



PLANNING COMMITTEE

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| DATE: | Tuesday, 4 February 2025 |
| TIME: | 5.00 pm |
| VENUE: | Committee Room, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE |

MEMBERSHIP:

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|---|---------------------------|
| Councillor Fowler (Chairman) | Councillor Goldman |
| Councillor White (Vice-Chairman) | Councillor Smith |
| Councillor Alexander | Councillor Sudra |
| Councillor Everett | Councillor Wiggins |

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DATE OF PUBLICATION: Monday, 27 January 2025

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 7 - 20)**

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Tuesday, 3 December 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 - 24-01384-OUT - Colchester Institute, The Clacton Campus, Church Road, Clacton-on-Sea, CO15 6JQ (Pages 21 - 72)**

Outline Planning Application (Access, Appearance, Layout and Scale to be considered) – Conversion of existing building and new build to form total of 60 flats (41 one-bedroom and 19 two-bedroom flats), associated car parking and site landscaping.

6 **Report of the Director (Planning & Communities) - A.2 - 24-00937-FUL - Elmtree Garage, Colchester Road, Elmstead, CO7 7EE (Pages 73 - 94)**

Demolition of existing buildings, removal of existing canopy, pump islands and underground tanks. Construction of new sales building with 'Food to Go' offer and ATM, installation of new canopy, pump islands and forecourt, installation of 2 x 60 KL underground fuel tanks, creation of new Electric Vehicle Charging (EVC) hub and associated infrastructure, jet wash bays and associated plant room, bin store, car parking, car care facilities and all other associated works.

7 **Report of the Director (Planning & Communities) - A.3 - 24-01716-FUL - Milton Road Car Park, Milton Road, Dovercourt, CO12 3LA (Pages 95 - 116)**

Demolition of the existing Milton Road multi-storey car park and replacement with an at-grade car park, cycle parking, and landscaping improvements.

8 **Report of the Director (Planning & Communities) - A.4 - 24-01643-FUL - Gunfleet Sailing Club, Marine Parade East, Clacton-on-Sea (Pages 117 - 128)**

Extension to the clubhouse to accommodate entrance lobby and enclosed race officer box for starting and managing donghy races.

- 9 **Report of the Director (Planning & Communities) - A.5 - 24-01596-FUL - Car Park/Skate Park, Clacton Leisure Centre, Vista Road, Clacton-on-Sea,x CO15 6DJ (Pages 129 - 138)**

Erection/installation of CCTV columns, cameras and ancillary equipment.

- 10 **Report of the Director (Planning & Communities) - A.6 - 24-01761-FUL - Outside 137-139 Old Road, Clacton-on-Sea, CO15 3AX (Pages 139 - 148)**

Erection/installation of CCTV columns, cameras and ancillary equipment.

- 11 **Report of the Director (Planning & Communities) - A.7 - 24-01763-FUL - Adjacent to 37 High Street, Opposite Former Post Office, Clacton-on-Sea, CO15 6PL (Pages 149 - 158)**

Erection/installation of CCTV columns, cameras and ancillary equipment.

- 12 **Report of the Director (Planning & Communities) - A.8 - 24-01764-FUL - Outside 48 Wellesley Road, Clacton-on-Sea, CO15 3PJ (Pages 159 - 168)**

Erection/installation of CCTV column, cameras and ancillary equipment.

- 13 **Report of the Director (Planning & Communities) - A.9 - 24-01765-FUL - Opposite Orwell Road, Marine Parade East, Clacton-on-Sea, CO15 1PR (Pages 169 - 178)**

Erection/installation of CCTV columns, cameras and ancillary equipment.

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, 4 March 2025.

Information for Visitors

FIRE EVACUATION PROCEDURE

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 3RD DECEMBER, 2024 AT 5.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

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| Present: | Councillors Fowler (Chairman), White (Vice-Chairman), Alexander, Bray, Goldman (except item 36), Placey, Sudra and Wiggins |
| Also Present: | Councillor M Cossens (except items 35 - 39), Councillor Everett (except items 35 - 39), Councillor Fairley (except items 36 - 39), Councillor Smith (except items 35 - 39) and Councillor Turner (except items 35 – 39) |
| In Attendance: | Gary Guiver (Director (Planning & Communities)), John Pateman-Gee (Head of Planning & Building Control), Joanne Fisher (Planning Solicitor), Michael Pingram (Senior Planning Officer) (except items 35 - 39), Oliver Ashford (Planning Officer) (except items 36 - 39), Jacob Jaarsma (Planning Team Leader) (except items 37-39), Maddie Adger (Leadership Support Manager) and Bethany Jones (Committee Services Officer) |
| Also in attendance: | Matthew Ramsden (Planning Enforcement Officer) |

30. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Everett (with Councillor Bray substituting), McWilliams (with no substitution) and Smith (with Councillor Placey substituting).

31. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the meeting of the Committee, held on Tuesday 5 November 2024, be approved as a correct record and be signed by the Chairman.

32. DECLARATIONS OF INTEREST

Councillor Goldman declared for the public record, in relation to Planning Application **24/00712/DETAIL – Land at 757 St John’s Road and Rouses Farm, Jaywick Lane, Clacton-on-Sea, CO16 8BJ** that, due to living near the application site, he would not participate in the Committee’s deliberations and decision making for that application and he would therefore leave the room.

33. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

34. **REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.1 - 23/01191/FUL - TENDRING TECHNOLOGY COLLEGE, ROCHFORD WAY, FRINTON-ON-SEA, CO13 0AZ**

The Chairman of the Planning Committee (Councillor Fowler) reminded Members that Councillors Placey and Sudra had not been present at the time the application had first been before the Committee in May 2024 and that therefore they would not participate in the discussions and decision-making, but they would stay in the room.

Members were also reminded that the proposal was for the erection of an Artificial Grass Pitch (AGP) on land that formed part of the existing playing pitch within the grounds of Tendring Technology College and that this application was before the Planning Committee following a call-in request by Councillor Turner, who had raised concerns that the development would result in a negative impact on the scene, and was of a poor layout and would result in a negative impact to neighbours.

Members were reminded that the application had been initially put before the Planning Committee at its meeting held on 14 May 2024, when Officers had 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 had therefore recommended, on a fine balance, that the application be approved.

At that meeting the Committee had decided to defer the application and had requested that 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.*

Following that deferral, the applicant's agent had subsequently provided a Bat Survey which had been confirmed to be acceptable by ECC Place Services (Ecology) subject to conditions, and this Council's Environmental Protection team had commented on the Noise Impact Assessment to confirm that they had considered both the applicant's and the local residents' Noise Impact Assessments fully, and had concluded that their earlier "no objection" comments remain unchanged. They had, however, suggested that the applicant's Noise Impact Assessment be updated to include additional information, which had since been undertaken. The Council's Environmental Protection team had confirmed that they were satisfied with the predicted noise levels and the evidence of compliance with relevant guidance, and therefore had had no adverse comments subject to the measures outlined within the Assessment being implemented.

Officers reminded Members that, in addition, the agent for the applicant had clarified that a Construction Method Statement had been submitted alongside the original application submission, and the Council's Environmental Protection team had previously confirmed that they were satisfied with the contents and had no adverse comments to make (in comments dated 14 September 2023).

An additional drawing had also been provided to outline alternative layouts for the 3G pitch alongside the wider site. Three options were 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 therefore 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.

Members were informed that, the proposal would generate a high level of public benefits, notably through the inclusion of modern fit for purpose facilities that could be utilised all year round. Sport England had offered strong support despite the part loss of an existing playing pitch, and Officers were not aware of an alternative location better suited for the proposed development, whilst equally noting that the Playing Pitch Strategy highlighted that there was both a current and future shortfall of youth 11v11 and 9v9 football pitches. A strong level of weight in the overall balance had therefore been given by Officers to the public benefits the scheme would provide.

Officers told Members that, the proposed development was not considered to result in significant harm to the character and appearance of the wider area, that there was sufficient parking provision and ECC Highways had offered no objections subject to conditions. Similarly, ECC Ecology had not objected to the proposal, subject to conditions, and whilst ECC SuDS had initially objected, that had been on technical matters which had since been addressed.

The Committee was also made aware that, in terms of the impact to neighbouring amenities, whilst from a purely technical perspective the change in noise level was considered to be acceptable due to the absolute noise levels being within the WHO guidelines and the suggested mitigation measures proposed, Officers equally acknowledged that there was 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 the neighbouring properties had helped reduce the level of harm, but Officers had still afforded weight to that harm in the overall planning balance.

Officers further reminded Members that, taking all of the detailed considerations above into consideration, Officers had concluded that, on this occasion there were strong wider public benefits of the proposed development that outweighed the identified harm and with that careful assessment, the planning application was recommended by Officers for approval.

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

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

An Officer Update Sheet had been circulated to Members prior to the meeting which informed the Committee that an additional letter of observation had been received from a neighbouring property, raising concerns that any noise generated would be increased in windy conditions.

Robert Rouse, on behalf of the applicant, spoke in support of the application.

Terry Allen, a member of the public and Chairman of the Academy Community Board, spoke in favour of the application.

Stephen Smith, a member of the public, spoke against the application.

Councillor Mark Cossens, Mayor of Frinton and Walton Town Council, spoke against the application.

Councillor Richard Everett, a Ward Councillor for Frinton, spoke against the application.

Councillor Nick Turner, a Ward Councillor for Frinton and the Caller-in of this application, spoke against the application.

| Matters raised by Members of the Committee:- | Officer's response thereto:- |
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| <i>Could Officers confirm if the bat survey that had been specifically requested had been done or not?</i> | <i>Officers have had a bat survey report undertaken and within that the bat activity at the site has been assessed. What was requested had been undertaken. Officers have consulted with Essex County Council Ecology Department, and they have confirmed they are happy with the findings.</i> |
| <i>Could Members have confirmation that the roosting feature identified by Councillor Everett has been included in the bat survey?</i> | <i>Yes, Officers received an email that was passed on to the applicant and it was also passed onto Place Services, who act for the Council regarding ecology matters. It was not included in the bat survey undertaken by the applicant but was considered (this is confirmed in their consultation response) by Place Services, have commented, and they considered that in their response to the survey undertaken.</i> |
| <i>Could you confirm that the bat survey and survey requested was done?</i> | <i>Yes.</i> |
| <i>The balance that has been discussed is the balance that will benefit the community, am I right?</i> | <i>Yes, as part of the overall planning balance, there are public benefits and there are obviously harms for neighbours and essentially to determine the amount of weight to give the neighbours. Officer opinion is that the benefits slightly outweigh the harms, but it is on balance that Officers have come to that conclusion and for Members to consider.</i> |
| <i>Regarding the rubber crumb (surface material for pitch), is the Council putting children's lives at risk and what is the evidence? Is there an alternative material and if the EU have identified this as not being good, why is the Council still allowing this to be used?</i> | <i>The rubber crumb does cause environmental harm, it is a micro plastic and a potential swallowing hazard which is included in various reports around it. There are other microplastics that are not banned and this microplastic for the crumb is currently not banned – it is not regarded as a banned substance in planning terms. It is being phased out around the world and it is believed the UK may review it next year. However, planning decisions have to be made right now. There is</i> |

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| | <i>currently no policy set against surface material such as this. Environmental Health have no objections. There is no recognised position to stop this material from being used and Officers consider it difficult to defend a refusal regarding that aspect alone.</i> |
| <i>Is it fair to say that on the balance of probability, if the application was to go ahead, is there a greater advantage to the community?</i> | <i>Yes, there are public benefits in the Officer report. In terms of community benefits, yes, on one hand Members could say yes there would be community benefits but on the other hand, there could also be harm.</i> |
| <i>What is before Members is how Officers reached their recommendation, is that right?</i> | <i>Yes.</i> |
| <i>Is it still the case that the Officer recommendation is balanced?</i> | <i>The overall position has not changed (since the last meeting), nothing has really changed, and the recommendation is highly balanced.</i> |
| <i>Is the Council aware of the warnings surrounding the rubber crumb?</i> | <i>A fair amount of research has been carried out and nothing immediately has come up. Other agencies have looked over this and there is a planned meeting in the middle of 2025; however, it is out there as a debate on the degree in harm. It is harmful. Officers cannot give any more than what is in the report.</i> |
| <i>Do Members have an analysis on why one of the independent reviews was accepted but not the other? (Note – reference to applicant’s survey on noise and the local resident survey)</i> | <i>Officers have had conversations with the Council’s environmental team, in short, they have acknowledged both reports, acknowledged the findings of the residents’ surveys, but in terms of the submission and the applicant’s assessment submitted, it (the applicant’s) is all within the relevant guidelines so there was nothing they could raise. There is going to be a level of noise disturbance, but it does meet the World Health Organisation’s criteria. The environmental team cannot object to the findings on those grounds.</i> |
| <i>How would you take the noise from spectators into account?</i> | <i>The noise impact assessment does discuss transient noises which includes voices. This is not the only pitch that might have spectators, so this is standard practice. There will be noise disturbance, whether that is from the players or any spectators, but there is not a spectators’ seating area, and the technical information falls within the guidelines.</i> |
| <i>What is the threshold for light spillage and how far are the floodlights within the threshold?</i> | <i>It has been confirmed that the floodlights fall under the threshold for this location. They are inward facing onto the pitch. The glare from the floodlights will not impact the neighbours, however there will be natural light spillage. There is a low level of weight to that harm. It is considered that the benefits outweigh the harm.</i> |
| <i>How will Officers stop people sitting on the bund?</i> | <i>There are 2 maintenance gates that will be managed at all times and not accessible. The pitch will only be used for events. The gates will deter</i> |

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| | <i>people from freely moving about in that area. The bund will be inaccessible during matches for people to sit on there.</i> |
| <i>Around the rubber crumb, Officers mentioned a meeting that will be happening in the middle of next year?</i> | <i>It may not be true, but currently that is what the new online propose (at this point in time).</i> |
| <i>If the rubber crumb is found to be very dangerous, does TDC deal with it?</i> | <i>TDC will be dealing with other authorities and with other organisations (with responsibility for public safety as necessary).</i> |

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

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 9.2 of the Officer Report (A.1), 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.

35. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.2 - 24/00885/FUL - TOTAL ROOFING SUPPLIES, OLD IPSWICH ROAD, ARDLEIGH, CO7 7QL

The Committee heard that this application was before the Planning Committee at the request of Councillor Fairley.

It was reported that the application sought permission for the retention of 2 no. 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 had all been implemented without express planning permission. The application therefore also sought retrospective planning consent for all unauthorised elements and other than the works outlined above, no further additions were proposed as part of this application.

Members were told that the proposed works were not considered to be harmful to the current prevailing character and appearance of the area. The proposal would also not result in any significant impact to neighbouring amenities, and it was satisfactory in terms of highway safety. Accordingly, the application had been recommended by Officers for approval subject to conditions.

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 (OA) in respect of the application.

There were no updates for Members on this application.

Councillor Zoe Fairley, the Ward Councillor for Ardleigh and Little Bromley and the caller-in of this application, spoke against the application.

| Matters raised by Members of the Committee:- | Officer's response thereto:- |
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| <i>The two containers sitting on top of each other, with the height being greater than the building around these, is this acceptable?</i> | <i>That is a matter for your debate and judgement. Officers would have nothing to warrant refusal on that basis if found to be unacceptable.</i> |
| <i>Where the Highways Conditions are included with the red lines on the Officer presentation, is making sure that they are adhered to Essex County Council's responsibility and not Tendring District Council's?</i> | <i>The conditions on this application will be imposed and referred to the enforcement team if they were not complied with should the application be granted. In terms of the wider site, the road itself is subject to ECC Highways and their enforcement.</i> |
| <i>Do we know what has prompted the applicants to apply for planning permission at this point and not considerably earlier?</i> | <i>It was a referral from our enforcement department, so Officers asked for an application to be submitted. It is not a material consideration. The site is subject to a different application, whilst dealing with that application, Officers can only apply public funding responsibly. With enforcement, there has to be a degree of time before amenity comes into effect.</i> |
| <i>If the site was not already there, what would be the Officer recommendation?</i> | <i>Whilst the advantage of a retrospective application is that Officers and Members can see what the application would look like, the requirement is to treat this application as if the site was not there and judge it on its own planning merits.</i> |
| <i>How long has this been outside of planning permission?</i> | <i>The existing 2 portacabins were in situ during a previous application in 2021, the others were in situ from June 2024.</i> |
| <i>Why has it taken so long for the Council to pick this up?</i> | <i>It has taken a while to get to this point. There was a reason to delay coming forward on this application because during the years in between, Officers have had a larger Surya Foods application that took precedence rather than taking forward this application (also JR and legal agreement matters). In planning, there is no penalty (with the exception of Listed Buildings) with respect of retrospective buildings. Members have to deal with the merits that are before them and not on the fact that it is a retrospective application.</i> |
| <i>Were the applicants aware that they needed planning permission?</i> | <i>Officers would hope they would be aware of the ongoing enforcement investigation that was opened at that time.</i> |
| <i>Could Officers expand on that please?</i> | <i>It is not within your remit to consider a different</i> |

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| | <p><i>balance of the planning merit that is before Members simply because application is a retrospective application, Members' role is to consider this as a proposed application. The applicants are allowed to make that application, there is nothing in the legislation stopping the applicants from making the application. The applicants are allowed to go through the normal planning process. In terms of if the applicants knew of their breach, that should not be given any weight. Members should think about if this application carries harm in planning terms.</i></p> |
| <p><i>Does the extending of the land have bearing on the Surya Rice application? Is there a judicial review that Members are not aware of?</i></p> | <p><i>In terms of the judicial review on the application, as far as the Officers know, it has not gone any further. In respect of if there is an overlap between this site and the other site, yes there is an overlap. If Members were to approve this application, it would carry on operating. If the Suyra Food application was to be implemented, which is not at this time, it does have conflict with this application, but that is for the applicant to resolve as necessary in that other application, not this one. The owners of the land are the same which means they could deal with that land quite quickly.</i></p> |
| <p><i>What was the reason for the long delay? (in respect of Surya)</i></p> | <p><i>There was a legal agreement that was necessary to be complete which took some time including a Highways related delay because some land had a Highways matter attached to it with some ownership issues over Highways land. Judicial review also delayed the decision. In this case, there were a few reasons why this took a while.</i></p> |
| <p><i>Essentially, this is a new application and that is what is being judged today, is that correct?</i></p> | <p><i>Yes.</i></p> |

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

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 9.2 of the Officer report (A.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 sending to the applicant of any informative notes as may be deemed necessary.

36. **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**

Earlier on in the meeting as reported under Minute 32 above, Councillor Goldman had declared for the public record that he lived near the application site, and that he therefore would not participate in the Committee's deliberations and decision making for this application. Councillor Goldman therefore left the room at this juncture.

The Committee heard that this application sought 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 formed part of a larger site that was a strategic allocation which already benefited 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 included 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 – those elements did not form part of the reserved matters application the subject of this Officer report.

Members were told that the application was in front of Members at the discretion of the Head of Planning and Building Control because the site was of major strategic importance for the Strategic Urban Settlement of Clacton-on-Sea.

The Committee was informed that the submission followed 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.

The Committee was made aware that the key elements of the approved outline consent, including primary access from both St Johns Road and Jaywick Lane, the broad location of major open spaces, and the designated Education Land were all fixed and had been carefully integrated into this detailed application. While some local objections had been raised, those mainly pertained to aspects already agreed upon in the outline permission or were issues that would be addressed through planning conditions and obligations imposed on and included in the outline consent, or were matters that the LPA felt had now been addressed through the submission of revised plans and documents (detail of which was provided through the Officer report).

Officers reminded Members that the proposed layout built on the approved access routes and spine road, and it was considered that the overall design and layout of phases one and two would create a cohesive and attractive development. The tree-line spine road and strategically positioned open spaces in phases one and two would contribute to a strong sense of place. The scale and appearance of the dwellings, along with the high-quality landscaping proposals, were considered by Officers to be appropriate for the surrounding area and set a positive precedent for future phases.

Members were further told that the concerns regarding access to the Education Land, particularly for vehicular and pedestrian traffic, had been addressed through revised plans. Both Planning Officers and ECC Officers now deemed 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.

Overall, the details for phases one and two were considered acceptable by Officers, and the application had therefore been recommended by Officers for approval, subject to conditions.

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

At the meeting, an oral presentation was made by the Council’s Planning Team Leader (JJ) in respect of the application.

An Officer Update Sheet had been circulated to Members prior to the meeting including minor changes to Conditions 3, 6 and 7 in order to make them more accurate and to ensure that they did not stand in conflict with any conditions imposed on the outline consent. That was as follows:-

“Condition 3 is recommended to be altered to read:

CONDITION 3: 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 leading to/from that dwelling/flat, 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.

Condition 6 is recommended to be altered to read:

CONDITION 6: Any proposed boundary planting shall be planted a minimum of 1m back from the highway boundary and any boundary planting above 600mm in height shall not be planted within any visibility splays.

Condition 7 is recommended to be altered to read:

CONDITION 7: Prior to occupation of each dwelling/flat in phases one or two, the car parking and turning areas for that dwelling/block of flats 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.”

