harm assessment completions within 20 days of complaint receipt.

At this time harm assessments are used twice for new cases when first created and updated or created for the conclusion of all cases. Harm assessments are stored in Idox and need to be manually counted. It is understood these are all completed within 20 days and the updated harm assessment through Member review has been implemented.

It is further noted that the Enforcement Policy sought a traffic light and priority system, and this has been implemented for new cases and all historic cases have been reviewed.

Priority 1 (P1) This category includes development which could cause irreversible or serious harm if the Council does not act immediately.

Priority 2 (P2) This category includes likely significant public concern or where there is significant immediate harm to the amenity of the area.

Priority 3 (P3) Minor breaches which do not result in significant immediate or irreversible harm or public concern.

There is a Priority 4, but these are non breaches of planning and so are closed within a couple of days.

Overlaying the priorities is the Red, Amber and Green traffic lights and together this results in the following table. For example P2AMD is Priority 2 and Amber. N/a means not assessed yet as these are new cases. This is the current position at the time of writing this report, there are no red cases.

P1AMB	6
P1GRE	4
P2AMB	16
P2GRE	10
P3AMB	94
P3GRE	58

Number of site visits within the 20 day complaint receipt period.

While site visits are recorded, there is not yet a report designed to pull out this information and would require a manual count. There is limited skilled technical officers available to design this report at this time. A new reporting tool has been requested that may assist, but not yet installed or set up and further work is paused pending priorities for Building Control and potential replacement software being reviewed by IT Services. From random sampling all initial visits were within 20 days of the complaint.

Number of update letters provided on/by day 21

It remains the case that there is also no report designed to pull this information from the system at this time and this needs expert help to create from the Uniform system in place. Taking a sample of cases in writing this report, all cases reviewed have achieved an update before day 21.

As a response to the Enforcement task and finish group the following actions continue.

- The engagement of regular updates to Members (a weekly list of enforcement cases placed on the Members Hub)
- Public Access online is now available for all Members and the Public to enable the public to self-serve appropriate information on enforcement cases (similar to planning applications but mindful of sensitive information).

Number of live cases presented by category, electoral ward and time period since receipt.

There are 194 Live Cases at the time of writing this report.

Time Period since receipt.

Age	No of Cases (14 th June)	No of Cases 6 th December	No of Cases 17 th April (219 cases)	No of Cases 7 th Nov (194 cases)
Year 1	73	167	174	119
Year 2	69	40	22	51
Year 3	21	12	10	12
Year 4	5	5	9	8
Year 5	4	4	1	3
Year 6	4	4	1	1
Year 7	49	49	None	None
Year 8	4	4	None	None
Year 9	1	1	1	None
Year 10	1	1	None	None
Year 11	2	2	None	None
Year 12	20	20	None	None
Year 13+	1	1	1	None

Category

INCOM	2
Alleged breach of condition	1
Alleged unauthorised advert	1
NOTICE	10
Alleged breach of condition	1
Alleged building works	2
Alleged change of use	6
Alleged Untidy Site S215	1
PCO	168
Alleged breach of condition	31
Alleged breach of occupation condition	2
Alleged building works	39
Alleged change of use	26
Alleged Non-Compliance with approved plans	8
Alleged unauthorised advert	4
Alleged Unauthorised Engineering Works	3
Alleged Untidy Site Jaywick S215	19
Alleged Untidy Site S215	13
Alleged works to a protected tree	2
Alleged works to Listed Building	7
Alleged Non-Compliance with Section 106	3
Alleged change of use to HMO	11
PLNREC	14
Alleged breach of condition	2
Alleged building works	6
Alleged change of use	4
Alleged Non-Compliance with approved plans	1
Alleged change of use to HMO	1
Grand Total	194

Electoral ward

The following is the number of current enforcement cases divided by Ward (Please note Ward in some cases is based on the Ward at the time of the enquiry being made).

Alresford & Elmstead	15
Ardleigh & Little Bromley	8
Bluehouse	1
Brightlingsea	6
Burrsville	3
Cann Hall	3
Coppins	1
Dovercourt All Saints	5
Dovercourt Bay	1
Dovercourt Tollgate	1
Dovercourt Vines & Parkeston	3
Eastcliff	5
Frinton	7

Harwich & Kingsway	4
Homelands	1
Kirby Cross	1
Kirby-le-Soken & Hamford	3
Lawford, Manningtree & Mistley	10
Little Clacton	2
Pier	7
St Bartholomews	3
St James	6
St Johns	6
St Osyth	16
St Osyth & Point Clear	1
St Pauls	1
Stour Valley	9
The Bentleys & Frating	3
The Oakleys & Wix	3
Thorpe, Beaumont & Great Holland	11
Walton	4
Weeley & Tendring	14
West Clacton & Jaywick Sands	30

Total 194

Current Enforcement-related appeals.

Please see the below detail of enforcement appeals currently still outstanding:

PINS Appeal Ref: [APP/P1560/C/24/3348388](#) & [APP/P1560/C/24/3348389](#) Uniform Appeal ref: 24/00035/ENFORC - Land Lying to The North-west of Rectory Lane Ramsey Essex CO12 5HA - Construction of a new access on to the A120 (EN case ref: 24/00157/BWK)

PINS Appeal Ref: [APP/P1560/C/22/3307026](#) Uniform Appeal ref: 22/00043/ENFORC - Goodhall Farm Coggeshall Road Ardleigh Essex CO7 7LR – Change of use of land from agricultural to B8 storage (EN case ref: 21/00304/ENFENQ)

PINS Appeal Ref: [APP/P1560/C/22/3308415](#) & [APP/P1560/C/22/3309012](#) - Uniform Appeal ref: 22/00048/ENFORC – Joint enforcement appeal for Forty Winks Dairy Farm Meadow St Osyth Clacton On Sea Essex CO16 8JG – Change of use of land to residential (EN case ref: 21/00149/CHGUS3) and Cow Lane, St Osyth Essex CO16 8JH – Change of use of land and operational development (EN case ref: 22/00027/ENFENQ)

In addition to the above, we are also awaiting an appeal decision against refusal to grant PPs

PINS Appeal Ref: [APP/P1560/W/23/3332297](#) Uniform Appeal ref: 23/00048/REFUSE - 112 Wellesley Road, Clacton CO15 3PT – Appeal against refusal for HMO use (EN case ref: 23/00041/COUHMO).

PINS Appeal Ref: [APP/P1560/W/24/3352355](#) Uniform Appeal ref: 24/00048/REFUSE – 5 Swift Avenue, Jaywick CO15 2JF – Appeal against refusal to grant PP for dwelling (EN case ref: 22/00262/ENFENQ)

By virtue of paragraph(s) 6a, 6b of Part 1 of Schedule 12A of the Local Government Act 1972.

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