Paige Milner-Harris, the applicant, spoke in support of the application.

| Matters raised by Members of the Committee:- | Officer’s response thereto:- |
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| Was the road leading from St John’s | Yes, that consideration was undertaken. When the |

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| <p><i>Road checked prior to, or since, the approval of the application of the St John's Plant Centre?</i></p> | <p><i>Outline application was considered back in 2023, the Committee was aware of the St John's Road proposals and the applicants for the Outline application took into account the St John's Road appeal decision's updated transport assessment and Highways have also taken that into account.</i></p> |
| <p><i>Are the affordable homes in close proximity and which ones are shared ownership?</i></p> | <p><i>In Page 117 of the Officer report (A.3), there is a table under section 8.9 that sets out the overall number of market dwellings. Officers can confirm that as a whole the Section 106 agreement has been secured. 20% of the 417 dwellings are affordable housing and the applicants are on course to deliver the affordable housing that is required of them. Starting north at St John's Road, there will be no more than 10 affordable dwellings in a row apart from one part of the site. On the southern part of the site, there is also no more than 10 affordable dwellings in a row.</i></p> |
| <p><i>With the school site not being considered today, is there any indication when the school site will be considered?</i></p> | <p><i>The Section 106 obligation relating to the education site states that the trigger for this is the Education Site Notice. Essex County Council will have a period of time in which to serve the Education Site Notice on the owners of the education site land and that period is called the Education Site Option period. That commences from the date that the development commences, and it ends 10 years later from the first occupation of the 300th dwelling. In any event, it does not expire until prior to the completion of the development. Phase 1 and phase 1a owners, the developer has to covenant within 6 months of the date of the service of the Education Site Notice to deliver the works on site.</i></p> |
| <p><i>Is the spine road going to be built the whole way through or in stages?</i></p> | <p><i>The majority of the spine road will be delivered as part of phase 1 and 2; however, the spine road will also go through phases 3 and 4 towards the Jaywick Lane end of the development site. Officers cannot make the developers build the entire spine road in one go.</i></p> |
| <p><i>Can Officers confirm that the market housing and affordable housing will look exactly the same?</i></p> | <p><i>Yes, they will be indistinguishable.</i></p> |
| <p><i>What are Officers doing about traffic calming?</i></p> | <p><i>There has been a number of meetings between the developer and ECC Highways. The internal spine road has been designed on the outset as a slow road. It will include raised sections; speed bumps and the road itself will have a lot of bends in it. It will not be attractive for rat running because of the nature of it and Jaywick Lane is further to the east which is a completely different road. Officers and ECC Highways are not concerned about the road</i></p> |

| | |
|---|---|
| | <i>being used inappropriately.</i> |
| <i>What is the likelihood that a Healthcare Centre will ever emerge?</i> | <i>Officers cannot give a definitive answer.</i> |
| <i>How are these properties going to be heated?</i> | <i>A condition is recommended seeking details of the renewable energy generation plan. There are also relevant conditions imposed on the Outline consent to do with the sustainability credentials of the development which remain outstanding.</i> |
| <i>On Page 122 of the Officer report, 8.41, should there be a condition for the calming measures?</i> | <i>There are detailed plans showing the exact location of every single calming measure within the spine road which has been signed off by Highways and listed in the long list of approved plans in condition 1.</i> |

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

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.3), the updated Conditions in the Officer 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 of any informative notes to the applicant as may be deemed necessary.

37. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.4 - ENFORCEMENT REPORT

The Committee had before it the latest planning enforcement report based on live information taken on 6 November 2024.

Members were aware that the enforcement policy sought to report on the following areas:-

- number of complaints received/registered in the quarter;
- number of cases closed in the quarter;
- number of acknowledgments 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.

Members noted that some areas continued not to be available given the resources to export information from the available system were not possible with the current database software, or as addressed directly in the Officer report.

RESOLVED that the contents of this report (A.4) be noted.

38. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Wiggins, seconded by Councillor Bray and unanimously:-

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

39. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - B.1 - ENFORCEMENT REPORT, MISTLEY QUAY

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

RESOLVED that the Planning Committee, having considered the contents of the report, determines that there has been a breach of planning control (as defined by Section 171A of the Town and Country Planning Act 1990 (as amended)) and Listed Building Consent (as provided under Sections 7 and 9 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended)) at Mistley Quay resulting from the unauthorised removal and replacement of parts/panels from the fence located adjacent to the Quay side as identified in this report and that it is considered expedient, having regard to the relevant legislation, provisions of the development plan and to any other material considerations, for enforcement action to be taken in line with Section 172 of the Town and Country Planning Act 1990 (as amended) and/or Section 38 of the Planning (Listed Building and Conservation Areas) Act 1990. It is requested, accordingly, that the Director of Planning and Community:

- (1) Delays taking any immediate action to enforce the breach of planning control and listed building consent, subject to the following:
 - (a) engagement with the owners of the land where the fence is situated to discuss a proposal for a suitable alternative fence, or no fence, and to allow the relevant planning application(s) and listed building consent application to be submitted within six months of this resolution; and/or
 - (b) Invite a planning and listed building consent application to be submitted for the retention of the works to the existing fence now in place within 2 months of this resolution; and
- (2) Following actions 1(a) and/or 1(b) above not being successful, or not engaged, to authorise the Director of Planning and Community to consider or pursue formal enforcement action to be taken which could include the issue and service of an Enforcement Notice under Section 172 of the Town and County Planning Act 1990 and/or a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Building and Conservation Areas) Act 1990; together with the reasons for that decision or action.

The meeting was declared closed at 8.58 pm

Chairman

PLANNING COMMITTEE

4th February 2025

REPORT OF THE DIRECTOR OF PLANNING

A.1. PLANNING APPLICATION – 24/01384/OUT – COLCHESTER INSTITUTE THE CLACTON CAMPUS CHURCH ROAD CLACTON ON SEA CO15 6JQ



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|----------------------|--|---------------------|--------------------|
| Application: | 24/01384/OUT | Expiry Date: | 25th December 2024 |
| Case Officer: | Alison Newland | EOT Date: | 7th February 2025 |
| Town/ Parish: | Clacton Non Parished | | |
| Applicant: | Mr David Allison - Marble Arch Group Ltd | | |
| Address: | Colchester Institute The Clacton Campus Church Road Clacton On Sea Essex CO15 6JQ | | |
| Development: | Outline Planning Application (Access, Appearance, Layout and Scale to be considered) - Conversion of existing building and new-build to form total of 60 flats (41 one-bedroom and 19 two-bedroom flats), associated car parking and site landscaping. | | |

1. Executive Summary

- 1.1 This application is referred to Planning Committee following a call-in from Councillor Paul Honeywood. The concerns raised relate to: Negative impact on urban design/street scene, highways impact and/or other traffic issues, poor layout and/or density issues, negative impact on neighbours, and inadequate parking provision exacerbated by it not being retirement provision.
- 1.2 The site lies within the settlement development boundary, Priority Area for Regeneration, Clacton Seafront Conservation Area (CSCA), and within the setting of Grade II listed buildings.
- 1.3 The application seeks outline planning permission, with all matters except landscaping included for consideration, for 60 flats as a part conversion part newbuild redevelopment of the former college site. The site has been vacant since 2020 and is in a very poor condition subject to repeated acts of antisocial behaviour. An appeal for 61 retirement apartments was dismissed in December 2022 on the grounds that the proposal would not preserve or enhance the character or appearance of the CSCA by virtue of the proposed architectural finish and detail appearing convoluted, monotonous, and out of character in the street scene.
- 1.4 The scale of development required to make the site viable for redevelopment, as evidenced by the viability assessments, will result in less than substantial harm to the character and appearance of the CSCA and setting of the Grade II listed former Grand Hotel, and harm to visual and neighbouring amenity. It is considered that, on balance, the public benefits of the proposal outweigh this harm and the application is recommended for approval.

Recommendation: Approval

- 1) That the Head of Planning and Building Control be authorised to grant outline 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.

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. Paragraph 78 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of 5% to ensure choice and competition in the market for land, unless the Housing Delivery Test (HDT) demonstrates significant under delivery of housing over the previous 3 years - in which case a higher buffer is required.

On 12th December 2024 the Government published the Housing Delivery Test: 2023 measurement. Against a requirement for 1,466 homes for 2020-2023, the total number of homes delivered was 2,343. The Council's HDT 2023 measurement was therefore 160%, and a buffer of 5% is to be used when calculating the Council's five year land supply position.

The Council demonstrates its supply of specific deliverable sites within the Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in July 2024, and demonstrates a 6.26-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. The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>

As a result, the 'titled 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>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

4. Planning Policy

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

National:

National Planning Policy Framework 2024 ([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
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP6 Infrastructure and Connectivity
- SP7 Place Shaping Principles

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

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP1 Improving Health and Wellbeing
- HP2 Community Facilities
- HP3 Green Infrastructure
- HP4 Safeguarded Open Space
- HP5 Open Space, Sports and Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable Housing
- PP12 Improving Education and Skills
- PP14 Priority Areas for Regeneration
- PPL1 Development and Flood Risk
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL7 Archaeology
- PPL8 Conservation Areas
- 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

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

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

[Essex Design Guide](#)

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

Biodiversity Net Gain Supplementary Planning Document June 2023 (DRAFT)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

5. Relevant Planning History

| | | | |
|--------------|---|------------------------------------|------------|
| 21/02027/FUL | Redevelopment for retirement living accommodation for older people (sixty years of age and/or partner over fifty five years of age) comprising 61 retirement apartments including communal facilities, access, car parking and landscaping. | Non determination appeal dismissed | 22.03.2022 |
| 24/00163/OUT | Outline planning application (Access/Layout/Design/Scale to be considered) for the demolition of the existing auditorium building, conversion and extension of the existing classroom building to form 35 No 1-bedroom and 2-bedroom flats, and erection of 41 No 1-bedroom and 2-bedroom flats within new build, and associated car parking. | Withdrawn | 13.06.2024 |

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/>.

East of England Ambulance Service

12.12.2024

This request is in addition to the submission by Suffolk and North East Essex ICS for primary care, acute, mental health or community services.

This development, should the application be successful, will affect Clacton ambulance station and Weeley ambulance station and the Colchester Hub which respond to emergency incidents to the development area as well as impact on the regional call centres. Response times to the development location are around 5 minutes from Clacton Ambulance Station, 20 minutes from Weeley and from the Colchester Hub circa 30 minutes to the development location using rush hour travel times.

This development of 60 dwellings would see an increase in patients of circa 132 residents which could generate an additional 30 emergency incidents per annum which combined with other developments in the local area places significant pressure on Ambulance Stations.

A new purpose-built Colchester Hub would hold approximately 35 ambulances and 4 rapid response vehicles. Each ambulance requires 78.46m² GIA at a cost of £5,167 per m². Ambulances would start and finish from the Hub, travelling to nearby ambulance response posts/stations to provide additional emergency ambulance services to meet population growth arising from this development.

EEAST are required to meet mandated NHS ambulance standard response times (see Table 1 below). For a life-threatening incident (Category 1), may require up to 4 emergency vehicles to manage the incident. This could include community first responder, rapid response vehicle and one or more DSAs are sent to this type of incident. On average, a face-to-face incident requiring transport to hospital will utilise an ambulance for 2 hours.

Table 1 Ambulance Quality Operational Standard 2024/25

| Operational Standards | 90 th Percentile (No Greater Than) | Mean (No Greater Than) |
|---|---|------------------------|
| Category 1 (life-threatening) incidents – proportion of incidents resulting in a response arriving within 15 minutes | 15 minutes | 7 Minutes |
| Category 2 (emergency) incidents – proportion of incidents resulting in an appropriate response arriving within 40 minutes | 40 minutes | 30 Minutes |
| Category 3 (urgent) incidents – proportion of incidents resulting in an appropriate response arriving within 120 minutes | 120 minutes | - |
| Category 4 (less urgent "assess, treat, transport" incidents only) – proportion of incidents resulting in an appropriate response arriving within 180 minutes | 180 minutes | - |

In 2023/24 for our population across the East of England of 6.1m we received 1,384,547 emergency calls:

- 92% patients received a face-to-face intervention with the remainder managed through Hear and Treat
- 55.0% patients attended required conveyance to emergency department
- equates to 0.23 calls per person per annum.

A developer contribution will be required to mitigate the impacts of this proposal and is calculated at £20,400.

Table 2 Capital Cost calculation of additional emergency ambulance health services arising from the development proposal

| No Dwellings | Infrastructure Cost* | Total |
|--------------|----------------------|---------|
| 60 | £340 | £20,400 |

* EEASTs baseline infrastructure cost calculation of £340 is based on 2.2 persons per dwelling adjusted pro-rata

The capital acquired would provide capital financial resources for EEAST to absorb the additional patient demand generated by this development on emergency ambulance health services. Funding, in agreement with the local council would be used to support one or more of the following:

- o Support provision of the new purpose-built Colchester Hub.

In terms of trigger points with regard to S106 developer contributions, it remains the case that the earliest possible developer contributions are vital to mitigate the health impact of the additional residents. EEAST puts the delivery of services to patients first and increasingly the need to support the viability and resilience of ambulance services, their ability to cope with increasing patient numbers in line with the NHS Long Term Plan.

ECC SuDS Consultee

07.12.2024

Wish to issue a holding objection to the granting of planning permission based on the following:

- Please clarify if the proposed discharge rate is as close to the 1 in 1 greenfield rate as possible. The HR Wallingford tool shows a 1 in 1 greenfield rate of 0.28l/s. The discharge rate should aim to be the 1 in 1 greenfield rate or 1l/s, whichever is greater.
- Please show the proposed discharge location on the drainage layout.
- Please clarify if there is any possibility to discharge to the surface water sewer on Marine Parade, shown in Appendix C.

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

Tree & Landscape Officer

09.10.2024

The site contains a few trees that soften the appearance of the existing building when viewed from street level. The trees are a Maple, two Sycamore and a Purple Leaved Plum. At the eastern end of the site the Maple and the Purple Leaved Plum make only a moderate contribution to the character and appearance of the area. The contribution that they make to the amenity of the locality could be relatively easily replicated by replacement planting.

The Sycamore adjacent to the highway, close to the north-eastern corner of the site is a prominent feature in the street scene and is shown as retained on the Proposed Site Layout Plan. This will, to a degree, help to soften the appearance of the development.

The Sycamore situated at the northwestern end of the site has fruiting bodies of a decay organism fungus present in the crown of the tree. This presence of this pathogen is likely to have severely compromised the structural integrity of the tree. For this reason, the tree has a shortened safe useful life expectancy and does not merit retention. The tree should be felled on safety grounds.

The applicant has not submitted an Arboricultural Impact Assessment (AIA) in support of the application. Nevertheless, the trees identified for removal do not merit retention and the tree with the greatest amenity value is shown as retained. Whilst the applicant may not need to provide a complete AIA; any planning permission, that may be granted, should be conditioned to secure information relating to the physical protection of the retained Sycamore for the duration of the construction phase of any approved development.

Any future planning application should be supported by soft landscaping proposals to soften and enhance the appearance of the development proposal. Tree planting opportunities should be maximised.

Historic England

17.10.2024

The present outline application is a revision of withdrawn application 24/00163/OUT to which we expressed our concerns. We considered that by virtue of its massing and incongruous design, the scheme would fail to enhance the conservation area, being harmful instead without justification.

The intensity of the scheme has been reduced, with 60 apartments being currently considered instead of the 76 previously proposed and the height reduced from six to five storeys. Whilst this is welcomed, the scheme would still appear to be higher than the neighbouring grade II listed former Grand Hotel potentially challenging its prominence; further detail would help to better assess that.

The design aspects of the scheme have not changed, and so in our view, the proposals would still represent an incongruous solution out of character with the conservation area. We refer to our previous advice for a more detailed assessment of significance and impact.

The current outline application is for the partial demolition and adaptation of the former Clacton Campus of the Colchester Institute Corporation. The complex falls within the residential character area of Clacton Seafront Conservation Area, with frontages to Church Road, Harold Road and Thoroughgood Road.

Due to its negative contribution to the Conservation Area, the site is proposed for removal in the revised Conservation Area Character Appraisal and Management Plan (2021). The latter however has not yet been adopted by the Council. Clacton Seafront Conservation Area is included in Historic England Heritage at Risk Register; its condition has been assessed as very bad; this is partly due to inappropriate modern development eroding historic character. Albeit not within main key views of the conservation area, the complex is prominent in views of important local landmarks such as the Roman Catholic Church of Our Lady of Light and St Osyth and the former Grand Hotel; these assets are also designated heritage assets on their own right, being listed at grade II.

When new development is proposed in conservation areas, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 calls for 'special attention' to be paid to the desirability of preserve or enhance the character or appearance of the area. This requirement to preserve or enhance the character or appearance of conservation area is also enshrined in the National Planning Policy Framework, in particular, paragraph 212.

We also draw your attention to paragraphs 205 and 206, which ask to give great weight to the conservation of heritage assets and require that harm (of any level) has clear and convincing justification.

In their present form, the proposals would fail to meet the above requirements, and therefore, Historic England retains its concerns on heritage grounds. Whilst we welcome the reduction in intensity of the scheme, we still consider in its present form would still be substantially larger than average, challenging the prominence of the grade II listed building. Further, the out of context design would detract from the character of the conservation area.

We believe that a viable, more sympathetic scheme is possible in this location. In its present form, the proposals cannot be supported on heritage grounds.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of the NPPF, in particular paragraphs 205, 206 and 212.

In determining this application, you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Wastewater Treatment

The foul drainage from this development is in the catchment of Clacton-Holland Haven Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Used Water Network

This response has been based on the following submitted documents: Flood Risk & Drainage Technical Note Project 1727 Dated 11-09-2024 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The Flood Risk & Drainage Technical Note Project 1727 Dated 11-09-2024 assessment states that it is proposed to utilise the existing connection into Anglian Water 300mm combined sewer at a restricted rate of 2.5l/s. It is also stated that should the CCTV survey demonstrate that an existing connection is not reasonably practicable, a new connection is to be proposed to the same AW 300mm combined sewer beneath Thoroughgood Road. We would request that the applicant submits sufficient evidence of the existing connection such as the quoted CCTV survey and flow date to demonstrate that the site is unrestricted. We would therefore recommend that the applicant consults with Anglian Water. Further assessment is required to establish whether network reinforcement is required, please note that this assessment and any necessary reinforcement work will be at the developers cost. We request a condition be applied to the decision notice if permission is granted. The purpose of the planning system is to achieve sustainable development. This includes the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. It is appreciated that surface water disposal can be dealt with, in part, via Part H of the Building Regulations, it is felt that it is too late at this stage to manage any potential adverse effect. Drainage systems are an early activity in the construction process and it is in the interest of all that this is dealt with early on in the development process. "

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Surface Water Disposal

No development shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy.

Affinity Water

No comments received

Independent Water Networks Ltd

No comments received

Essex County Council Archaeology

17.10.2024

The application is supported by a Historic Environment Assessment which identified that the existing building is of little heritage interest and the site is unlikely to preserve any significant archaeological remains due to previous disturbance. There will be no requirement for any archaeological investigation for the above application and there is no objection to the application.

Essex County Fire Officer

17.10.2024

Ask that the following are considered:

- Use of community spaces as a hub for our Prevention teams to deliver Fire Safety and Education visits, with the shared use of an electric charging point.
- Adherence to the requirements of the Fire Safety Order and relevant building regulations, especially approved document B.
- Installation of smoke alarms and/or sprinkler systems at suitably spaced locations throughout each building.
- Implementation of vision zero principles where there are introductions of or changes to the road network.
- Appropriate planning and mitigations to reduce risks around outdoor water sources.
- Suitable principles in design to avoid deliberate fire setting.
- Consideration for road widths to be accessible whilst not impeding emergency service vehicle response through safe access routes for fire appliances including room to manoeuvre (such as turning circles).
- Access for Fire Service purposes must be considered in accordance with the Essex Act 1987
- Section 13, with new roads or surfaces compliant with the table below to withstand the standard 18 tonne fire appliances used by Essex County Fire and Rescue Service.
- Implementation of a transport strategy to minimise the impact of construction and prevent an increase in the number of road traffic collisions. Any development should not negatively impact on the Service's ability to respond to an incident in the local area.
- A risk reduction strategy to cover the construction and completion phases of the project.
- Implementation of a land management strategy to minimise the potential spread of fire either from or towards the development site.

Additional comment from Protection department:

Due to the fact that there is a change of use building conversion taking place on site, an educational building to residential, our Service needs to be mindful of the implications to fully meet the requirements under building regulations. Essex County Fire and Rescue Service welcomes the opportunity to continue these conversations as the development progresses to ensure opportunities to reduce risk and improve the emergency service provision are realised.

ECC Green Infrastructure

09.10.2024

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 Environment Act (2021) place significant importance on protecting and enhancing GI, accessibility and biodiversity net gain.

Given that the proposed landscaping and green and blue Infrastructure layout of the site are reserved matters, and after reviewing the Ecological Appraisal Report, Design and Access Statement, Planning Statement, Biodiversity Net Gain Feasibility Phase Report, and associated documents submitted with the planning application, we do not object to the granting of 24/01384/OUT, based on the following:

The 25 Year Environment Plan emphasises the need to enhance green infrastructure in towns and cities to improve existing green spaces and support sustainable development. We acknowledge the challenges of onsite urban greening due to limited space. ECC GI Team welcomed that the application documents, such as the Biodiversity Net Gain (BNG) Feasibility Phase Report, Ecological Appraisal Report, and Design and Access Statement, provide evidence of proposed green infrastructure and landscaping. However, there is no specific section in the DAS, or a landscape plan identified accordingly. These documents outline site-specific proposals to address landscaping and BNG delivery. The proposals seek to include:

- Planting of species rich hedgerow.
- Two new native broadleaved trees.
- Landscape proposals to incorporate night scented plants or those species beneficial to bats.
- Private gardens.
- Areas outside of the terraces will provide opportunities for green roofs.
- Third and fourth floor to accommodate both green roofs and PV array.
- Flat terraces to include planters.
- Permeable paving for the car parking area.
- Other biological enhancements such as 2 bat boxes, 4 bird boxes, 2 hedgehog houses, log pile and invertebrate hotel.

The BNG Feasibility Phase Report calculates a net gain of 0.89 habitat units (65.99%) and a net gain of 0.47 hedgerow units for the site compared with the baseline habitats present of 0.53 units and zero hedgerow units.

Although the DAS Statement states that the landscaping is a reserved matter, it is still advised that a detailed landscape plan be provided detailing these enhancements measures mentioned above. That the onsite BNG for habitat and hedgerow gains, including those ecological measures that are not captured by the biodiversity metric (such as bird and bat boxes, hedgehog houses etc and landscaping/GI measures are secured by suitably worded planning conditions.

The BNG Feasibility Phase Report also states that a Landscape Ecological Management Plan (LEMP) will be developed for the 30-year maintenance period to secure the new habitats outlined in the reports. The ECC GI Team supports these recommendations for this to be included as a planning condition. Additionally, to meet the mandatory BNG requirements of sustaining on-site and off-site gains for at least 30 years, a Habitat Management and Monitoring Plan (HMMP) might be necessary as a planning condition. This should be discussed with the Local Planning Authority to determine whether the HMMP is required or if its details can be incorporated into the Landscape Ecological Management Plan (LEMP).

If minded to approve we would recommend the following conditions:

Condition 1

The Proposed Site Layout Plan provides indicative location of the proposed soft landscaping and GI and requires further details.

No development shall take place until a Landscape/ Green Infrastructure Plan that includes more information about the planned landscaping, to be submitted to and approved, in writing, by the Local Planning Authority. This should include but not limited to:

- Details of planting plans.
- The timescale for the implementation of each aspect of Green Infrastructure within that phase of development.
- Designed to deliver Biodiversity Net Gain and wider environmental net gains, that can contribute to nature recovery and the wider landscape scale GI network as proposed within the Preliminary Ecological Appraisal, Biodiversity Net Gain Feasibility Phase Report and Design and Access Statement.
- Demonstrate that the landscaping site/setting has been reviewed and designed to delivery multiple functions and benefits (listed in the Essex GI Strategy (chapter 5.1, page 35).

Condition 2

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). A CEMP will be required to set out how retained GI, such as trees, will be protected during construction. Ideally, strategic elements of the landscaping/GI framework are brought forward of the development relating to the landscaping and GI features to phase one delivery, 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.

Condition 3

No development shall take place until there has been submitted to and approved, in writing, by SuDS and landscape specialists at the Local Planning Authority a Landscape Ecological Management and Maintenance Plan (LEMP) and work schedule for a minimum of 10 years.

Details should include who is responsible for GI assets (including any surface water drainage system) and the maintenance activities/frequencies.

We would also expect details on how management company services for the maintenance of GI assets and green spaces shall be funded and managed for the lifetime of the development to be included.

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 LEMP/Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Condition 5

Planning applications subject to mandatory BNG shall require a Habitat Management and Monitoring Plan to be submitted to and approved in writing by the local planning authority. To ensure that the net gain in biodiversity agreed upon in the Biodiversity Gain Plan/ Assessment shall be implemented in full within a 30-year period. The Habitat Management and Maintenance Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports. The Habitat Management and Maintenance Plan should cover:

- Details of the management and maintenance operations, actions and work schedule for years 1 - 5 and with broader management aims for the lifetime of the BNG commitment of 30 years.

- Proposals for monitoring needed to measure the effectiveness of management, including methods, frequency and timing.
- Details of the roles and responsibilities for implementation and monitoring, as well as the legal, financial, and other resource requirements for BNG delivery, are secured.
- Including setting out the reporting procedures and options for remedial works and adaptive management to account for necessary changes in work schedule to achieve the required targets if needed.

Essex County Council Heritage

18.10.2024

The site is located within the Clacton Seafront Conservation Area and is in the setting of several designated and non-designated heritage assets. Most notably, the Grade II listed Colchester Institute Main Building (List Entry Number: 1380565), and the Grade II listed Roman Catholic Church of Our Lady of Light and St Osyth (List Entry Number: 1271909).

It is noted that the proposal is a revised scheme to that submitted under the withdrawn application 24/00163/OUT, which was for 76 flats over six storeys designed as a contemporary interpretation of 'seaside architecture'. Place Service's comments upon that application did not support the scale and design of the scheme as it would result in less than substantial harm to the significance of the Conservation Area, and less than substantial harm to the setting and significance of the Colchester Institute Main Building.

The increased amount of massing that could be accommodated on the site and the design quality was addressed in the dismissal of appeal 22/00010/NONDET. This current application proposes redevelopment of the existing four-storey building by increasing the height of built form occupying the west part of the site to four storeys, and through the addition of a fifth storey. The appeal Inspector considered whether the site could accommodate additional massing:

"The urban grain plan shows that the appeal site sits on a block which is between buildings with smaller plots and footprints and an area where there are buildings with larger footprints in the form of flatted development. Many of these buildings also address the corners with design features. As such I consider that it would be reasonable to have a higher building on the western area of the site. Indeed, within this context, a well-designed building of the scale proposed could be acceptable in principle."

The overall height of the building would exceed four storeys in the east part of the site, and the Inspector was clear that the increase in height should be limited to the west part of the site. The Inspector was also clear the scale of the building previously proposed (four storeys under a pitched roof) was appropriate in principle. This proposed scheme introduces additional massing with the introduction of a fifth storey. The increase in massing is not supported as it exacerbates the characteristics of the existing building which makes it further intrusive to the Conservation Area.

The Inspector also commented on the design approach noting: "The execution of the seaside architecture approach would in my view be the key to the success of the scheme in its entirety preserving or enhancing the CSCA [Clacton Seafront Conservation Area]."

The proposal is not a successful execution of seaside architecture, instead perpetuating the negative aspects of the existing building. The proposed balconies are not successful in expressing the building as a contemporary interpretation of 'seaside architecture'. Their projecting structure is bulky and as a feature repeated haphazardly across the width and depth of the building, they do not articulate the corners of the block. Instead appearing intrusive upon the street by not following the rhythm of those used in the surrounding development. Resulting in the projecting elements of the building appearing unduly prominent in the street scene.

As such, the proposal would not preserve or enhance the character or appearance of the Conservation Area. It is not clear how the proposal has taken reference to create a bespoke response to its context and instead draws design cues from the existing building. Features, such as the balconies, have the appearance of a 'bolted-on' fixture rather than a well-designed composition.

Having regard of the above, I do not consider this proposal is an appropriate interpretation of the style in its context. Notwithstanding the concerns regarding the increased massing, the proposed elevational treatment and design is inappropriate and unsympathetic.

Due to its massing and design, the proposal is intrusive upon the setting of the Grade II listed Colchester Institute building, being more prominent and detracting from views on Marine Parade. One of the key attributes of the listed building is its dominance in the street scene as it was originally designed. The proposal would detract from this aspect by its prominent incongruous design.

The proposal also fails to preserve the character and appearance of the Conservation Area contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The less than substantial harm to the significance of the Conservation Area and the Grade II Colchester Institute should be considered under paragraph 208 of the NPPF. Paragraph 212 and 203 (c) of the NPPF should also be considered.

The proposal does not contain a views assessment (with appropriate visualisations), which hinders understanding of the heritage impact of the proposal. In particular for the view towards the site along Thoroughgood Road from Main Parade East, the view towards the site along Harold Road from Main Parade East, and the view towards the site along Church Road, where corner property 26 Church Road makes a positive contribution to the character and appearance of the Conservation Area.

ECC Highways Dept

21.10.2024

The information submitted with the application has been assessed by the Highway Authority and conclusions have been drawn from a desktop study with the observations below based on submitted material. A previous site visit was undertaken in conjunction with an earlier planning application. It is noted that this application is like previous applications: 21/02027/FUL that went to appeal, and the appeal was dismissed in December 2022 and application: 24/00163/OUT that was previously acceptable to the Highway Authority. Like the most recent proposal this application will provide forty-two off-street parking spaces. Based on the supporting information it is anticipated that the proposals could generate a total of 16 vehicle movements during the AM peak hour, and 18 during the PM peak hour, based on the previous use of the site a significant reduction in vehicle movements which generated approximately 54 vehicle movements during the AM peak hour, 36 during the PM peak hour. Although the College Campus closed in 2020, it had limited off-street, car parking and inevitably would have generated a high demand for on-street parking by both staff and students throughout the day. The previous application included an on-street parking survey, undertaken between 17th and 18th October 2023. The results confirmed that the surrounding roads had an adequate amount of on-street parking available overnight for the previously proposed seventy-six units.

Owing to the sites central location the proposal has a number of key facilities and amenities all within walking distance, the location is close to existing public transport facilities that offer numerous bus routes that run through the centre of the town including the Railway Station located to the north of the site; considering these factors, the Highway Authority would not expect the change of use to 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, also the revised application will see a slight reduction in the number of units from seventy-six down

to sixty. It is noted that the proposal will make a positive contribution both economically and socially to an area identified as a priority for regeneration, 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.

2. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction above 600mm in perpetuity (western boundary). These visibility splays must not form part of the vehicular surface of the access.

3. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 4.5 metres (equivalent to 5 drop kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

4. Any part of the existing accesses (dropped kerbs) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use.

5. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and 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.

6. Each vehicular parking space shall have minimum dimensions of 2.5 metres x 5.0 metres. As per the Essex Parking Standards (Parking Standards: Design and Good Practice, Sept 2009) 6 metres should be provided behind each parking space to allow for manoeuvring.

7. The powered two-wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

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

9. As indicated in the supporting information and prior to first occupation of the proposed development, the Developer shall submit a residential travel plan, with the provision and

implementation of a Residential Travel Information Pack per dwelling, to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall then be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation.

10. Prior to occupation of the development, and to current Essex County Council specification, the upgrade of the two nearest bus stops (on either side of Skelmersdale Road) to include but not restricted to, 5-metre raised Kassel kerbs, cantilever shelters and bus timetables/ signs.

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:

i) In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

ECC Schools Service 14.01.2025

On this occasion ECC would not be responding as this application falls below our threshold for a response.

Essex County Council Ecology

29.10.2024

No objection subject to securing

- a) a proportionate financial contribution for delivery of mitigation for predicted recreational impacts in line with Essex Coast RAMS
- b) biodiversity mitigation and enhancement measures, including mandatory biodiversity net gains.

Summary

We have reviewed the Preliminary Ecological Appraisal Report (Practical Ecology, December 2023) and the Bat Survey Report (Practical Ecology, August 2024) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

In addition, we have also reviewed the Statutory Biodiversity Metric (Completed by Amber Stringer MSc, Assistant Ecologist, January 2024) and the Biodiversity Net Gain Feasibility Phase Report (Practical Ecology, January 2024) submitted to demonstrate how mandatory biodiversity net gains will be achieved.

We also note that the site is situated within the 22km Zone of Influence (ZOI) for the Blackwater Estuary SPA & Ramsar site. Therefore, Natural England's advice (see below) should be followed to ensure that predicted recreational impacts are minimised to the coastal Habitats sites from new residential development. The LPA is therefore advised that a financial contribution should be sought in line with the Essex coast RAMS per dwelling tariff, from the developer of this residential development.

This contribution will need to be secured by a legal agreement and we note that the LPA has prepared a HRA Appropriate Assessment Record to consider adverse effect on site integrity and secure the developer contribution for delivery of visitor management at the Blackwater Estuary SPA and Ramsar site and Essex Estuaries SAC.

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 Report (Practical Ecology, December 2023) and the Bat Survey Report (Practical Ecology, 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, nesting birds, and hedgehogs.

We also support the proposed reasonable biodiversity enhancements of:

- Planting of seed and fruit bearing plants with known value to wildlife
- Landscape proposals should incorporate night scented plants or those species beneficial to bats.
- A further two bat boxes should be integrated or mounted on the new building, at least 3 m high away from light sources and branches and with a clear line of flight.
- Planting of seed and fruit bearing plants with known value to wildlife and foraging benefits for birds.
- Four bird boxes; two 28mm and two 32mm hole fronted boxes to be mounted on trees or on the building and should be placed 2-4m high with a clear flight line.
- Two hedgehog houses could be installed in quiet areas of the Site.
- An invertebrate hotel and a log pile/logger can be created onsite to improve hedgehog and invertebrate habitat.
- Species-rich native hedgerow planting with species of value to wildlife
- Tree planting of two native broad-leaved trees included within the landscape design.

These enhancements have been recommended in the Preliminary Ecological Appraisal Report (Practical Ecology, December 2023) in order to secure net gains for biodiversity, as outlined under Paragraph 180d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be secured by a Biodiversity Enhancement Strategy.

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted the Statutory Biodiversity Metric (Completed by Amber Stringer MSc, Assistant Ecologist, January 2024) and the Biodiversity Net Gain Feasibility Phase Report (Practical Ecology, January 2024). Biodiversity net gain is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan, as well as the finalised full Statutory Biodiversity Metric - Calculation Tool, should be submitted prior to commencement as part of the biodiversity gain condition. Furthermore, we are satisfied with the post-development habitat creation which includes: Biodiverse green roof, Urban tree, Vegetated garden, Native hedgerow and Non-native and ornamental hedgerow.

As on-site habitat will contain significant on-site enhancements a Habitat Management and Monitoring Plan will likely be required for this planning application. If the LPA decides that this is required, it is highlighted that this should be in line with the approved Biodiversity Gain Plan, with the maintenance and monitoring secured via legal obligation or a condition of any consent for a period of up to 30 years. The monitoring of the post-development habitat creation will need be provided to the LPA at years 2, 5, 10, 15, 20, 25, 30 any remedial action or adaptive management will then be agreed with the LPA to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

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 Updated Preliminary Ecological Appraisal Report (Practical Ecology, December 2023) and the Bat Survey Report (Practical Ecology, August 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

2. CONCURRENT WITH RESERVED MATTERS - PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Preliminary Ecological Appraisal Report (Practical Ecology, December 2023).

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

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

Optional condition, as measures could be secured by planning obligation:

3. PRIOR TO COMMENCEMENT: HABITAT MANAGEMENT AND MONITORING PLAN (HMMP)

Prior to commencement of development, a Habitat Management and Monitoring Plan, in line with the approved Biodiversity Gain Plan, must be submitted to the planning authority and approved in writing.

The content of the Habitat Management and Monitoring Plan should include the following:

- a) A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Habitat Management and Monitoring Plan, with monitoring reports submitted to the council at the specified intervals.

Environmental Protection

03.10.2024

The EP Team have no comments to make during this planning phase.

Police Strategic Planning Consultation

30.09.2024

As a key emergency service provider, Essex Police advocates to continuously adapt and reflect its practices to ensure that the service provided is efficient and effective in keeping our communities safe. With the policing landscape continually changing we welcome any opportunities to develop and enhance this provision.

Emergency Services engagement

Key considerations

- To encourage effective engagement between Essex Police, Local Authorities and Developers at the earliest opportunity.
- To create a proactive, consistent, and informed early response to the new demand placed on emergency services that housing developments and infrastructure change will bring.
- To endeavour to create a collaboration programme with emergency services and other partners that will enhance our ability to achieve service benefits and property performance targets for the efficiency of the estate.

Community Safety Partnership and Emergency Service Estates Provision

Key considerations:

- Encouragement of proactive police service-related communication to new residents and communities that promote public confidence and cohesion.
- To deliver estates provision that responds to the demands of modern policing, embracing the digital and cultural enablers that allow us to reduce our physical footprint.
- Explore opportunities for a shared, environmentally sustainable co-located community estate that shares facilities in appropriate locations within the community to provide flexible spaces to accommodate the changing needs of policing and create a more local, visible, and accessible policing provision.

Designing out crime and Secured by design

Key considerations:

- To work with planners, architects, and developers to ensure that new developments in Essex provide a mix of well-designed homes, open spaces and promote neighbourhoods that consider community safety and wellbeing that provide benefit to all communities.
- That the prevention of Crime and Disorder is supported through well-designed places that includes the provision of a sense of community and safety.
- Ensuring 'Secured by Design' standards and applicable 'Police Crime Prevention Initiatives' are incorporated and fully exhausted throughout new development (including associated buildings) as a minimum whilst maximising opportunities against current and future and crime pattern changes.
- Implement a 'Crime Impact Statement' within the 'Design and Access Statement'. Such statements are devised to identify specific measures that will be adopted to reduce crime.
- Incorporating provision of affordable housing for key worker accommodation (inclusive of Police service staff).
- Ensuring that all work, education, and public spaces are well designed and promote safe, secure communities and environments.

Traffic management Considerations

Key considerations:

- To ensure an understanding of the key objectives for managing road infrastructure, improved vehicle design, redesigning speed limits and renewing Essex Police enforcement policy, all of which will be forefront in Essex Police strategic road safety campaigns.
- To be engaged with master-planning for any transport related developments, collaboratively working with the relevant authorities to ensure that new developments are planned and designed to improve safety on the various road networks. This will include preventing those Killed or Seriously Injured (KSI) and Road Traffic Collisions where possible.
- To engage in the Safe System approach 'Vision Zero', recognise that human beings' lives and health should never be compromised by their need to travel and any fatal or serious injuries that occur within the road system are unacceptable. This is considered as best practice in road safety according to the World Health Organisation and the Organisation of Economic Cooperation and Development (OECD).

Considering the prevention of crime and to enhance community safety, Essex Police believe that commercial and residential developers should contribute to the costs of installing Automatic Number Plate Recognition (ANPR) systems on newly designed roads.

Developers also need to consider how their planning decisions can have a negative long-term impact upon neighbours and communities around simple things such as parking disputes through the lack of available parking, which can be factored into Designing Out Crime.

In terms of road safety, Developers should make provision for all road users and in particular the most vulnerable road users, cyclists and pedestrians. Essex Police request developers to engage, educate and enforce on the road network alongside the ethos of the five essential pillars in the Safe System approach, ultimately to reach zero road related deaths, these being:

- Safe Speeds: Road users understand the risks and implications of exceeding the speed limit and therefore, travel at appropriate speeds to the conditions and within posted speed limits.
- Safe Road Use: Road users who know and comply with the rules of the road and take responsibility for the safety of themselves and others, especially the vulnerable.
- Safe Roads & Roadsides: Road design encourages safe travel and one that is predictable and forgiving of mistakes.
- Safe Vehicles: That vehicle fleets comprise of well-maintained vehicles that reduce the risk of collisions and, in the event of a collision, reduce the harm to road users, including pedestrians, pedal cyclists, motorcyclists and vehicle occupants.
- Post Collision Response & Care: Provision of a more operative response to collisions by working effectively with all emergency services and the National Health Service (NHS). Road victims receive appropriate medical care and rehabilitation to minimise the severity and long-term impact of their injuries. Learnings from collisions are captured and acted upon. Families of those killed or seriously injured are appropriately supported.

Zero Emission Fleet and Infrastructure Strategy

Key considerations:

- To include infrastructure considerations to ensure and develop an efficient policing response in the future. This includes such matters as community based Electric Vehicle charging points to support the Essex Police Zero Emission Fleet and Infrastructure Strategy.

Arch. Liaison Off, Essex Police

02.10.2024

Constructing well designed places, buildings and communities that promote both sustainable communities and health and well-being is an objective that the Essex Police Designing Out Crime Office widely supports, however, it is important that they must also be safe, secure, and accessible.

The DOCO would welcome the opportunity to discuss the following points with the applicant.

1. Consideration of access and egress proposals (inclusive of access control and permeability across the development)

2. Details appertaining door, window and glazing specification in line with recognised industry approved security standards
 3. External lighting
- Protecting and serving Essex
4. Boundary delineation (cognisant of means of escape for fire evacuation)
 5. Details regarding refuse collection
 6. Details regarding secure mail delivery
 7. Details regarding secure cycle storage
 8. Details regarding provision of utility meters
 9. Management and maintenance proposals

To effectively embed CPTED into this development, we recommend that the developer seeks to achieve the Secured by Design (SBD) - Homes 2024 accreditation in respect of all relevant aspects of this proposed development.

NHS East Essex CCG

16.10.2024

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.

2.1 The proposed development is likely to have an impact on the services of four GP practices including two 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.

2.2 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 would therefore expect these impacts to be fully assessed and mitigated.

4.1 The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 132 residents and subsequently increase demand upon existing constrained services.

4.2 The primary healthcare services directly impacted by the proposed development and the current capacity position are shown in Table 1.

Table 1: Summary position for primary healthcare services within 2km catchment (or closest to) the proposed development

| Premises | Weighted List Size ¹ | NIA (m ²) ² | Capacity ³ | Spare Capacity (NIA m ²) ⁴ |
|---------------------------|---------------------------------|------------------------------------|-----------------------|---|
| East Lynne Medical Centre | 9,259 | 341.55 | 4,981 | -293 |
| Old Road Surgery | 10,853 | 454.09 | 6,622 | -290 |
| Ranworth Surgery | 10,559 | 298.30 | 4,350 | -426 |
| St James Surgery | 18,722 | 581.60 | 8,482 | -702 |
| Total | 49,393 | 1,675.54 | 24,435 | 1,711 |

4.3 The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

5.1 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 but also address existing gaps and inequalities.

5.4 The development would give rise to a need for improvements to capacity, in line with emerging STP Estates Strategy; by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Clacton or through other solutions that address capacity and increased demand as outlined in 5.3 - Health & Wellbeing Statement. For this a proportion of the cost would need to be met by the developer.

5.5 Table 2 provides the Capital Cost Calculation of additional primary healthcare services arising from the development proposal.

Table 2: Capital Cost calculation of additional primary healthcare services arising from the development proposal

| Existing Primary Care Premise | Additional Population Growth (60x dwellings) ⁵ | Additional floorspace required to meet growth | Spare Capacity (NIA) ⁷ | Capital required to create additional |
|-------------------------------|---|---|-----------------------------------|---------------------------------------|
| | | (m ²) ⁶ MUST BE TO TWO DECIMAL PLACES | | floor space (£) ⁸ |
| East Lynne Medical Centre | 33 | 2.26 | 4,981 | £8,800.00 |
| Old Road Surgery | 33 | 2.26 | 6,622 | £8,800.00 |
| Ranworth Surgery | 33 | 2.26 | 4,350 | £8,800.00 |
| St James Surgery | 33 | 2.26 | 8,482 | £8,800.00 |
| Total | 132 | 9.04 | 24,435 | £35,200.00 |

5.6 A developer contribution will be required to mitigate the impacts of this proposal. Suffolk and North East Essex ICB calculates the level of contribution required, in this instance to be £35,200.00 Payment should be made before the development commences.

5.7 Suffolk and North East Essex ICB therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

North Essex Parking Partnership

In essence there is one car parking space for each of the one bedroom units. It is likely that 2 bed units will require 2 spaces each, and as such parking provision on site will not be sufficient. Whilst there are local transport links such as rail and bus, a majority of residents will not utilise these modes of transport and will be reliant on cars. There will need to be an acceptance locally that on street parking, in an area largely unrestricted is likely to increase significantly. It may be appropriate to secure funding should changes to the Highway in relation to parking control measures be required once development is complete and units are resided in.

UU Open Spaces

01.10.2024

Play Space - current deficit:

- Deficit of 2.22 hectares of equipped play in Clacton

Formal Play - current deficit:

- Adequate formal open space in the area to cope with some future development

Settlement provision:

- Formal Gardens 0.6 miles from development
- Play Area Marine Parade 0.7 miles from development

Officer Conclusions and Recommendations

Contribution necessary, related, and reasonable? to comply with CIL Regs*

- A contribution is relevant and justified to this planning application, the residents will require access to useable open space. Therefore, the contribution received would be used to make improvements at the public gardens on Clacton seafront.

Identified project*:

(In consultation with Town / Parish Council on upcoming projects or needs for maintenance)

- Improvements to pathways and infrastructure with the public gardens on Marine Parade, Clacton

Network Planner - UK Power Networks

07.10.2024

The proposed development is in close proximity to our substations and have the following observations to make: If the proposed works are located within 6m of the substation, then they are notifiable under the Party Wall etc. Act 1996. The Applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. The Applicant would need to be responsible for any costs associated with any appropriate measures required. Any Party Wall Notice should be served on UK Power Networks at its registered office: UK Power Networks, Newington House, 237 Southwark Bridge Road, London SE1 6NP.

Our engineering guidelines state that the distance between a dwelling of two or more stories with living or bedroom windows overlooking a distribution substation should be a minimum of ten metres if the transformer is outdoor, seven metres if the transformer has a GRP surround or one metre if the transformer is enclosed in a brick building. It is a recognised fact that transformers emit a low level hum which can cause annoyance to nearby properties. This noise is mainly airborne in origin and is more noticeable during the summer months when people tend to spend more time in their gardens and sleep with open windows.

A problem can also occur when footings of buildings are too close to substation structures. Vibration from the transformer can be transmitted through the ground and into the walls of adjacent buildings. This, you can imagine, is very annoying.

Waste Management

11.10.2024

The waste and recycling bin stores are to be of sufficient size to accommodate the equivalent of:

- 1000 litres wheeled containers for weekly food waste collection
- 11000 litres wheeled containers for fortnightly collection of residual waste
- 11000 litres wheeled containers for alternate collections of dry mixed recycling.

Site to be suitable to allow ingress and egress to 26 tonne refuse collection vehicles with vehicle access direct to bin stores with maximum drag distance of 10 metres for four wheeled bins and 25 metres for two wheeled bins over level surface with no kerbs or steps.

7. Representations

7.1 Parish / Town Council

Not applicable.

7.2 Neighbour / Local Representations

Councillor Paul Honeywood has called the application in for determination at Planning Committee on the following grounds:

- Negative impact on urban design/street scene
- Highways impact and/or other traffic issues
- Poor layout and/or density issues
- Negative impact on neighbours
- Inadequate parking provision exacerbated by it not being retirement provision

8 letters of objection have been received summarised below:

- Excessive number of units for the site
- Insufficient parking will exacerbate existing on street parking pressure
- Harm to privacy and outlook
- Contamination concerns with vandalism
- Pollution and amenity concerns during construction/demolition
- Design is out of keeping
- Too many one bedroom flats raises overcrowding and social concerns
- Could be used as holiday homes or rental apartments
- Inadequate refuse storage
- Site should be redeveloped with townhouses
- Same objections as previously rejected proposals
- Fails daylight and sunlight test contravening my right to light
- Is there EV charging and Building Regs Part L compliance

8. Assessment

Site Context

8.1 The application site is a former college located on Church Road within the settlement development boundary and Priority Area for Regeneration, and within Clacton Seafront Conservation Area (CSCA). The site fronts Church Road to the north/NW, Harold Road to the west/SW, and Thoroughgood Road to the east/NE. The existing building is in very poor condition and is part four storey and part two storey, with a single storey rear offshoot. The building is largely constructed in beige brick, with some cream and green cladding, and roofed in grey profiled-metal sheeting. To the east of the site is the Grade II Listed former Grand Hotel/Colchester Institute Main Building. To the southwest at the end of Church road is the Grade II Listed Our Lady of Light and Saint Osyth Church, and its Grade II Listed Lychgate.

8.2 The site fronts the highway to three sides but has immediately abutting neighbours to the SW at Seaview Court (three storey block of flats) and to the SE at 3 Thoroughgood Road (detached two storey house). To the north, south and west are a variety of dwellings and a number of flatted developments ranging from 1.5 to 4 storeys in height.

Planning History

8.3 Application 24/00163/OUT was withdrawn in June 2024 for a similar proposal comprising 76 flats in a flat roofed six storey building (20.5m to the main ridge). The concerns raised by the case officer were: Excessive height of the proposal detrimental to visual amenity, the character and appearance of the conservation area, and the setting of neighbouring Grade II listed former Grand Hotel/Colchester Institute building; absence of bat emergence survey; loss of privacy to 3 Thoroughgood Road from rear balconies; and absence of a S106 for affordable housing, RAMS, healthcare financial contribution, and public open space financial contribution.

8.4 Application 21/02027/FUL for 61 retirement apartments (41 one bed, 17 two bed) in a pitched roof four storey building was subject to a non-determination appeal. At Planning Committee in July 2022 Members confirmed if they had been in a position to determine the application they would have refused on the following grounds: insufficient parking; harm to character of conservation area by reason of poor design including significant mass and bulk; removal of educational facilities and fails to demonstrate lack of need; and failure to secure RAMS, affordable housing, NHS and open space contributions. During the appeal all reasons for refusal except harm to the character of the CSCA were withdrawn in response to discussions/additional information provided including viability assessment and S106 agreement. The appeal was dismissed by the Planning Inspectorate in December 2022 on the grounds that the proposal would not preserve or enhance the character or appearance of the CSCA by virtue of the proposed architectural finish and detail appearing convoluted, monotonous, and out of character in the street scene. The Inspector raised no objection to the scale, massing or material palette proposed; effect on the setting of nearby listed buildings; or parking provision. The appeal decision is a material consideration in the assessment of the current application and will be referred to at relevant parts of the report.

Proposal

8.5 Outline planning permission is sought with access, appearance, layout and scale included for consideration (landscaping is reserved) for conversion of existing building and new-build to form total of 60 flats (41 one-bedroom and 19 two-bedroom flats), associated car parking and site landscaping. The proposal retains, converts and extends the main classroom block but demolishes the auditorium.

8.6 The 60 flats comprise 12 one bed (one person), 29 one bed (two persons), 14 two bed (3 persons), and 5 two bed (4 persons) flats across a flat roofed five storey building. For comparison purposes the withdrawn application (24/00163/OUT) is shown in a black hashed outline, and the appeal scheme (21/02027/FUL) in a blue hashed outline on the proposed elevations.

Principle of Development

8.7 The site is located within the Settlement Development Boundary (SDB) for Clacton-on-Sea which is a Strategic Urban Settlement at the top of the Settlement Hierarchy. Under TDLP Policy SPL2 within SDBs there is a general presumption in favour of new development. The proposal is therefore in accordance with the spatial strategy established under TDLP Policies SP3, SPL1 and SPL2, and is acceptable in principle.

8.8 The site is not allocated for residential development so represents a 'windfall site.' Paragraph 73 of the NPPF confirms 'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:' 'd) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes;' The scheme would make use of a previously developed site for housing in accordance with the NPPF which attracts substantial weight.

8.9 The site is also located within a Priority Area for Regeneration under TDLP Policy PP 14 which confirms these areas will be a focus for investment in social, economic and physical infrastructure and the Council will also seek to preserve or enhance the heritage assets of these areas including the at risk conservation areas which includes CSCA. The existing building is understood to have been vacant since March 2020, is in a very poor condition and is subject to repeated acts of antisocial behaviour. In its current condition the site detracts from the environmental quality of the area, fails to preserve the character and appearance of the CSCA and poses a potential risk to community safety. Paragraph 124 of the NPPF confirms 'planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much

use as possible of previously-developed or 'brownfield' land.' The redevelopment of this negative brownfield site would contribute to these policy objectives and would also bring the associated economic benefits of construction and additional residents to the town centre. These regeneration benefits should be given considerable weight in the planning balance.

- 8.10 The proposal would result in the loss of a former educational facility. TDLP Policy PP12 states that proposals involving the redevelopment of educational facilities will be considered against TDLP Policy H2. This policy in turn states that the loss of existing community or cultural facilities will be resisted, unless replacement facilities are provided which meet the needs of the local population, or necessary services can be delivered from other facilities without leading to or increasing any shortfall in provision. Or, alternatively, if it has been demonstrated that there is no longer a community need for the facility or demand for another community use on site. This issue was considered in the appeal proposal, and it was accepted that the dated facility was no longer fit for purpose and its previous use could be adequately accommodated within the other Colchester Institute campuses. It would also be unrealistic to expect a community use to come forward given the investment needed as evidenced by the viability assessment. There is therefore no objection to the loss of the educational use.

Scale, Layout & Appearance

- 8.11 These matters are all included for consideration under the current outline application. Paragraph 131 of the NPPF states 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. TDLP Policy LP4 criterion h) requires that development delivers new dwellings that are designed to high standards of architecture, which respect local character and which together with a well-considered site layout, create a unique sense of place. TDLP 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. TDLP 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.
- 8.12 The existing building is of little architectural merit and is in very poor condition. It is largely four storeys high (main ridge 14.6m high with the tower extending to 16m), reducing to two storeys to the west (6.5m high fronting Harold Road rising to 9.2m high) and single storey (2.65m high) to the SW corner adjacent Seaview Court.
- 8.13 The appeal scheme was approximately 14m to the main ridge with corner turrets extending to 15m high, and a lower four storey element to the central section fronting Church Road. This proposal effectively filled the plot along the Church Road and Harold Road frontages. The proposal was set back around 9.5m from the boundary with 3 Thoroughgood Road, comparable to the siting of the current proposal, to allow vehicle access. It was accepted at appeal that a replacement building of four storey height to the east of the site would be acceptable, but Heritage Officers considered development to the west should reflect the existing two storey scale. The Inspector states: 'the appeal site sits within a varied area where both building heights along the surrounding road and the appearance of buildings are mixed. The urban grain plan shows that the appeal site sits on a block which is between buildings with smaller plots and footprints and an area where there are buildings with larger footprints in the form of flatted development. Many of these buildings also address the corners with design features. As such I consider that it would be reasonable to have a higher building on the western area of the site. Indeed, within this context, a well-designed building of the scale proposed could be acceptable in principle.'
- 8.14 It is therefore reasonable to use the accepted scale and siting of the appeal scheme as a comparison to the current proposal. The current proposal measures 17.4m to the main ridge with the flat roof of its penultimate floor of comparable height to the ridge of the pitched roof of the appeal scheme. The

main front elevation of the current proposal (excluding its projecting balconies) is set around 1.5m further back from Church Road, and its upper stories are around 2m closer to Seaview Court than the appeal proposal. Although the appeal scheme had a pitched roof it had multiple gable ends at eaves height which increased its overall bulk. The additional scale and bulk of the current proposal is therefore largely considered to comprise the whole top floor and the full height central section fronting Church Road. The top floor is set in from all elevations helping to reduce its prominence and the projecting balconies assist in breaking up the overall mass of the building. That notwithstanding the development would appear as a very large building within the street scene on a prominent wide plot with three road frontages. The greatest contrast in scale is to the dwellings opposite on Church Road which include 1.5 and two storey dwellings, and the two storey neighbour at 3 Thoroughgood Road. As assessed later in the report significant investment is needed to bring the site back into viable use. The volume of development proposed cannot therefore be feasibly reduced or the site will continue to remain undeveloped. The physical scale of the proposal is therefore largely dictated by the viability constraints, and this adds weight in the planning balance when considering the scale of the proposed building against the harm to the prevailing character of the surrounding area. Furthermore, given the present harm from the very poor condition of the existing building, it is considered that the increased scale of the proposal, supported by the viability evidence, would not be so harmful to visual amenity or the character of the surrounding area to justify refusing planning permission on these grounds.

- 8.15 The layout of the existing site, appeal scheme and current proposal are similar with all three having continuous development along the Church Road and Harold Road frontages, and vehicular access gained from Thoroughgood Road with parking around the rear site boundary. The current proposal also has parking to the corner of Thoroughgood Road and Church Road, and underneath part of the building. The existing electricity substation is retained. The building contains two lifts, three stairwells and a large refuse store. There is no on site public open space but there are four small private gardens fronting Church Road and space for soft landscaping around the perimeter of the site. There are no objections to the proposed layout.
- 8.16 The appeal scheme comprised a more traditional red and white brick building under a pitched tiled roof with stone sills and banding and included gables and corner turrets. The appeal decision confirms: 'The site is located to the rear of Marine Parade but would be visible from it along the roads which lead from it. The buildings along Marine Parade are distinct from those to the rear and it seems to me that the site would sit in a transitional location between the sea front and the area to the north of Church Road. In this context the appellant's design approach to seek to deploy seaside architect is appropriate in principle. However, the execution of this is key.'
- 8.17 The Inspector was critical of the design of the appeal scheme: 'the details shown to be applied to the appeal scheme would differ in proportion to those they seek to emulate. In this regard the gables and turrets would not be successful in creating a 'seaside' style. In addition, whilst the material palette would be appropriate, as would banding, the approach to the treatment of the appeal scheme would be convoluted and appear monotonous. As a result, it would appear out of character in the street scene and would not be reflective of the high standard of design required by the development plan and national planning policy. In this regard the execution of the Seaside architecture approach would not be successful.' 'Further the approach deployed would not represent a contrasting approach of high quality that could enhance the CSCA. As such I consider that the appeal scheme would appear discordant and intrusive.'
- 8.18 The proposed design provides a contemporary interpretation of seaside architecture. The external facing materials comprise a combination of warm white render, lime washed timber effect boarding predominantly laid vertically, and at the centre of the front (Church Road) elevation a small area of green panelling to match the existing with the same timber boarding laid horizontally. The design includes a focus on projecting balconies which are constructed of light grey metal, with white balustrades/louvres with timber handrails, and the same timber boarding to the underside of the canopies. Roofs are flat with light grey fascias and sedum roof planting with solar panels. Windows

and doors are dark grey upvc. This material palette is considered to compliment the detailed design of the building and samples/full details are required by condition to ensure a high quality finish.

- 8.19 The design of surrounding development is varied, and it is considered that the proposal would introduce a contrasting modern building rather than the more pastiche design of the appeal scheme. Due to the increased height of the current proposal, supported by the viability evidence, it is considered that the design of the building with its varied use of materials and dynamic arrangement of balconies provides visual interest that helps to break up the increased bulk of the building and prevent it appearing monolithic in the street scene. The appearance of the proposal is therefore considered acceptable.
- 8.20 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 (SHMA). The proposed housing mix (41 one beds and 19 two beds) is focused on smaller flats. However, this is considered reasonable given the viability restrictions of the site resulting in a large flatted development and its close proximity to the town centre which is likely to be attractive as starter homes or for downsizing.
- 8.21 All the flats comply with the nationally described space standards. Four ground floor units have their own small garden fronting Church Road, a condition will be imposed to remove permitted development rights for boundary treatments to ensure these gardens are screened by hedging in the interests of visual amenity and biodiversity. Most units above ground level have a private balcony, some have two. Out of the 60 units, 11 have no garden or balcony. Given the town centre location in close proximity to public open space and the beach there is no objection to this provision.

Heritage Assets

- 8.22 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.23 Paragraph 212 of the NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 215 of the NPPF states Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 210 adds In determining applications, local planning authorities should take account of: c) the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 219: Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.24 TDLP Policy PPL8 states that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of:
- scale and design, particularly in relation to neighbouring buildings and spaces;
 - materials and finishes, including boundary treatments appropriate to the context;
 - hard and soft landscaping;
 - the importance of spaces and trees to the character or appearance; and

e. any important views into, out of, or within the Conservation Area.

- 8.25 TDLP Policy PPL9 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal will cause harm to a listed building, the relevant paragraphs of the Framework should be applied dependent on the level of harm caused.
- 8.26 The CSCA Appraisal 2006 refers to the site: 'The next part of Church Road is institutional because it contains the backs of College buildings. The dominant building is of four storeys with a roof of profiled metal, and beyond that a slightly scruffy range of 1960's buildings.' The latest draft of the CSCA appraisal (2021) proposes to remove the site from the designated area to 'exclude modern development on the south side of Church Road which makes a negative or neutral contribution to the Conservation Area's character and appearance'. The draft also extends the boundary 'to include a consistent row of well-preserved historic dwellings of architectural interest on the north side of Church Road' which includes numbers 11 and 15 Church Road directly opposite the site. The draft is being taken to Cabinet on 31st January 2025. However, at the time of writing this is still a draft document, so the site remains within the CSCA. An update will be provided on this matter on the Officer update sheet.
- 8.27 Historic England welcome the reduction since the withdrawn proposal but still raise concerns regarding its height, potentially challenging the prominence of the Grade II listed former Grand Hotel, and its detailed design representing an incongruous solution out of character with the conservation area. They refer to the site currently being a negative feature, proposed for removal in the revised CSCA Appraisal, and that the CSCA is included within the Heritage at Risk Register with its condition assessed as very bad, partly due to inappropriate modern development eroding historic character. They confirm the site is not within main key views of the conservation area, but is prominent in views of the nearby Grade II listed Church and former Grand Hotel. Historic England consider these issues need to be addressed in order for the application to meet the requirements of the NPPF.
- 8.28 Historic England's previous advice on the larger withdrawn proposal gave a more detailed description of their design concerns: 'The increased massing coupled with the uncharacteristic design proposed would bear no relationship with its surroundings in terms of massing, appearance, rhythm or pattern of fenestration. Further, the proposed balconies and roofscape would be an alien feature in this context, being unduly prominent within the setting of nearby listed buildings and in this part of the conservation area. Consequently, Historic England cannot support the scheme in its present form and recommends the proposals are withdrawn or else refused.'
- 8.29 ECC Heritage also raise concern over the height and detailed design stating this 'is not a successful execution of seaside architecture, instead perpetuating the negative aspects of the existing building. The proposed balconies are not successful in expressing the building as a contemporary interpretation of 'seaside architecture'. Their projecting structure is bulky and as a feature repeated haphazardly across the width and depth of the building, they do not articulate the corners of the block. Instead appearing intrusive upon the street by not following the rhythm of those used in the surrounding development. Resulting in the projecting elements of the building appearing unduly prominent in the street scene.' They interpret the Inspector as only supporting an increase in height to the west part of the site.
- 8.30 However, our interpretation is that this was a focus of the appeal because of the significant difference in height between the existing and appeal building on the western side, but was similar height on the eastern side so was not contentious with the Inspector confirming 'The dispute remains over the western end of the site where the existing building is lower in height.' The Inspector did not give a view that the height of the appeal proposal was a maximum, so the proposal should be considered on its merits. In respect of the height ECC Heritage's view is that the 'proposed scheme introduces additional massing with the introduction of a fifth storey. The increase in massing is not supported as it exacerbates the characteristics of the existing building which makes it further intrusive to the Conservation Area.' 'Due to its massing and design, the proposal is intrusive upon the setting of the

Grade II listed Colchester Institute building, being more prominent and detracting from views on Marine Parade. One of the key attributes of the listed building is its dominance in the street scene as it was originally designed. The proposal would detract from this aspect by its prominent incongruous design.'

- 8.31 It is agreed by the parties that the overall significance of the CSCA in this area is derived from the Seaside Architecture and the formal planned street pattern and given the street pattern and building heights the site is not prominent in long distance or important views as accepted during the appeal. The layout would not impact on the street pattern of the CSCA as it would not exceed the site frontages. The main concerns raised by the heritage consultees focus on the incongruous design of the building (particularly in relation to its haphazard arrangement of projecting balconies and flat roof scape), harm to the setting of the Grade II listed former Grand Hotel and Grade II listed Church, and the five storey height and mass of the proposal making it further intrusive to the CSCA.
- 8.32 Modest balconies are a common feature of the CSCA. However, the proposed design is heavily focused on using balconies to provide visual interest and detract from the overall mass of the building and they form a dominant design feature. Given the viability evidence it is considered that a flat roof design is most appropriate in maximising the habitable floorspace required within a building of smaller mass. It is also considered that a more traditionally designed building under a pitched roof would result in significantly greater mass and prominence in the street scene. It is accepted that the five storey mass of the proposal and contrasting design will make it very prominent in the street scene resulting in harm to the character and appearance of the CSCA in this area. However, this harm should be weighed against the current harm from the existing, and increasingly dilapidated building, and in this context, Officer's consider that on balance the proposal would result in low level less than substantial harm to the character and appearance of the CSCA.
- 8.33 The Grade II listed Roman Catholic Church of Our Lady of Light and St Osyth lies over 100 metres away to the south west. The flats opposite the application site at the Gables and Surrey Court are substantial buildings of part three and four storeys, the proposal would be viewed beyond/in conjunction with these existing buildings in views from the church resulting in it not appearing prominently in the setting of this listed building.
- 8.34 The principal elevation of the Grade II listed former Grand Hotel fronts Marine Parade East but wraps around onto Thoroughgood Road and Vista Road. The existing main college building can be viewed from this point around 50m to the north west. Due to the orientation of the road, intervening dwellings, particularly the bulky mansard roofed Devon Lodge, interrupt this view. It is therefore considered that by virtue of the separation distance and siting and scale of intervening buildings that the harm to the setting of the former Grand Hotel would be limited to views from the junction of Thoroughgood Road and Marine Parade East, from within Thoroughgood Road, and from around the junction of Church Road and Thoroughgood Road. This less than substantial harm should also be considered against the current harm to its setting from the existing dilapidated building which measures 14.6 to the main ridge and 16m high to the tower which is closest to the listed building.
- 8.35 This less than substantial harm to the setting of the Grade II listed former Grand Hotel and to the character and appearance of the CSCA must be assessed against paragraph 215 of the NPPF which confirms this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Great weight and considerable importance should be given to the heritage assets' conservation.
- 8.36 The public benefits of the proposal comprise 60 dwellings in a sustainable location; redevelopment of a rundown brownfield site; and supporting economic growth through new residents' expenditure in a designated regeneration area. The failure to provide the required contributions towards NHS, ambulance service, open space, affordable housing, and bus stop improvements represents a public disbenefit. The viability evidence confirms significant investment is needed to bring the site back into viable use and the volume of development proposed cannot therefore be feasibly reduced or the site will continue to remain undeveloped which results in continued social and visual harm, and harm to

the character and appearance of the CSCA and setting of the Grade II listed former Grand Hotel. It is therefore considered that, on balance the public benefits of the proposal outweigh the identified less than substantial harm to the designated heritage assets.

- 8.37 The application is supported by a Historic Environment Assessment which identifies that the existing building is of little heritage interest and the site is unlikely to preserve any significant archaeological remains due to previous disturbance. ECC Archaeology therefore confirm no requirement for archaeological investigation.

Highway Safety/Parking/Access

- 8.38 Paragraph 115 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. TDLP Policy SPL3 (Part B) seeks to ensure that access to a new development site is practicable, and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and provision is made for adequate vehicle and cycle parking. TDLP Policy CP2 states proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
- 8.39 The Parking standards (2024) confirm a provision of one parking space per unit plus 0.25 visitor spaces in highly connected locations such as this with lower levels accepted in special circumstances with justification. 'In highly connected areas such as town centres, developments should aim to be car free/car-lite. These parking standards recognise that access to car club vehicles, and the promotion of such, can be considered as a 'mitigating circumstance' in favour of reduced car parking provision, especially in highly accessible areas.'
- 8.40 Access is included for consideration and vehicular access to the site is off Thoroughgood Road and Harold Road, access already exists in these general locations for the previous use. Pedestrian and cycle access is also available from the front and rear. The site is sustainably located within close proximity to public transport links, shops and services. The previous educational use with very limited on site parking must also be taken into account and would have generated a high demand for on-street parking by both staff and students throughout the day. The Transport Statement includes a parking survey undertaken 17.10.2023 which confirms the surrounding roads had an adequate amount of on-street parking available overnight for the previously proposed seventy-six units.
- 8.41 Parking was raised as a concern by Members and local residents for the appeal proposal. That provided a ratio of 0.33 parking spaces per apartment. Paragraph 43 of the appeal decision states: 'The standards allow for a reduction in an urban area with good public transport links. The location of the appeal site would meet this exception. In addition, the parking survey information demonstrate that there is generally on street parking available within close proximity of the site. Taken together I consider that all these factors demonstrate that the approach to parking is acceptable and planning permission should not be resisted on this basis.'
- 8.42 41 parking spaces are proposed for 60 flats (0.68 spaces per flat). This includes one car club space. There are 70 cycle spaces (62 within enclosed cycle stores) and four powered two wheeler spaces. The draft Residential Travel Plan from the withdrawn proposal is provided which refers to the proposed on-site car club which will provide one car for the shared use of residents of the development. The Transport Statement confirms the latest figures from COMO UK state that each car club vehicle in 2021 (latest survey results available) replaced 20 private cars and 73% agreed that car club memberships saved them money compared to owning their own car. The proposed provision of an on-site car club vehicle is therefore expected to reduce the parking demand of the development by 10 – 20 cars. The reduction is likely to consist of residents who only use their car for shorter or infrequent journeys and to reduce the number of flats that own more than 1 car. Submission of a Residential Travel Plan is included in the conditions.

8.43 The Highway Authority acknowledge the sustainable location of the site and supporting information provided and have no objection subject to 10 conditions. These include a Construction Management Plan; pedestrian visibility splays; detail of vehicular access; closure of redundant existing accesses; provision and retention of car, cycle and PTW parking areas; and residential travel plan/packs. These conditions are all considered reasonable and necessary in the interests of highway safety and are included within the recommendation. Requested condition 6 (parking space dimensions) is unnecessary as the proposed plans show compliance. Condition 10 (upgrading of two bus stops) is not imposed as the viability evidence confirms this cannot be provided. The proposal is therefore considered acceptable in terms of parking provision and highway safety.

Landscaping/Biodiversity

8.44 The site contains a few trees that soften the appearance of the existing building when viewed from street level. The trees are a Maple, two Sycamore and a Purple Leaved Plum. The Sycamore close to the north-eastern corner of the site is a prominent feature in the street scene and is shown as retained which will help to soften the appearance of the development, a condition is recommended to secure its physical protection during construction. At the eastern end of the site the Maple and the Purple Leaved Plum make only a moderate contribution to the character and appearance of the area and could be relatively easily replicated by replacement planting. The Sycamore at the northwestern end of the site is diseased and should be felled.

8.45 Landscaping is a reserved matter so would be considered under a separate reserved matters application should this current application be approved. However, the submitted information indicates that sufficient areas are provided for soft landscaping in addition to the sedum roofs and four private front gardens. Access and parking areas are shown to be permeable block paving, with contrasting permeable block paving to the pedestrian/cycle access which would result in an attractive appearance to the site.

Impact on Residential Amenity

8.46 Paragraph 135 of the NPPF states that planning should always seek to secure a high standard of amenity for all existing and future users. Policy SP7 requires that the amenity of existing and future residents is protected. TDLP Policy SPL3 seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties and also requires that buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents.

8.47 The closest neighbours to the site comprise 11-21 Church Road and 7 Thoroughgood Road opposite (north), flats at Langtry Court and the former Grand Hotel to the east, 3 Thoroughgood Road and flats at Seaview Court to the south, and flats at The Gables and Surrey Court to the west.

8.48 The increased height of the building raises concern in relation to potential loss of light to neighbouring dwellings. The Essex Design Guide confirms 'adequate daylight in interiors is achieved at an unobstructed 25° angle from a point 2m above floor-level at the façade.' 'In most cases, however, and in order to develop and maintain an attractive townscape, it is desirable for this spacing to be less.' Properties opposite on Church Road and to the east at Langtry Court would not experience a material loss of light. The 1.5 storey element of the former Grand Hotel to the south east would be obstructed, however it is already obstructed by the 16m high tower on the existing building. 3 Thoroughgood Road to the south would be obstructed however it is also already obstructed by the existing building. All three floors of the flank elevation of Seaview Court to the south would be obstructed, the affected windows serve bathrooms and secondary lounge windows however front bay windows and French doors provide the primary source of light to the lounges. The ground floor front windows of the flats at The Gables and Surrey Court to the west would be obstructed. Given the evidenced viability restrictions resulting in the scale of development proposed it is not considered

that the loss of light to neighbouring properties would be so significant to justify refusing planning permission on these grounds.

- 8.49 Impact upon amenity was not raised as an objection to the appeal scheme which included 61 self contained retirement apartments with the numerous kitchen and living room windows/juliette balconies facing in all directions across the four floors. It is also acknowledged the previous use of the site as a college had extensive areas of glazing particularly to the main building. This is also an edge of town centre location where there are numerous neighbouring flats with three and four storey windows providing views over neighbouring properties. The site primarily faces onto the public front elevations of neighbouring properties. The most sensitive relationship is to the south with the side elevations of the dwelling at 3 Thoroughgood Road, and the flats at Seaview Court.
- 8.50 3 Thoroughgood Road is a detached two storey dwelling with a front first floor balcony, and what appears to be a secondary kitchen window and door on the facing side plus non habitable lobby/bathroom windows, and a garden to the rear. This property is already heavily overlooked by the extensive glazing to the main college building, and by other neighbouring properties with first, and second floor windows. The proposal includes numerous windows and balconies facing the site with those at first and second floor most directly overlooking this neighbour. The most affected balconies at first and second floor level are fitted with louvered screens to reduce views to this neighbour and direct sightlines towards the sea. At third floor level the parapet on the floor below will limit views downwards to the neighbour's garden, and at fourth floor level the distance and set back will also reduce views to this property. The overlooking to this neighbour from the proposed flats will be significant. However, the proposed building is sited inline with the existing heavily glazed rear elevation which contains numerous offices, classrooms and communal areas providing clear views to this neighbour. The acceptance of the appeal scheme in terms of overlooking from rear facing apartments is also a consideration. This significant harm to the privacy of occupants of 3 Thoroughgood Road is weighed in the planning balance in the conclusion.
- 8.51 The facing flank of Seaview Court has bathroom windows and secondary lounge windows serving one flat across each of the three floors. This elevation is currently largely unoverlooked due to high level windows on the existing building and only oblique views from the large areas of glazing serving the auditorium. The proposal includes two secondary windows to the dining/living/kitchen on each of the first, second and third floors around 9.5m away. Given the use of these rooms and proximity to the secondary lounge windows serving Seaview Court a condition is recommended that they are fixed shut and obscure glazed to preserve privacy for both the neighbouring and proposed occupiers. The closest balconies are set in from this end elevation overlooking the street and set back on the main rear elevation of the building so will only provide oblique views and at a greater distance reducing the harm to privacy. The first floor balcony serving flat 38 and third floor balcony serving flat 54 are level with this end elevation so have a louvre screen added to reduce views towards Seaview Court. For comparison purposes the appeal scheme raised no amenity concerns and included heavily glazed living rooms in the turrets across all four storeys at a distance of around 11m. It is therefore considered that the harm to privacy of occupiers of Seaview Court can be adequately mitigated by conditions.
- 8.52 The increased scale of the proposed building raises concern in relation to potential loss of outlook to neighbouring dwellings. It is noted the current site comprises a large and unsightly main building, however the western element is part single and part two storey and therefore has a lesser impact on the outlook of neighbouring occupiers. The greatest change will be from neighbours to the western side of the site. The side elevation of Seaview Court currently looks across the single storey elements to the 6.5m tall building beyond (around 18m away). The proposal introduces a four storey building around 9.5m away so will materially harm their outlook. However, as these are bathroom and secondary lounge windows, with front facing bay windows/balconies providing the main outlook from the lounges to the street/seaward it is not considered that this loss of outlook would represent grounds for refusal. For comparison purposes the appeal scheme raised no amenity concerns and included the four storey pitched roof turret at a distance of around 11m.

- 8.53 The flats on the opposite side of Harold Road and the dwellings on the opposite side of Church Road (No. 11 and 15) will also experience a significant change in their outlook with the increased height at this western end of the site. The appeal scheme raised no outlook concerns and sat further forward on Church Road with a similar ridge height (excluding the set back of the proposed top floor). It is not therefore considered that the harm to neighbouring outlook from these properties would represent grounds for refusal.
- 8.54 A condition is imposed securing the approval and implementation of a construction method statement to minimise pollution and disturbance to neighbouring occupiers during the demolition and construction process. A condition is also imposed securing agreement of a local recruitment strategy in accordance with TDLP Policy PP12.
- 8.55 Uk Power Networks refer to their retained substation on site. This is enclosed so their guidelines recommend a seven metre separation to living and bedroom windows to reduce annoyance from the low level hum of the equipment. The closest affected units are flats 37 and 38 on the first floor. Flat 37 complies, however the windows serving the open plan dining/living/kitchen of Flat 38 are within 7 metres of the substation. A condition is included within the recommendation to address this issue, either by better acoustic insulation to the substation surround or by improved glazing to this unit.

Drainage

- 8.56 Paragraph 181 of the NPPF states: When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Policy PPL1 of the TDLP confirms: All development proposals should include appropriate measures to respond to the risk of flooding on and/or off site. All major development proposals should consider the potential for new Blue and Green Infrastructure to help mitigate potential flood risk and include such Green Infrastructure, where appropriate.
- 8.57 The site lies in Flood Zone 1 at low risk of flooding and is not in an identified surface water flood risk area.
- 8.58 ECC SUDS as Lead Local Flood Authority have a holding objection to the proposal and the applicant is preparing the additional information requested. Due to the nature of this proposal and existing site coverage it is considered this matter could be adequately resolved by condition as included within the recommendation, in consultation with ECC SUDS and Anglian Water.
- 8.59 TDLP Policy PPL5 states that all new development must make adequate provision for drainage and sewerage. Connection to the mains is the preferred option having regard to the drainage hierarchy and building regulations requirements. The application form confirms drainage will be to mains sewer.

Section 106 of the Town and Country Planning Act 1990 and Viability Matters

- 8.60 Paragraph 56 of the NPPF states: 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. Paragraph 59 adds It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning practice guidance, including standardised inputs, and should be made publicly available.

8.61 This application is supported by a viability assessment, which has been subject to independent review. The assessment states that the development is only able to provide the RAMS contribution and cannot support any additional S106 contributions. The independent review confirms that the applicant's predicted sales value of £325 sq/ft appears to be optimistic but has been adopted. Their construction costs equating to £183 sq/ft are also assessed as understated with the independent review adopting costs of £218 sq/ft (this is due to the applicant understating the gross internal floor area by using the net internal floor area of the flats plus 15% for circulation space/corridors etc). The applicant adopted a profit of 20%, however the independent review considered 17.5% to be reasonable. The applicant adopted a site value of £0.10m however in the absence of an existing educational use that is capable of producing a value the independent review adopted a nominal site value of £1. The applicant's appraisal generates a deficit of c. £1.75m. The independent review using the applicant's costs generates a deficit of £1.25m. The independent review using their own costs (due to the applicant's discrepancy in their floor area calculation) generates a deficit of £3.14m. It is therefore accepted that the proposal cannot support any S106 contributions (except RAMS which is mandatory). The required contributions are detailed below:

Affordable housing

8.62 Paragraph 64 of the NPPF states: Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site... TDLP Policy LP5 states: To promote a mix of housing tenure in the District and address the housing needs of people and families with lower incomes who cannot afford to buy or rent housing on the open market, the Council will work with the development industry to provide new affordable housing. For proposals of 11 or more (net) homes the Council will expect 30% of new dwellings, (including conversions) to be made available to Tendring District Council or its nominated partners to acquire at a proportionate discounted value for use as affordable housing. No affordable housing is provided as supported by viability evidence.

RAMS

8.63 As detailed above a financial contribution of £163.86 per dwelling (£9,831.60) is required towards the Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS). This is secured via condition within the recommendation.

Education

8.64 TDLP Policy PP 12 states: Planning permission will not be granted for new residential development unless the individual or cumulative impacts of development on education provision can be addressed, at the developer's cost, either on-site or through financial contributions towards off-site improvements.

8.65 The Education Authority confirm they are not seeking a contribution from the development.

Healthcare

8.66 TDLP Policy HP 1 states The Council will work to improve the health and wellbeing of residents in Tendring by seeking mitigation towards new or enhanced health facilities from developers where new housing development would result in a shortfall or worsening of health provision.

8.67 NHS health and social care confirm the existing local GP practices do not have capacity to accommodate the additional growth resulting from the proposed development so they are seeking a contribution of £35,200. The East of England Ambulance Service also seek a contribution of £20,400 to support provision of a new purpose-built Colchester Hub. No healthcare contribution is provided as supported by viability evidence.

Highways

8.68 The Highway Authority seek the upgrading of two bus stops in the vicinity of the site. No bus stop improvements are provided as supported by viability evidence.

Public open space

8.69 TDLP Policy HP5 requires major new residential development to provide a minimum 10% of the gross site area as open space. If new development would be better served by existing or proposed open spaces within an accessible distance (having regard to the standards set out in the Open Spaces Strategy or any future update), a financial contribution in lieu of on-site provision may be sought through a s106 legal agreement or an appropriate alternative mechanism towards any necessary improvement or expansion of existing, or the delivery of new, open spaces and/or sports facilities.

8.70 The Council's open space team confirm a deficit in Clacton and request a contribution (£107,302) to make improvements to the public gardens on Clacton Seafront. No open space contribution is provided as supported by viability evidence.

Habitats, Protected Species and Biodiversity Enhancement

8.71 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

8.72 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.

8.73 This development is subject to the general duty outlined above. The following features underscore how the proposal positively impacts biodiversity, offsetting requirements necessary for the development to take place. The proposal includes reasonable biodiversity enhancements comprising: Planting of seed and fruit bearing plants; night scented plants or those species beneficial to bats; four bat boxes; four bird boxes; two hedgehog houses; an invertebrate hotel and a log pile; species-rich native hedgerow planting; green roofs; and planting of two native broad-leaved trees. 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.

8.74 ECC Ecology confirm no objection subject to securing the RAMS contribution and conditions securing the recommended mitigation and biodiversity enhancements, which have been included. Sufficient information has been provided at this stage in relation to BNG and the full requirements are secured by condition. Both ECC Ecology and Green Infrastructure also refer to the potential to secure a Habitat Management and Monitoring Plan in relation to the proposed on-site enhancements. However, it is considered that this matter is satisfactorily addressed by the requirements of the BNG condition and associated Biodiversity Gain Plan.

8.75 ECC Green Infrastructure have no objection subject to conditions. Given the limited onsite habitat in this case their recommended conditions 1 and 2 are considered to duplicate the requirements of the future reserved matters for landscaping and biodiversity/tree protection conditions (within CMS) so

are not imposed. Their requested conditions 3 and 4 are also duplicated by the requirements of the surface water drainage and biodiversity enhancement conditions.

Biodiversity net gain

- 8.76 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 statutory framework for BNG applies. This involves the imposition (automatically applied as a deemed condition) of a planning condition on approvals to ensure the objective of at least 10% net gain over 30 years. The determination of the Biodiversity Gain Plan (BGP) under this planning condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Development may not be begun until the BGP, via planning condition discharge, is approved. Given this position, the government strictly provides it would generally be inappropriate for decision makers to refuse an application on the grounds that the biodiversity gain objective will not be met. It is considered logical to confirm this closer to commencement of development, given the potential number of options available. This further supports the position that the biodiversity gain objective can always be met in some form. Sufficient information has been provided at this stage in relation to BNG and the full requirements are secured by condition.

Protected Designated Habitats

- 8.77 The site falls within the recreational Zone of Influence (ZOI) of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.
- 8.78 A Habitat Regulations Assessment has been completed for the proposal. The new development would be likely to increase the number of recreational visitors to the designated area and, in combination with other developments, it is likely that the proposal would have significant effects on the designated site. A condition is imposed to secure the necessary mitigation/financial contribution for RAMS to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Protected Species

- 8.79 In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. The Preliminary Ecological Appraisal (PEA) dated December 2023 originally submitted with the withdrawn application highlighted the low suitability for roosting bats within the main building and recommended further investigation. The submitted Bat Survey Report dated August 2024 observed no bat activity on site and only low levels of foraging and commuting activity were recorded (common pipistrelle) indicating low levels of bat activity in the area. Compensatory and enhanced roosting habitat is proposed in the form of four bat boxes to be mounted on the building, bat sensitive lighting, and precautionary measures recommended during construction. The PEA confirms the damaged building is used by nesting birds and on site vegetation also offers suitable habitat for birds and small mammals so precautionary measures are recommended. Biodiversity enhancements are recommended for all the above species.
- 8.80 In compliance with relevant wildlife legislation and planning policies, the development will adhere to best practices to protect and enhance the habitat for these protected species. Additionally, ongoing

monitoring and adaptive management strategies will be conditioned and implemented as necessary including a detailed Protected Species Mitigation and Management Plan to ensure the continued protection of these species throughout the development process.

- 8.81 Biodiversity Conclusion: In accordance with the overarching duty outlined above, this development is committed to actively contributing to the conservation and enhancement of biodiversity as set out above and within the planning conditions. The development aligns with the statutory framework for biodiversity net gain, striving to achieve a 10% net gain in biodiversity value over 30 years. In conclusion, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Sustainable construction and design

- 8.82 TDLP Policy PPL10 states that all development proposals should demonstrate how renewable energy solutions, appropriate to the buildings, site, and location have been included in the scheme and for new buildings, be designed to facilitate the retro-fitting of renewable energy installations. This should also address water conservation measures such as rain water harvesting.
- 8.83 It is indicated EV charging will be provided and solar panels to the roofs, a condition is included to secure the full details of this within a Renewable Energy Generation Plan in the interests of sustainability.

9. Conclusion

- 9.1 It should be accepted that the current site results in significant harm to visual amenity; the character and appearance of the locality and CSCA; the setting of the Grade II listed former Grand Hotel and represents a serious antisocial behaviour issue. Great weight should be given to the heritage asset's conservation. The scale of development required to make the site viable for redevelopment, as evidenced by the viability assessments, will result in harm to neighbouring amenity as detailed within the report, including significant harm to the privacy of occupiers of 3 Thoroughgood Road.
- 9.2 The public benefits of the proposal include 60 dwellings in a sustainable location and redevelopment of a rundown brownfield site. As confirmed by the NPPF great weight should be given to the benefits of using suitable sites within existing settlements for homes. The proposal would support economic growth through new residents' expenditure in a designated regeneration area and these regeneration benefits should be given considerable weight. The failure to provide the required contributions towards NHS, ambulance service, open space, affordable housing, and bus stop improvements represents a public disbenefit which weighs against the proposal. It is considered that, on balance, the public benefits of the proposal outweigh the identified less than substantial harm to the character and appearance of the CSCA and setting of the Grade II listed former Grand Hotel; the harm to the prevailing character of the surrounding area; and the harm to neighbouring amenity.

10. Recommendation

- 10.1 The Planning Committee is recommended to grant outline planning permission subject to the following conditions and informatives:

10.2 Conditions and Reasons

1. COMPLIANCE REQUIRED: TIME LIMIT FOR RESERVED MATTERS APPLICATION

CONDITION: Application for approval of all outstanding and the final reserved matters for any phase of the development must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters for the relevant phase or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The reserved matters need to be received by the Local Planning Authority within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If there is no phasing plan, this condition is considered to apply to the whole site as a single phase. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2. APPROVAL OF RESERVED MATTERS

CONDITION: No development in any phase shall commence until approval of the details of:- Landscaping (hereinafter called "the reserved matters") for that particular phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and agreed order of phasing.

REASON: To enable the Local Planning Authority to secure an orderly and well designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

NOTE/S FOR CONDITION:

This condition requires approval of all reserved matters as may be listed to be agreed in writing prior to any commencement of the approved development. Failure to comply with this condition may result in the permission becoming lapsed and unable to be carried out. If there is no phasing plan, this condition is considered to apply to the whole site as a single phase.

The reserved matters that may be listed above are further defined under government guidance as follows:- LANDSCAPING: The treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features

3. 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. 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.

The approved red line plan drawing is 2248-DE-10-00 B received 25.09.2024

- Proposed Block Plan 2248-DE-10-01-H
- Proposed Ground Floor Plan 2248-DE-20-01-F
- Proposed First Floor Plan 2248-DE-20-02 E

- Proposed Second Floor Plan 2248-DE-20-03 D
- Proposed Third Floor Plan 2248-DE-20-04 E
- Proposed Fourth Floor Plan 2248-DE-20-05 D
- Proposed Roof Plan 2248-DE-20-07 E
- Proposed Elevations 2248-DE-30-01 G
- Cycle Store Layouts 2248-DE-70-01 B
- Highways Access Points 2248-DE-10-10 B
- Transport Statement January 2024
- Preliminary Ecological Appraisal Report Version 1 December 2023
- Bat Survey Report Version 1 August 2024
- Pathfinder Financial Viability Assessment dated 19th September 2024
- Potential Scheme/Estimate Summary received 25.11.2024
- Pathfinder Scheme Viability Appraisal received 11.10.2024

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.

4. FURTHER APPROVAL - CONSTRUCTION MANAGEMENT TO BE AGREED (PRE COMMENCEMENT)

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

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed. This shall include the intended routing of HGV traffic on the surrounding road network, programme of restoration works to soft highway verges, and any directional signs to be installed and where.

- d) Details of any protection measures for footpaths and trees surrounding the site.
- e) Details of all access points to be used to access the site during construction only and any staging of provision.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portals.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Site waste management plan (that shall include reuse and recycling of materials)
- k) Scheme for sustainable construction management to ensure effective water and energy use.
- l) Scheme of review of complaints from neighbours.
- m) Registration and details of a Considerate Constructors Scheme to be joined prior to the commencement of development, and confirmation of registration to be provided in writing to the LPA before the start of works, or similar scheme for which full details shall be provided and complied with
- n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).
- o) 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 developers expense when caused by the developer.

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

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development, and 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. 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 in adverse harm on amenity.

NOTE/S FOR CONDITION:

You are strongly advised to discuss this condition with the Local Planning Authority and if possible/available local residents likely to be affected by this development prior to submission of details. Please note the provisions of the Highways Act 1980 Para 131 are likely to apply and may need to be discussed with the Highways Authority, this legislation includes details and penalties for any damage and/or alterations to the highway including verge, highway signage and surface materials of pavement/footpath and carriageway.

5. FURTHER APPROVAL: MITIGATION TO BE AGREED, RAMS

CONDITION: The hereby approved development shall not be first occupied/used until detailed proposals addressing the mitigation of the development's impact on protected Essex Habitats Sites have been submitted to and received written approval from the Local Planning Authority. Such proposals must provide and secure mitigation in accordance with the joint Habitats Regulations Assessment Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) or demonstrate mitigation measures of an equivalent effectiveness to the satisfactory of the Local Planning Authority. For any on site mitigation proposals approved, it shall be carried out in full prior to first occupation, and thereafter shall be maintained as approved.

REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations. Failure to achieve satisfactory mitigation would result in harm by

new residents due to the development's impact on protected sites meaning the development must mitigate the burden of development regardless of scale of impact.

NOTE/S FOR CONDITION:

This condition establishes the necessity to ensure the implementation of appropriate mitigation measures due to the impact of the approved development. Such mitigation may be required on-site, off-site, or a combination of both.

Typically, a contribution towards visitor management measures at the protected Habitats Site(s) may be the preferred and simplest approach to fulfil the requirements of this condition. To fulfil this requirement, you can contribute funds towards a range of mitigation projects in the protected areas. It is essential to secure this provision through a legal agreement between the District Council, Developer/Applicant, and site owners before occupation. If this is the approach to fulfilling this condition you wish to take, you are strongly advised to finalise the legal agreement with the District Council before submitting any request to discharge this condition. Should this be the route chosen, failure to conclude the agreement within the discharge of condition application timeframe may lead to the refusal to discharge the condition. Please note if there are other obligations needed for this development, for example to secure monitoring and maintenance of a Biodiversity Net Gain Plan, you may wish to combine these together as one agreement. Furthermore, please also note a legal agreement will include legal fees and may require obligations to secure monitoring and associated fees.

6. FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN

CONDITION: The development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority (see note), and (b) the planning authority has approved the plan (see note).

REASON: In order to accord with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024

NOTE - CONTEXT AND APPLICATION:

Planning conditions are typically established upon the granting of planning permission under sections 70(1) and 72 of the Town and Country Planning Act 1990. However, it's essential to note that the biodiversity gain condition operates under a distinct statutory framework, specifically outlined in paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

This condition is deemed to apply to all planning permissions granted for land development in England, unless specific exemptions or transitional provisions are applicable (for further details, please refer to the provided web link <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments> or contact us directly).

The government advises against including this condition in decision notices to avoid confusion. However, for clarity and accountability, we have opted to highlight this condition within the decision notice. This ensures that all involved parties are aware of its requirements, facilitating effective tracking and monitoring throughout the development process, including the discharge of conditions.

In certain instances, this condition may be imposed even if the applicant believes that biodiversity net gain (BNG) does not apply. Based on the available information, it is determined that this permission necessitates the approval of a biodiversity gain plan before commencing development, as none of the statutory exemptions or transitional arrangements apply.

For further details, please consult the officer report as needed. If you believe this condition does not apply, we strongly recommend contacting the Local Planning Authority (LPA) for clarification.

Tendring District Council serves as the planning authority responsible for determining the approval of a Biodiversity Gain Plan in relation to this permission.

BIODIVERSITY GAIN PLAN REQUIREMENTS:

For the Biodiversity Gain Plan requirements, please refer to both paragraphs 14 and 15 of the Environment Act Sch 14 Part 2 as amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024.

<https://www.legislation.gov.uk/ukpga/2021/30/schedule/14/enacted>

In summary, the Biodiversity Net Gain (BNG) plan must achieve a minimum biodiversity net gain of 10% and should typically include the following:

- Steps taken or to be taken to minimize adverse effects of the development on the biodiversity of the onsite habitat and any other habitat.
- Pre-development and post-development biodiversity assessments of the onsite habitat.
- Allocation of any registered offsite biodiversity gain to the development and its biodiversity value in relation to the development.
- Details of any biodiversity credits purchased for the development.
- Plans for maintaining and securing the net gain on and/or off site for at least 30 years after completion of the development.

The Local Authority will ensure the submitted details meet the requirements of the Town and Country Planning Act 1990 as amended, Environment Act as amended, associated legislation and guidance.

Ways to achieve 10% BNG may include:

- 1) Enhancement and restoring biodiversity on-site (within the red line boundary of a development site).
- 2) If proposals can only achieve part of their BNG on-site, they can deliver through a mixture of on-site and off-site. Developers can either make off-site biodiversity gains on their own land outside the development site or buy off-site biodiversity units on the market as close as possible to the site.
- 3) If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This must be a last resort. The government will use the revenue to invest in habitat creation in England.

Developers may combine all 3 options but must follow the steps in order. This order of steps is called the biodiversity gain hierarchy.

CONDITIONS AND LEGAL AGREEMENT:

The Local Authority is responsible for ensuring that the biodiversity gain objective is achieved, whether it be onsite, offsite, or through the purchase of credits, and that it is secured by legal agreement as necessary. It is essential to highlight that planning conditions operate within a strict timeframe. Therefore, any legal agreements required to secure the biodiversity gain must be completed prior to the consideration of the planning condition. Failure to comply with this requirement may result in the refusal of the condition.

7. FURTHER APPROVAL - SURFACE WATER DRAINAGE DETAILS

CONDITION: Full details of surface water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority prior to the beginning of any works to the building/s it would serve are commenced. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is functionally available for

use. The surface water drainage scheme shall thereafter be maintained as approved.

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

8. AGREEMENT OF LOCAL RECRUITMENT STRATEGY

CONDITION: No above ground works shall commence until a Local Recruitment Strategy has been submitted to and approved in writing by the Local Planning Authority. The Local Recruitment Strategy shall include details of how the applicant/ developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site, for the construction of the development. The approved Local Recruitment Strategy shall be adhered to thereafter.

REASON: To promote and encourage the recruitment of employees and other staff in the locality of the application site.

NOTES FOR CONDITION:

Locality of the application site is taken to refer to the administrative boundaries of Tendring District Council unless otherwise specified and agreed in writing by the Local Recruitment Strategy.

9. AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: Notwithstanding the submitted details 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:-

- An electric car charging point per parking space
- Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use for new dwellings.
- Agreement of a scheme to achieve as far as possible a water consumption rate of not more than 110 litres, per person, per day for new dwellings.
- Agreement of heating of each dwelling/building
- Agreement of scheme for waste reduction
- Provision of a fibre optic broadband connection to the best possible speed installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing. (If the applicant is unable to achieve this standard of connection, and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 30mbps) wireless service will be considered.)

The scheme shall be fully implemented prior to the first occupancy 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 reduced need, better use or savings in the use of water, energy and resources; reduced 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.

Broadband provision is included to ensure the development is able to be equipped with high speed broadband to enable opportunities for web-based communication and homeworking reducing the need for unsustainable travel.

A water consumption rate of not more than 110 litres, per person, per day adopted as Planning Policy and as imposed by this condition will directly change the building regulations water consumption rate to match as a result of this policy. The introduction of effective utilities, rainwater capture for watering plants, aerators to taps and other water saving options can be considered.

10. ACTION REQUIRED: PROVISION OF ACCESSES

CONDITION: Prior to first occupation of the development, a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the hereby permitted vehicular accesses. 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 accesses.

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

11. HIGHWAY ACCESSES

CONDITION: Prior to the first occupation of the development the vehicular accesses shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the accesses at their junction with the highway shall not be less than 4.5 metres, shall be retained at that width for 6 metres within the site measured from the nearby edge of the carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge. The accesses shall then thereafter be retained.

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

NOTE/S FOR CONDITION:

Carriageway is the part of a road intended for vehicles rather than pedestrians normally defined 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.

12. EXISTING HIGHWAY ACCESSES

CONDITION: Any part of the existing accesses (dropped kerbs) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use.

REASON: To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

13. HIGHWAYS PROVISION OF PARKING AND TURNING

CONDITION: The hereby approved development shall not be first occupied until such time as the areas for purposes of manoeuvring and parking of vehicles (including cars, cycles and powered two-

wheelers) have been provided and made functionally available. The areas shall then be retained and remain free of obstruction thereafter.

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 and layout is provided. To ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would otherwise be detrimental to highway safety.

14. FURTHER APPROVAL – RESIDENTIAL TRAVEL PLAN

CONDITION: Notwithstanding the submitted information, prior to the first occupation of the development, a Residential Travel Plan including the provision and implementation of a Residential Travel Information Pack per dwelling, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Travel Plan arrangements shall be implemented and followed prior to first occupation and actively implemented for a minimum period from first occupation of the development until 1 year after final occupation.

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

15. FURTHER APPROVAL – DETAILS OF CAR CLUB

CONDITION: Notwithstanding the submitted information, the development hereby approved shall not be first occupied unless and until one car club vehicle has been provided for occupiers to use in accordance with a scheme to have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter the car club vehicle shall be retained and maintained for its designated purpose in accordance with the approved details.

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

NOTE FOR CONDITION

The submitted scheme will need to include details of the car club operator, the type of vehicle to be provided, the parking bay, how this will be implemented, and how the car club will be marketed to residents.

16. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

CONDITION: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Updated Preliminary Ecological Appraisal Report (Practical Ecology, December 2023) and the Bat Survey Report (Practical Ecology, August 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

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

CONDITION: A Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning

authority following the recommendations made within the Preliminary Ecological Appraisal Report (Practical Ecology, December 2023).

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

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

18. FURTHER APPROVAL: AGREEMENT OF MATERIALS

CONDITION: No development/works shall be commenced above slab level until samples/precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

REASON: To secure an orderly and well designed finish sympathetic to the character of the site and in the interests of visual amenity and the character and appearance of the Clacton Seafront Conservation Area.

NOTE/S 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 visually above ground level or seek confirmation from the Local Planning Authority for your development.

While this condition does not detail in what form the materials sought shall be detailed to the Local Planning Authority, it is suggested that a plan is submitted with the details to show where the materials will be located and the extent of coverage.

19. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS ENCLOSURES

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 fence, gate, wall or any other means of enclosure shall be erected in the hereby approved gardens 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 interests of the amenity of the locality and to preserve the character and appearance of the Clacton Seafront Conservation Area.

20. SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF OBSCURE GLASS AND NON OPENING WINDOW FLATS 38, 46 AND 54

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the south facing windows serving the dining/living/kitchen areas of flats 38, 46 and 54 shall be non opening and glazed in obscured glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form. The obscured glass shall be designed as equal or higher than Pilkington Textured Glass Level 5 Standard as published January 2010 (as amended).

REASON: To protect the privacy and amenities of the occupiers of neighbouring property at Seaview Court.

NOTE/S FOR CONDITION

Level 5 is also referred to as Privacy Level 5 and this web site may be of use, the Council accepts no responsibility for content. <https://www.pilkington.com/en-gb/uk/householders/decorative-glazing> If you are in any doubt as to the level referred, please contact the Local Planning Authority to discuss.

21. SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF LOUVRE SCREENS TO BALCONIES

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the louvre screens shown on the approved plans shall be installed before the flat they serve is first occupied and shall thereafter be permanently retained and maintained in this approved form, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the privacy and amenities of the occupiers of neighbouring property.

22. SPECIFIC RESTRICTION ON DEVELOPMENT: SOUND MITIGATION TO FLAT 38

CONDITION: Prior to first occupation of flat 38 details of any required mitigation shall have been submitted to and approved in writing by the Local Planning Authority confirming compliance with the relevant British Standard for noise levels within this flat. Any agreed mitigation shall have been installed prior to first occupation of flat 38 and shall thereafter be permanently retained and maintained in this approved form, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect occupiers of flat 38 from unacceptable levels of noise from the adjacent substation leading to an adverse impact.

23. COMPLIANCE REQUIRED: PROVISION OF WASTE STORAGE

CONDITION: The hereby approved refuse stores shall be provided prior to first occupation of that phase and shall then be retained for the sole purpose of waste storage and remain free of obstruction thereafter.

REASON: In the interests of pollution control and residential amenity.

10.3 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 outline planning

permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Recreational Impact Mitigation Condition

As per the relevant condition above, this application requires mitigation against recreational impact in accordance with The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and Regulation 63 of the Conservation of Habitat and Species Regulations 2017. The current RAMS tariff is £163.86 per new dwelling (from the 1st April 2024). If you wish to use a financial contribution to satisfy the RAMS condition, a completed UU must be submitted with a Discharge of Condition application.

Prior to the submission of the Discharge of Condition application, we can prepare the UU for you (to be reviewed by your solicitor) or we can review a draft UU you have provided (drafted by your solicitor). Both services will incur a charge.

Please see the 'Preparation of a UU' guidance on our website at: <https://www.tendringdc.gov.uk/content/the-s-106-process>

Highways Informatives

- i) Prior to any works taking place in the highway the developer should enter into a S278 agreement or Minor Works Authorisation with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
- ii) 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
- iii) No permanent part of a development (doors, windows, and balconies) shall overhang the highway.
 - 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.
- iv) 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.

Uk Power Networks Informatives

- If the proposed works are located within 6m of the substation, then they are notifiable under the Party Wall etc. Act 1996. The Applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. The Applicant would need to be responsible for any costs associated with any appropriate measures required. Any Party Wall Notice should be served on UK Power Networks at its registered office: UK Power Networks, Newington House, 237 Southwark Bridge Road, London SE1 6NP.

- UK Power Networks require 24 hour vehicular access to their substations. Consideration for this should be taken during the design stage of the development.
- The development may have a detrimental impact on our rights of access to and from the substation. If in doubt please seek advice from our Operational Property and Consents team at Barton Road, Bury St Edmunds, Suffolk, IP32 7BG.
- No building materials should be left in a position where they might compromise the security of the substation or could be used as climbing aids to get over the substation surround.
 - There are underground cables on the site associated with the substation and these run in 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.
- All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices.
- Should any diversion works be necessary as a result 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.

Anglian Water Informatives

- Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 6066087.
- It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
- Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
- The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

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. Declaration of Interest

- 12.1 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.

13. Background Papers

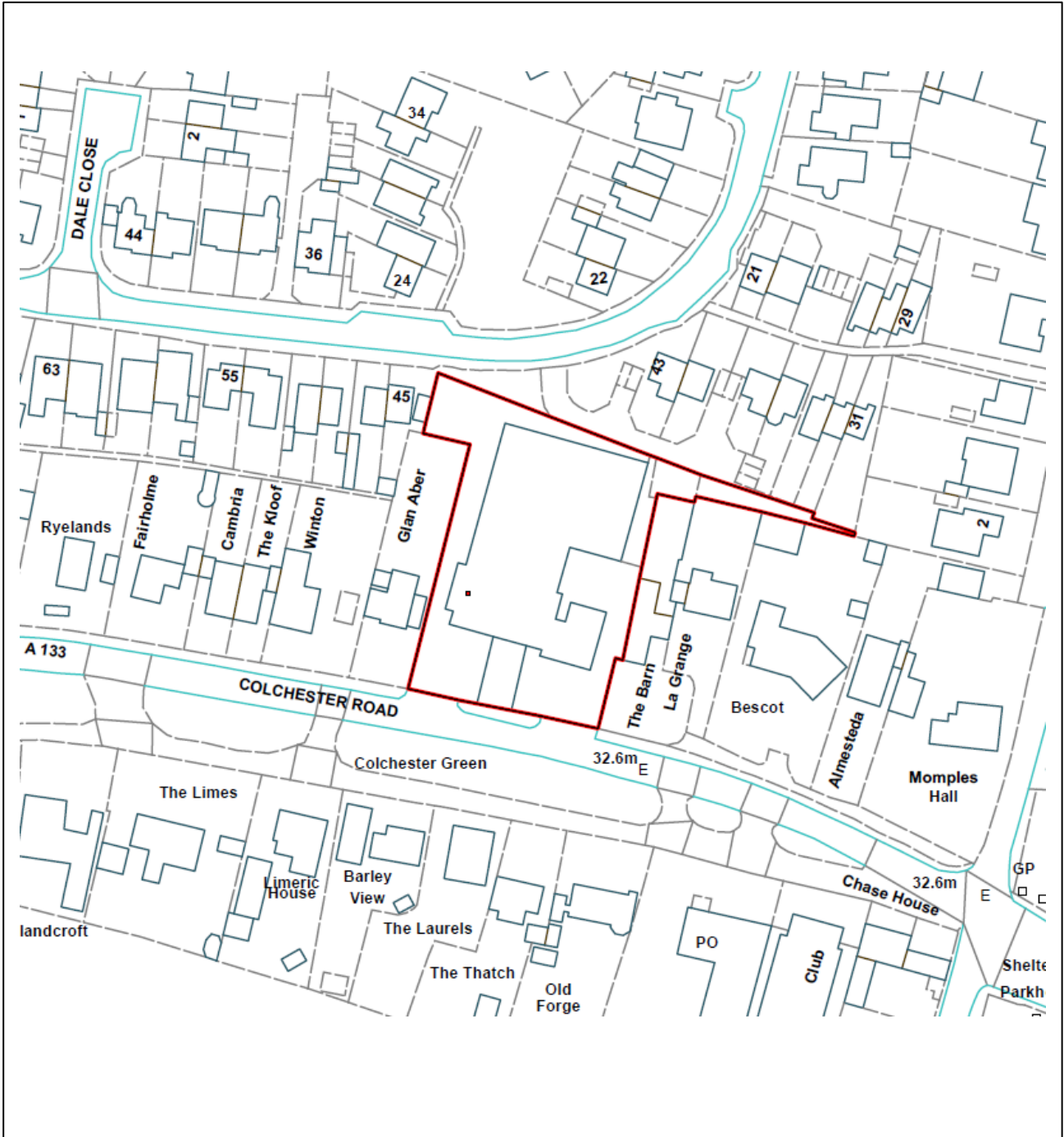
- 13.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report)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

4th February 2025

REPORT OF THE DIRECTOR OF PLANNING

A.2. PLANNING APPLICATION – 24/00937/FUL – ELMTREE GARAGE COLCHESTER ROAD ELMSTEAD COLCHESTER CO7 7EE



DO NOT SCALE

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| | | | |
|----------------------|--|---------------------|---------------------------------|
| Application: | 24/00937/FUL | Expiry Date: | 18 th September 2024 |
| Case Officer: | Oliver Ashford | EOT Date: | 7 th February 2025 |
| Town/ Parish: | Elmstead Market Parish Council | | |
| Applicant: | Motor Fuel Group Limited | | |
| Address: | Elmtree Garage Colchester Road Elmstead Colchester Essex CO7 7EE | | |
| Development: | Planning Application - Demolition of existing buildings, removal of existing canopy, pump islands and underground tanks. Construction of new sales building with 'Food to Go' offer and ATM, installation of new canopy, pump islands and forecourt, installation of 2 x 60 KL underground fuel tanks, creation of new Electric Vehicle Charging (EVC) hub and associated infrastructure, jet wash bays and associated plant room, bin store, car parking, car care facilities and all other associated works. | | |

1. Executive Summary

- 1.1 The application is before Members as the application can be called in by Councillor Scott due to perceived impact of the proposals on traffic, noise and light pollution.
- 1.2 The application seeks full planning permission for the demolition of existing buildings, removal of existing canopy, pump islands and underground tanks. Construction of new sales building with 'Food to Go' offer and ATM, installation of new canopy, pump islands and forecourt, installation of 2 x 60 KL underground fuel tanks, creation of new Electric Vehicle Charging (EVC) hub and associated infrastructure, jet wash bays and associated plant room, bin store, car parking, car care facilities and all other associated works.
- 1.3 The existing commercial building (office/storage), sales building and forecourt will be demolished and replaced by a larger sales building and forecourt. The new forecourt will provide refuelling by 16 vehicles. The new sales building will be located along the northern boundary of the site with a GIA of 380sqm, larger than the existing 2890sqm. The sales area will provide two new 'food to go' uses include a bakery and a hot food takeaway. It will also feature staff area, three customer toilets and a new ATM and pay at night window.
- 1.4 The proposed EVC hub will comprise eight bays with canopies above located along the western boundary with a height of 2.8m. A new canopy will also cover the existing fuel pumps in the same location at the existing but covering a larger area. This will be of similar height to the existing.
- 1.5 Further, new customer car parking of 15 spaces and 1 accessible bay, four new jet wash bays, new underground fuel tanks and associated infrastructure are all proposed.
- 1.6 The proposals are considered to be an upgrade of existing facilities in accordance with the existing use on site, the application is recommended for approval.

| |
|--|
| Recommendation: Approval |
| 1) That the Head of Planning and Building Control be authorised to grant full 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.

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. 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>

Elmstead Neighbourhood Plan

The site is located within the parish of Elmstead, and the adopted Elmstead Neighbourhood Plan is therefore relevant. Any relevant policies are included in the list at Section 6 below and have been considered as part of the officer assessment.

4. **Planning Policy**

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

National:

National Planning Policy Framework December 2024 ([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
- 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
- PP1 New Retail Development
- PP3 Village and Neighbourhood Centres
- PPL5 Water Conservation, Drainage & Sewerage
- CP3 Improving the Telecommunications Network
- DI1 Infrastructure Delivery and Impact Mitigation

Elmstead Neighbourhood Plan 2024

- ELM1 Settlement Development Boundaries
- ELM2 Protecting the Setting of Elmstead Market
- ELM9 Design Codes
- ELM11 The Village Core
- ELM13 Managing Traffic
- ELM18 Local Community Uses

5. Relevant Planning History

No site-specific planning history.

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 Highways Dept

06.09.2024

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 and in conjunction with a site visit. It is noted that the rationale behind the application is to bring the existing facility up to modern standards through the redevelopment of the site with no new or altered means of access proposed as part of this application. The supporting information concludes that when compared to the existing use, it is evident that the redevelopment of the site will not materially alter the level of traffic generated by the site. Most, if not all, of the proposed trips will be pass-by trips which would either divert from an existing journey passing the site and would already be on the highway network, and would not 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. 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. There should be no obstruction above ground level within a 2.4 m 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 provided before the new development is 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 in accordance with policy DM1.

3. Prior to the occupation of the development, the introduction entry and no entry signage shall be provided at the entry and exit points to the forecourt providing a designated in and out arrangement to the site.

Reason: To ensure that vehicles can enter and leave the site in a controlled manner, in the interests of highway safety in accordance with policy DM1.

4. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with policy DM1.

5. Prior to the occupation of the development, the upgrade and provision of tactile paving in accordance Essex Council specification on the footway crossing points either side of each vehicular access.

Reason: To upgrade and make adequate provision within the highway for existing pedestrian movements using the footway across the site frontage as a result of the proposed development in accordance with policy DM1 and DM9.

6. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and 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 in accordance with Policy DM8.

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

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

8. Prior to the development becoming operational a Delivery Management Plan, shall be submitted to, and agreed in writing with, the Local Planning Authority. The Plans to include the following, and be adhered to at all times:

- i. Suitable Service vehicle area servicing the site for shop deliveries by lorry with appropriate vehicular turning facility to ensure that vehicles can enter and leave the highway in a forward gear.
- ii. Suitable Service vehicle area servicing the shop for small vehicles delivering daily and local supplies with appropriate vehicular turning facility to ensure that vehicles can enter and leave the highway in a forward gear.
- iii. Suitable Service vehicle area for fuel deliveries with appropriate vehicular turning facility to ensure that vehicles can enter and leave the highway in a forward gear.
- iv. Deliveries and refuse collection to the development to be managed/ pre-booked in advance and limited to outside of operational hours only.

Reason: In the interests of highway safety to ensure accordance with Policy DM1 and DM19.

9. 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 in accordance with Policy DM1.

10. Prior to the opening of the development a Section 106 financial contribution of £25,000 (index linked) towards the future delivery of a new signalised Puffin Crossing west of the application site on the A133 Colchester Road, Elmstead.

Reason: To ensure the proposal site is accessible by more sustainable modes of transport, in particular walking, in accordance with policy DM9 and DM17.

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.

iv) 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

Environmental Protection

09.08.2024

The Environmental Protection Team's comments are given below:

Noise Impact Assessment

I have reviewed the Noise Impact Assessment and accept the conclusion. It must be noted that the assessment is made with some assumptions around the design of the site, including noise mitigating screening, therefore we would recommend that a condition is attached to ensure that all the assumptions made in the NIA are achieved and the site constructed as designed in the report.

Contaminated Land

I have reviewed the phase 1 assessment, and the recommendations made in 7.2 of the report (page 15) shall be implemented.

Construction Method Statement

In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Pollution and Environmental Control ask that the following is submitted:

Prior to the commencement of any construction or demolition works, the applicant (or their contractors) shall submit a full method statement to the local planning authority for consideration. This should at minimum include the following where applicable.

o Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

o Emission Control

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

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

3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

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

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

Tree and Landscape Officer

07.08.2024

There are no trees or other significant vegetation situated on the application site.

On an area of publicly maintained land adjacent to the northern boundary of the site there are two established Silver Birch trees that make a positive contribution to the character and appearance of the area, when viewed from Lucerne Road.

As the land within the part of the application site close to the trees already has a metalled surface the proposed development will not result in harm to tree roots and will not compromise the long-term viability of the trees.

In terms of soft landscaping the proposed site layout and future use of the land provides little, if any, opportunity for new planting to be incorporated into the scheme.

Tree and Landscape Officer

20.08.2024

Following receipt of your e-mail and attached representation made in respect of the above planning application I have revisited the site to inspect the tree situated in the garden of Glan Aber, Colchester Road, Elmstead.

The tree is a mature Cherry that is growing close to the boundary of the garden adjacent to the application site. The main stem is clothed in Ivy that is spreading into the crown of the tree.

The tree is in reasonable condition with a sparsely foliated canopy. There is some deadwood in the crown indicating that the tree lacks vigour.

Close inspection of the main stem reveals bark denudation and the early signs of decay in the heartwood of the tree.

In terms of amenity value the tree can be seen from the highway when viewed between existing dwellings although the extent to which it features in the public realm is not so great that it merits protection by means of a tree preservation order.

The land, within the application site adjacent to the tree is set to tarmac which will have had an impact on reducing root growth beneath the metalled surface. New development close to the tree is unlikely to harm tree roots.

On balance it is considered that the proposed development would be unlikely to have an adverse impact on the long-term health or viability of the tree and that the amenity value and condition of the tree are such that it does not merit formal legal protection.

Anglian Water

05.08.2024

Thank you for your email consultation on the planning application.

The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

Health & Safety Executive

31.07.2024

No comments on this specific application and refers to standard advice on its web site.

Environmental Agency

28.08.2024

Thank you for your consultation dated 30 July 2024. We have reviewed the documents as submitted and can confirm that we are objecting on the proposed development due to risk of contamination to ground waters. We have provided further details below.

Groundwater Protection

There is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. We consider the level of risk posed by this proposal to be unacceptable.

It should be noted that if this objection is removed by satisfying the aforementioned point, planning conditions would be recommended, specifically relating to drainage, contaminated land, tank design and piling.

Reason

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF 2021), paragraphs 180 and 189 and Environment Agency Groundwater Protection website.

Overcoming Our Objection

The applicant should provide a comprehensive and balanced options appraisal fairly comparing above and below ground storage, with appropriate mitigation measures to demonstrate best available technique, including above the normal practice measures described in the Association for Petroleum and Explosives Administration document: Guidance for Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations (Revised June 2011) where necessary. The requirements of our Groundwater Protection Position Statements D1 to D4 need to be met. This assessment should consider the underlying sensitive groundwater bodies, the nearby abstractions and associated source protection zone, and the peak seasonal depth to groundwater at the site.

Further information and advice

The site is underlain by superficial Cover Sand Deposits designated as a Secondary B Aquifer. The site is located within a Groundwater Source Protection Zone (SPZ), namely SPZ 3. The site is located over a EU WFD groundwater body. Shallow groundwater may also be present at the site. The location of the site is therefore considered to be of moderate environmental sensitivity.

We always recommend pre-application discussions relating to these applications. We are happy to outline our requirements prior to an application being made. This will in future help avoid objections to planning applications.

Based on the submitted documents, it appears that the proposal includes the installation of two 60,000 L underground storage tanks. Given the site is located within SPZ3 with potential shallow groundwater, any spills or leaks have the potential to derogate the groundwater abstractions. We consider that the risk from the development, as proposed, is likely to be incompatible with the environmental sensitivity of the site. In line with our Groundwater Protection Position Statements D1 and D2, we only agree to underground storage outside of an SPZ1 where the:

- 1) activity cannot take place within unproductive strata
- 2) storage must be underground (for example public safety), in which case it is expected that the risks are appropriately mitigated

Furthermore, due to the local geology, there is a possibility of shallow groundwater at the site. In line with our Groundwater Protection Position Statement D3, we would also object on these grounds. We would require a detailed assessment of groundwater levels at the site, to include seasonal fluctuations and different strata. It should be noted that this monitoring may take a full year to determine peak groundwater levels and should have been undertaken prior to submitting the planning application. If groundwater appears to be significantly deeper than the proposed underground tanks, we may consider conditioning the application if the other grounds for objection are satisfied.

We adopt the precautionary principle to protecting groundwater because of:

- the difficulties associated with observing and remediating leaks from underground storage and transmission facilities;
- the previous history of pollution from such facilities.

Any proposals for fuel storage at this location would need to be accompanied by a detailed risk assessment carefully considering the risk to the SPZ3 and abstractions. The risk assessment should be based on site-specific data regarding site specific geology, the hydrogeological setting of the site, groundwater flow direction and hydraulic continuity between different aquifer units. We would only agree to the development if it could be shown that there is no pathway connecting groundwater at the site to the abstractions.

The proposal would also have to comply with the remaining Groundwater Protection Position Statements and include adequate pollution prevention / risk mitigation measures as underpinned by the risk assessment.

It should be noted that in environmentally sensitive locations, we expect standards to be in excess of those in the Blue Book. The applicant should provide details of the proposed tank specification with sufficiently robust protection to controlled waters. We would favour above ground tanks with very robust pollution prevention measures instead of underground storage tanks. It is possible to design above ground tanks to satisfy the requirements of the petroleum officer and we have examples of where this has been successfully implemented in the past. The nature of above ground tanks allows any leaks to be observed, contained and remediated with much greater ease than with below ground tanks where leaks can go undetected and clean up can be troublesome and potentially very disruptive and expensive.

We agree with the recommendation of the Phase One Environmental Site Assessment that intrusive site investigation should be carried out, followed by an appropriate remediation method statement and sampling and analysis plan and subsequent verification report. The site had previously been developed, and the previous use(s) are thought to have been potentially contaminative. During site investigation, the location of the proposed soakaway should be investigated to demonstrate that this is not an area of existing contamination. Consideration for the risk posed by surface water drainage and foundations will need to be undertaken.

As an additional note, section 14 of the application form asks the question does the proposal involve "Land where contamination is suspected for all or part of the site?" which was answered with "no". With a previous petrol filling station use, this should have been answered "yes" as petrol filling stations are a probable source of contamination in many cases.

We recommend that developers should:

- 1) Refer to our 'Groundwater Protection' website;
- 2) Refer to our Land Contamination: Risk Management website when dealing with land affected by contamination. This is based on CLR11 which is archived within CL:AIRE Water and Land Library (WALL), and also includes the Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health;
- 3) Refer to our Land Contamination Technical Guidance;
- 4) Refer to 'Position Statement on the Definition of Waste: Development Industry Code of Practice';
- 5) Refer to British Standards BS 5930:1999 A2:2010 Code of practice for site investigations and BS10175:2011 A1: 2013 Investigation of potentially contaminated sites - code of practice;
- 6) Refer to our 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' National Groundwater & Contaminated Land Centre Project NC/99/73. The selected method, including environmental mitigation measures, should be presented in a

'Foundation Works Risk Assessment Report', guidance on producing this can be found in Table 3 of 'Piling Into Contaminated Sites';

7) Refer to our 'Good Practice for Decommissioning Boreholes and Wells';

8) Refer to our 'Dewatering building sites and other excavations: environmental permits' guidance when temporary dewatering is proposed.

We trust that this advice is useful.

Environment Agency

30.10.2024

We have reviewed the amended documents as submitted and do not believe that these documents address our previous objection raised. Due to this our objection remains, and we look forward to receiving a further consultation when documents have been submitted to address our objection.

Our previous objection is outline in our response referenced AE/2024/129706/01-L01.

7. Representations

7.1 Parish / Town Council (Summary)

Elmstead Parish Council

27.08.2024

Elmstead Parish Council considered the application in a full council public meeting on 15/08/24. They object to the scheme with points summarised as follows:

- The current site is the only fuel station and 24/7 convenience store in the parish, providing essential services and employment opportunities.
- The proposal conflicts with policy ELM11, which supports multiple essential commercial uses on the site. The loss of these additional uses would not be supported by this policy.
- While the new fuel station would create jobs, the loss of existing businesses would result in a net decrease in local employment.
- Increased traffic flow and inadequate exploration of its impact raise concerns for pedestrian and cyclist safety, especially on the congested A133.
- The existing access points are maintained, leading to potential traffic and safety issues due to multiple vehicle movements.
- Increased forecourt capacity and 24-hour operation would significantly increase noise, affecting local residents and businesses.
- Insufficient detail on lighting and its impact on local wildlife, particularly bats, and the rural village character.
- Lack of detail on boundary fencing and potential security concerns.
- Concerns about increased litter and inadequate mitigation measures.
- The site is deemed unsuitable for 24/7 fast food services due to its rural setting.
- The proposal does not adequately consider the impacts of EV charging facilities to the environment (fossil fuels) and lack of solar panels on the site is seen as an oversight.
- Concerns about permeable asphalt and soakaway leading to potential pollution and fire risks.
- The proposal's single disabled space is insufficient, and the layout does not provide a clear path to the kiosk entrance.
- Concerns about the timing of the planning, design, and access statement publication affecting parishioners' comments.

Officer Response:

- The proposals will still operate as 24/7 and continue to provide essential services and employment opportunities with the addition of two new food service counter.
- Policy ELM11: Point E. provides “Where planning permission is required, proposals for a change of use that will result in the loss of an active commercial, business or service use of a ground floor frontage in the Village Centre Boundary will not be supported.” There is the removal of B8 use and office use elements within the site, with sales area increased within the site. However, the use as a whole for the site remains as employment commercial land and is not loss to non-commercial uses. Therefore, taking the policy overall it is not seen as a conflict nor sufficient to refuse this development on its merits.
- It is not considered correct that there would be a net decrease in local employment due to the loss of the self-storage unit. The applicant has confirmed on the application form that the existing employment on site is 3 full time and 2 part-time members of staff. The proposed facilities will provide 9 full time members of staff and 9 part-time members of staff providing a net increase.
- There is no evidence that the proposals will result in increased traffic flow, the existing facility could present periods of peak operation at any time which are beyond the scope of planning. As outlined further below there a no highway safety issues identified by the proposals.
- It has not been highlighted that the proposals would significantly increase noise as the current arrangement on site is for a 24-hour operation. The level of access and times available would be unchanged.
- Officers accept that the proposals do not included detail on lighting, and this would need to be secured by condition on any approval in order to protect both residential amenity, consider highway matters and wildlife.
- Details of boundary treatments can be secured by condition.
- The site proposes for a bin store area which is within the remit of the planning application.
- The site is identified as within the village core and therefore 24/7 fast food services are deemed appropriate in this location. Notwithstanding, there is no policy conflict to argue against fast food within a rural setting.
- The EV Charging facilities have been adequately highlighted and addressed within the application and are considered to comply with both National and Local Policy. There is no requirement with the local plan for the facility to provide solar panels nor control the source of electricity used.
- The application has provided a drainage report and drainage assessment form which has fully assessed the surface water risks on site.
- The proposed disabled space meets highway standards and is located directly outside the kiosk entrance with direct access.
- Parishioners comments have been fully considered as part of the planning application.

7.2 Neighbour / Local Representations

Eight letters of objection have been received on the application relating to:

- Located in between residential properties
- Encourage additional traffic through the village
- Remove existing services from the village currently on site
- Noise & Lighting from new shop
- Opening hours
- Impact on wildlife
- Scale of proposed development

Two letters of observation have been received highlighting the following:

- Consideration to be given to opening hours
- Waste collection
- Light impacts of existing signage

- Potential for parking area to be used to the rear creating a noise impact

8. Assessment

Site Context

- 8.1 The application relates to the existing petrol station located on the northern side of the A133, Elmstead within the defined settlement boundary of Elmstead Market which is defined as a Rural Service Centre.
- 8.2 The site is accessed to the south from the A133 with two access points. To the east and west of the site lies residential development along Elmstead Road, to the north lies Lucerne Road which serves further residential development.

Proposal

- 8.3 The application seeks full planning permission for the demolition of existing buildings, removal of existing canopy, pump islands and underground tanks. Construction of new sales building with 'Food to Go' offer and ATM, installation of new canopy, pump islands and forecourt, installation of 2 x 60 KL underground fuel tanks, creation of new Electric Vehicle Charging (EVC) hub and associated infrastructure, jet wash bays and associated plant room, bin store, car parking, car care facilities and all other associated works.

Principle of Development

- 8.4 Planning law requires that decisions on planning 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). The 'development plan' for Tendring comprises, the Tendring District Local Plan 2013-2033 and Beyond Section 1 adopted in January 2021 and the Tendring District Local Plan 2013-2033 and Beyond Section 2 adopted in January 2022.
- 8.5 Policy SP3 (Spatial Strategy for North Essex) of adopted Section 1 of the Tendring District Local Plan 2013-2033 and Beyond states, amongst other things, that future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. The Elmstead Neighbourhood Plan also refers to the settlement development boundary for Elmstead. This is consistent with the Framework's objectives for achieving sustainable development through a plan-led approach that focuses development to locations which are or can be made sustainable.
- 8.6 The site is located within the defined settlement development boundary for Elmstead Market where the principle of development is considered acceptable. The proposals are for a replacement facility which is long established, therefore the principle for this form of development on site is already established.

Scale, Layout & Appearance

- 8.7 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.
- 8.8 Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surrounding.

8.9 The proposed design is consistent with the existing scale design and layout on site and consists of the use of glazing, cladding and associated finishes. It is considered that the scale and layout of the proposed sales building and canopies is consistent with both National and Local Policy.

Highway Safety/Parking

- 8.10 Paragraph 114 of the Framework seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SPL3 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. Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres. 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'.
- 8.11 Essex County Council Highways as the Local Highway Authority have been consulted on the application and state that the supporting information concludes that when compared to the existing use, it is evident that the redevelopment of the site will not materially alter the level of traffic generated by the site. Most, if not all, of the proposed trips will be pass-by trips which would either divert from an existing journey passing the site and would already be on the highway network, and would not result in a material change in the character of the traffic in the vicinity of the site. The recommended highway conditions have been assessed, and the relevant conditions would be imposed as part of any approval.
- 8.12 Recommended highways condition 2 has been assessed regarding visibility splays and is considered to not be necessary due to the proposals utilising the existing access with no alterations. Condition 4 asked for no discharge of surface water onto the Highway however this is considered to be unreasonable and unenforceable. The use of tactile paving will not be requested as it is not considered necessary for the development proposed. Officers consider there to be no reasonable request for two-wheel parking as the proposals are for a petrol station with heavy motor traffic and will not be predominantly used by cyclists. Further, a delivery management plan is not considered to be reasonable as the site is currently operating a full delivery schedule and it is considered unnecessary and a planning matter to interfere with business operations. Finally, the request for a S106 financial contribution of £25,000 is considered to be unreasonable when viewed against the scale of the proposed development and officers will not be requesting these details.

Impact on Residential Amenity

- 8.13 Paragraph 135 of the NPPF states that decisions should ensure that developments create places with a high standard of amenity for existing and future users. Policy SPL3 of the Local Plan must meet the criteria where buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents.
- 8.14 Due to the siting of the existing buildings it is considered that there is already some impact on neighbouring amenity by the existing use that must be given significant weight in the planning balance. The existing operation is a 24 hour business with regular vehicle movements. The proposals are not considered to create a significant increase in terms of loss of privacy, natural light, overbearing impact or overshadowing.
- 8.15 The Council's Environmental Protection Department have been consulted as part of the application and as satisfied that the proposals will not create any amenity issues subject to conditions relating to noise and construction method statement being imposed on any approval. On this basis it is considered that the proposals are in accordance with both National and Local Policy with regards to Residential amenity.

Trees and Landscaping

- 8.16 Policy SPL3 seeks new development that respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. The design and layout of the proposed development should maintain or enhance important existing site features of landscape, ecological, heritage or amenity value.
- 8.17 The Council's Tree and Landscaping Officer has been consulted as part of the application and notes that there are no trees or other significant vegetation situated on the application site. On an area of publicly maintained land adjacent to the northern boundary of the site there are two established Silver Birch trees that make a positive contribution to the character and appearance of the area, when viewed from Lucerne Road. As the land within the part of the application site close to the trees already has a metalled surface the proposed development will not result in harm to tree roots and will not compromise the long-term viability of the trees.
- 8.18 In terms of soft landscaping the proposed site layout and future use of the land provides little, if any, opportunity for new planting to be incorporated into the scheme, however a new small area of landscaping will be provided to the north in order to provide some screening and protect residential amenity. On this basis the proposals are considered to be in accordance with National and Local Policy with regards to trees and landscaping.

Environmental Issues

- 8.19 The proposals involve the replacement of existing fuel tanks and this has been supported by the Appraisal document of fuel storage and distribution infrastructure (risk assessment). Officers consider that this has fully addressed the planning issues in relation to this matter. The Petrol Station is subject to The Petroleum (Consolidation) Regulations 2014 and Environmental permitted which are matters beyond planning control and the local planning authority should not seek to duplicate control of other authorities. Further, the Petroleum Enforcing Authority will be engaged during the new development to allow initial review and assessment of the design and its development through to monitoring and construction stages to ensure compliance. While noting the comments of the Environmental Agency, the tanks and associated works would not result in a net gain to the current provision but are more likely to ensure the facilities are up to date and in accord with all current regulations and the site maintains a good condition to avoid harm. On this basis the tanks are not considered to result in a net change that would result in planning impact to judge if harmful or not and there is no change in the environment of the site or policy position to consider that this site is now not appropriate in planning terms. Therefore these are considered to be acceptable from a planning perspective with officers noting their implementation and other regulations are a matter beyond planning.

Renewable Energy

- 8.20 Chapter 14 of the National Planning Policy Framework supports the transition to a low carbon future in a changing climate while Policy PPL10 of the Local Plan supports renewable energy generation and energy efficiency measures for residential development.
- 8.21 The proposal includes a number of Electric Vehicle charging points which are considered to be in accordance with the governments aims to transition to a low carbon future in a changing climate. This aligns with both National and Local Policy and is therefore supported in this regard while noting that the source of electric may come from renewable and non-renewable sources at this time.

Ecology and Biodiversity

- 8.22 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.

8.23 This development is subject to the general duty outlined above. In the event that planning permission is forthcoming an informative can be imposed on the decision notice 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.

Biodiversity net gain

8.24 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 the redevelopment of an existing petrol station with no priority habitats and is therefore exempt from BNG.

8.25 In accordance with the overarching duty outlined above, this development is committed to actively contributing to the conservation and enhancement of biodiversity as set out above and within the planning conditions. In conclusion, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

8.26 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

8.27 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.

8.28 The proposal includes small areas of soft landscaping to the front and rear of the site, it is considered that these provide an opportunity to improve the biodiversity on site and enhance the general biodiversity objective. A suitably worded planning condition would be necessary to ensure that the proposed lighting does not have a detrimental impact on any roosting bats. Although no bat population has been identified it is considered reasonable and necessary due to the surrounding wider rural area. In conclusion, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

9. Conclusion

9.1 It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. While it is noted that the proposal will likely result in increase of actively as a

response of improved facilities, it remains the same use. Planning consideration must give due weight to the level of actively unrestricted at this time on the current site. In addition the proposal is likely to increase job creation and bring economic benefit that must be weighed in the planning balance. In the absence of evidenced material planning harm sufficient to outweigh the benefit and no conflict with the development plan resulting from the proposal the application is recommended for approval.

10. Recommendation

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

10.2 Conditions and Reasons

1. COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by 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 permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2. APPROVED PLANS & DOCUMENTS

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

- Site Plan – Drawing No. 14265-LP – Received 24.06.2024
- Drawing No. 14265-29 – Received 24.06.2024
- Drawing No. 14265-28 – Received 24.06.2024
- Drawing No. 14265-27 – Received 24.06.2024
- Drawing No. 14265-26 – Received 24.06.2024
- Drawing No. 14265-210 – Received 24.06.2024
- Drawing No. 14265-25A – Received 17.07.2024
- Drawing No. 14265-24A – Received 17.07.2024
- Drawing No. 14265-22B – Received 01.10.2024
- Drawing No. 14265-23B – Received 01.10.2024
- Drawing No. 14265-BPC – Received 12.08.2024

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. CONSTRUCTION METHOD STATEMENT

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

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed. This shall include routing of all traffic and any directional signs to be installed and where.
- d) Details of any protection measures for footpaths and trees surrounding the site.
- e) Details of any means of access to the site during construction.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of measures to control the emission of dust and dirt during construction, and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portals.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Site waste management plan (that shall include reuse and recycling of materials)
- k) Scheme for sustainable construction management to ensure effective water and energy use.
- l) Scheme of review of complaints from neighbours.
- m) Registration and details of a Considerate Constructors Scheme
- n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).

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

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

NOTE/S FOR CONDITION:

You are strongly advised to discuss this condition with the Local Planning Authority and if possible/available local residents likely to be affected by this development prior to submission of details.

4. NOISE COMPLIANCE

CONDITION: All recommendation contained within the submitted Noise Impact Assessment shall be carried out and thereafter maintained at all times .

REASON: In the interest of the amenity of neighbouring residents having regard to the background noise levels in the area.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to first use. This condition is imposed due to concern/s over potential noise that may harm amenity and is imposed as it is considered necessary to control potential noise that would have otherwise warranted a refusal.

5. CONDITION: Notwithstanding details submitted, prior to the first use of the development hereby approved, details of the entry and no entry signage shall be submitted to the LPA for approval, in writing, and shall as may be approved be approved at the entry and exit points to the forecourt and thereafter maintained.

REASON: To ensure that vehicles can enter and leave the site in a controlled manner

6. CONDITION: The proposed development hereby approved shall not be first used until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and 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

7. FURTHER APPROVAL: DETAILS OF ILLUMINATION

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.

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.

12. Declaration of Interest

- 12.1 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.

13. Background Papers

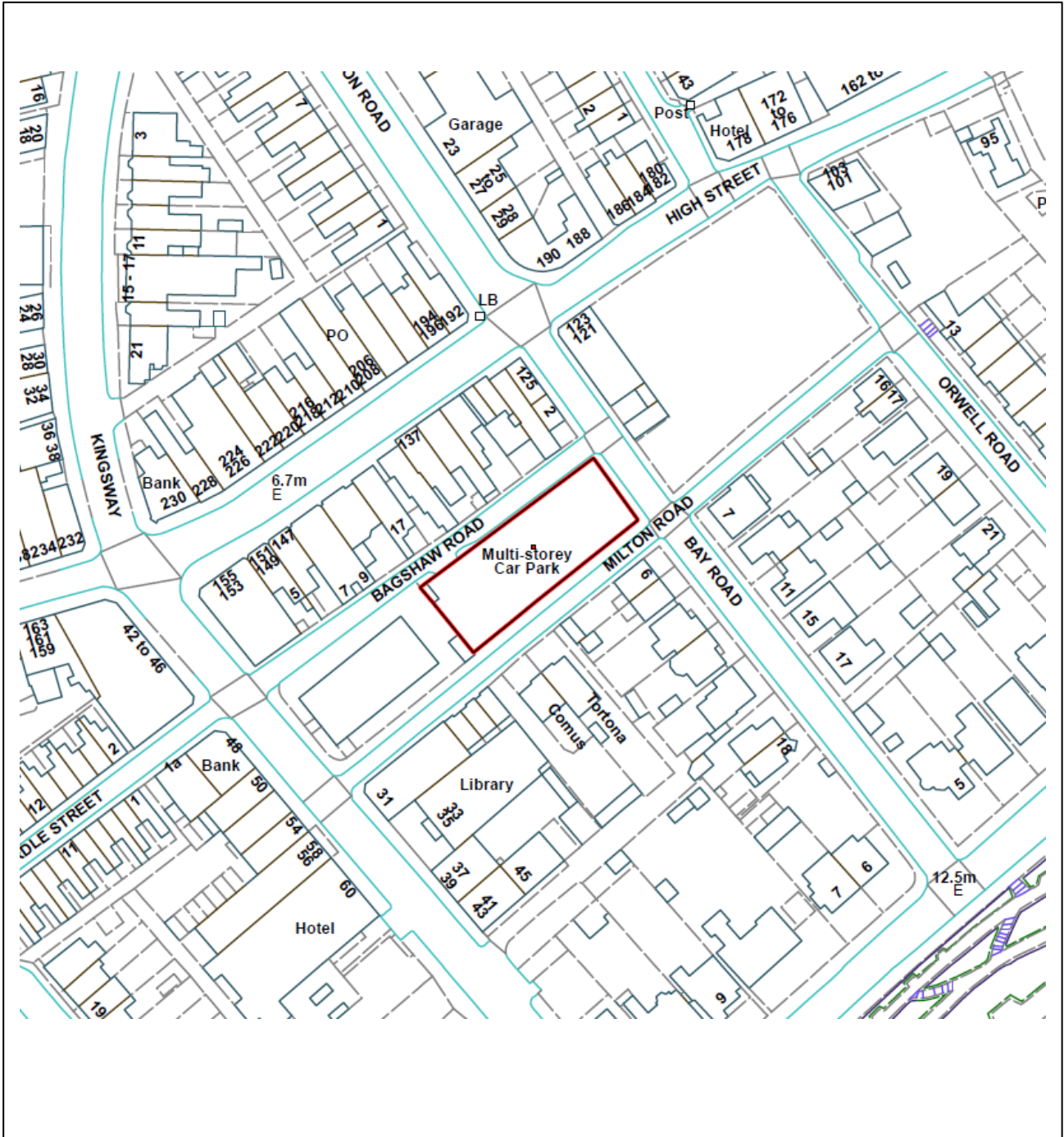
- 13.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report)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

4 FEBRUARY 2025

REPORT OF THE DIRECTOR OF PLANNING

A.3. PLANNING APPLICATION – 24/01716/FUL – MILTON ROAD CAR PARK MILTON ROAD DOVERCOURT CO12 3LA



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| | | | |
|----------------------|--|---------------------|-------------------|
| Application: | 24/01716/FUL | Expiry Date: | 15th January 2025 |
| Case Officer: | Michael Pingram | EOT Date: | 7th February 2025 |
| Town/ Parish: | Harwich Town Council | | |
| Applicant: | Tendring District Council | | |
| Address: | Milton Road Car Park Milton Road Dovercourt, Essex CO12 3LA | | |
| Development: | Demolition of the existing Milton Road multi-storey car park and replacement with an at-grade car park, cycle parking, and landscaping improvements. | | |

1. Executive Summary

- 1.1 This application is before the Planning Committee on the basis that the applicant is Tendring District Council.
- 1.2 The proposal would result in the demolition of the existing multi-storey car park, to be replaced with a single storey car park providing for 23 spaces. In this instance, the regeneration of a large vacant site within the Dovercourt Town Centre is supported in principle. Further, the proposal is considered to result in a visual enhancement to the area, and will also not harm any of the surrounding heritage assets.
- 1.3 Officers consider that there will not be any significant harm to the amenities of neighbouring residents, and ECC Highways have raised no objections subject to conditions. The proposal results in the loss of some existing parking provision, but it is noted that the site is currently vacant and there has been a significant increase in provision at Orwell Road car park directly adjacent; the combination of these factors ensures there will be sufficient provision overall.
- 1.4 Taking all of the above into consideration, the application is considered to comply with local and national planning policies and accordingly 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.

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. 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>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

4. **Planning Policy**

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

National:

National Planning Policy Framework December 2024 ([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
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

PP3 Village and Neighbourhood Centres
PP5 Town Centre Uses
PP14 Priority Areas for Regeneration

PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL8 Conservation Areas
PPL9 Listed Buildings
PPL10 Renewable Energy Generation and Energy efficiency Measures

CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network

Local Planning Guidance

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

5. Relevant Planning History

None.

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/>.

Tree & Landscape Officer

28.11.2024

There are no trees or other significant vegetation on the application site.

There are limited opportunities to introduce soft landscaping into the scheme however the proposals maximise the opportunities and along with a range of sensitive design proposals, with a local theme, make the most of the potential of the site.

Essex County Council Heritage

05.12.2024

Built Heritage Advice pertaining to a Full Planning Application for the proposed demolition of the existing Milton Road multi-storey car park, and replacement with an at-grade car park, cycle parking, and landscaping improvements.

This application is supported by a Heritage Statement that meets the requirements of the NPPF Paragraph 200. In that it provides a proportionate level of information to describe the significance of the heritage assets affected by the proposal and understand the potential impact upon them. It identifies that the boundary of the Dovercourt Conservation Area lies to the north of the site on the opposite side of Bagshaw Road, and to the southwest of the site where it includes the Kingsway Hall and Railings.

The significance of the Conservation Area is predominantly derived from its historic value most closely associated with the early development of Harwich as a seaside resort, centred on a core of historic terraced streets, and the open space of the park and Beacon Hill Fort which are historic in their origins and enhance our understanding of the development of the Conservation Area. Its significance also derives from the architectural interest of the nineteenth and early twentieth century buildings which make up the core of the Conservation Area. The historic and architectural significance of the Conservation Area has been damaged by the loss of key buildings of historic and architectural significance, and the current condition of other important buildings.

The setting of the Conservation Area comprises later residential areas to the east and west of the Conservation Area, the railway and Harwich harbour to the north and Dovercourt Bay to the southwest. The setting of the built core of the Conservation Area has some adverse impact on

its significance. The Multi-Storey car park is identified in the adopted Appraisal as a detracting example, being unsympathetic in scale, mass and building materials, appearing intrusive and detracting from views of the traditional building stock within the area.

The Kingsway Hall and Railings situated immediately adjacent to the site are Grade II listed (List Entry No. 1187913). The Listed Building's significance is derived from its special architectural and historic interest as a former non-conformist church that dates to the latter half of the nineteenth century and constructed in the Italianate style by Gibbons of Ipswich. The boundary walling to its southeast and southwest has ornate iron railings between Roman cement coated piers that are listed with the building. They display craftsmanship in their decoration and are considered to contribute positively to the building's aesthetic value, as a consciously designed element of the listed building.

Its setting comprises the High Street and surrounding built up area. The existing Milton Road Car Park does not contribute to the significance of the listed building, although it does allow open views towards the rear of the building.

Given the close proximity of the site to the designated heritage assets, there is potential for the proposal to cause indirect impacts to the character and appearance of the Dovercourt Conservation Area, and to the significance of the Kingsway Hall and Railings through the changes to their setting.

In principle there is no objection to the demolition and replacement of the Milton Road Car Park, on the basis that the Conservation Area Character Appraisal and Management Plan (December 2021) states that the existing multi-storey car park is "unsympathetic in scale, mass and building materials, appearing intrusive and detracting from views of the traditional building stock within the area". As such, its removal creates an opportunity to enhance the setting of the designated heritage assets.

Its replacement by the proposed at-grade car park, cycle parking, and landscaping works is supported. The design of the new development is considered to be appropriate in the setting of the designated heritage assets, and has been informed by pre-application discussions with the Local Planning Authority, which involved advice from the Place Services Historic Built Environment Team.

The new car park is reduced in scale to a single level that will appear to be partly sunken due to the site's sloped ground levels. This will increase the amount of open space that the site provides to the setting of the designated heritage assets, and enhance the rearward views of the Kingsway Hall.

New railings with attractive latticework panel and lighthouse shaped post detailing are proposed to enclose the carpark. The design is influenced by local historic landmarks within the wider setting of the Dovercourt Conservation Area, namely the Upper and Lower Lighthouses, and the Harwich Redoubt Fort. They are of a high-quality design that will make a positive contribution to the local character and distinctiveness, as set out in Paragraph 203 (c) of the National Planning Policy Framework (NPPF).

Overall, the proposal is considered to enhance the setting of the designated heritage assets. There would be no indirect harm caused to the setting and significance of the Kingsway Hall and Railings, and to the character and appearance of the conservation area.

The proposal is considered to be in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and is not in conflict with the provision of Chapter 16 of the NPPF.

The Design and Access Statement specifies that the new railings are to be made from steel with a polyester powder-coated black finish. We recommend a condition is used to secure appropriate materials and finishes for the boundary treatments that ensure the high-quality design is sustained.

Environmental Protection

18.12.2024

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

Contaminated Land: EP have reviewed the submitted contaminated land risk assessment and are satisfied with the findings of the report. Prior to any commencement of the proposal, an intrusive site investigation is to be undertaken with the objective of determining the presence and extent of any soil contamination at the site. This should be completed by a competent person and submitted to the local planning authority for approval

REASON: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Demolition and Construction Method Statement: In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Pollution and Environmental Control ask that the following is submitted:

Prior to the commencement of any construction or demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Environmental Protection Team. This should at minimum include the following where applicable.

o Noise Control

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

o Emission Control

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

- 2) No materials produced as a result of the site development or clearance shall be burned on site.
- 3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

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

REASON: to protect the amenity of nearby residential dwellings.

ECC Highways Dept

05.12.2024

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. No site visit was undertaken in conjunction with this planning application. It is noted that the revised car park will utilise the existing access that served the lower section of the current car park from Bagshaw Road which has a one-way Order and a series of waiting restrictions and is accessed via Bay Road. The revised car park will provide twenty-three spaces with cycle and motorcycle parking. It is also noted that the existing car park is closed and the loss, of the upper deck car park will be offset by the new Orwell Road car park and as such will not have a detrimental impact on parking in the area, 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.

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

2. Prior to occupation of the car park, the road junction / access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 41 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of obstruction above 600mm at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

3. Prior to the occupation of the car park the internal layout and off-street parking shall be provided in principle and accord with drawing numbers:

- o 2530557 - P10 Rev. B - Proposed site layout plan
- o L1047101 Rev. E - Landscape general arrangement plan

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1 and DM6.

4. The redundant vehicular access from the site (Milton Road) shall be suitably and permanently closed incorporating the reinstatement to full height of the footway / kerbing before the revised car park is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1.

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

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

6. The proposed car park shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and 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 in accordance with Policy DM8.

7. The powered two-wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the car park and retained at all times.

Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided in accordance with Policy DM8.

8. Prior to the occupation of the car park and south of the pedestrian access on Bay Road, the provision of an informal pedestrian crossing point is to be provided on the footway and opposite, adjacent to the pedestrian entrance to Orwell Road car park including the provision of tactile paving.

Reason: To make adequate provision within the highway for the additional pedestrian traffic generated within the highway because of the proposed development in accordance with Policy DM9.

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.

Notes:

- o The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.
- o Prior to any works taking place in the highway the developer should enter into a S278 agreement with the Highway Authority under the Highways Act 1980 or Minor Works Authorisation to regulate the construction of the highway works.

- o All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
- o All highway related details should be agreed with the Highway Authority.
- o Drawing no. 2530557 - P10 Rev. B shows the extent of proposed retaining wall repairs/ new construction, these will need to be checked/ approved by the Structures Team at the technical approval stage to avoid impacting Milton Road.

ECC SuDS Consultee 14.01.2025

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:

- o Run off rate should be limited to the 1 in 1 year greenfield rate in the first instance, if it has been demonstrated this is unviable, run off rate should be limited to a minimum of 50% betterment of the existing brownfield rate. This should be supported by calculations. The Drainage strategy states that the discharge of 2l/s is a betterment of the existing discharge from the site, however the current brownfield discharge rate and greenfield rate has not been detailed within the document.
- o The private drainage general arrangement drawing looks to show the rain gardens placed within the parking bays. It also does not correspond with the proposed site layout drawing.
- o A CV value of 1 should be used within the surface water design calcs as whilst areas of permeable paving has been proposed, there is no infiltration proposed at the site and as such these areas will contribute to the positive drainage system.

We also have the following advisory comments:

- o 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/protecting-environment>

- o Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications 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)

- o Please note that where discharge is to a public sewer, consent from the relevant authority will be required. The links can be found below.

<https://www.anglianwater.co.uk/developing/drainage-services/sustainable-drainage-systems/>

<https://www.thameswater.co.uk/developers>

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Essex County Council Ecology

20.12.2024

Summary

We have reviewed the Preliminary Ecological Appraisal (Place Services, November 2024) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We have also reviewed the information submitted information relating to mandatory biodiversity net gains.

We are satisfied that there is sufficient ecological information available to support 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 (Place Services, November 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 those recorded in the locality.

We also support the proposed reasonable biodiversity enhancements for protected and Priority species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d of the National Planning Policy Framework (December 2025). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

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 (Place Services, November 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve 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 ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority or threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Place Services, November 2024), 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 of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

7. Representations

- 7.1 Harwich Town Council have confirmed they have no objections to the application.
- 7.2 There has been one letter of observation received, querying whether the development could also include toilet units.

8. Assessment

Site Description

- 8.1 The application site is Milton Road Car Park, which is located to the south of Bagshaw Road and north of Milton Road, within the parish of Dovercourt. The car park is currently two storeys and has been vacant for some time and overall in a poor state of repair.
- 8.2 The surrounding area is heavily urbanised in nature, with residential and commercial development to all sides. Adjacent to the north-east is a recently developed car park, and to the south-west is a Grade II Listed Building. There are other Grade II Listed Buildings within the wider surrounding area, and the site also lies adjacent to the Dovercourt Conservation Area, which falls to the north and south-west.
- 8.3 The site falls within the Settlement Development Boundary for Dovercourt within the adopted Local Plan 2013-2033, is allocated within an area prioritised for regeneration purposes, and also lies within the Dovercourt Town Centre boundary.

Description of Proposal

- 8.4 This letter seeks planning permission for the demolition of the existing car park, to be replaced by a new single level car park providing for a total of 23 spaces. The proposal will also include additional landscaping and lighting improvements, with the site to be accessed via Bagshaw Road. Two of the 23 spaces are to be for disabled persons and four will include wall mounted electric vehicle charging points, and there will also be 6 cycle bays and 4 motorcycle bays.

Principle of Development

- 8.5 Paragraph 90 of the National Planning Policy Framework (2024) states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking

a positive approach to their growth, management and adaptation. It adds that planning policies should define a network and hierarchy of town centres and promote their long-term vitality and viability.

- 8.6 In addition, Paragraph 124 encourages planning decisions to promote effective use of land, with Paragraph 125(c) adding that appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land should be supported.
- 8.7 In this instance, the application relates to the regeneration of a large vacant site between Bagshaw Road and Milton Road, Dovercourt. The site is located within the defined Town Centre and is also within an area prioritised for regeneration purposes. These areas are identified within Policy PP14 to be the focus of investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety, accessibility and green infrastructure.
- 8.8 The development will contribute to the regeneration and renewal of the area through enhancements to its function, character and appearance. As such, the development proposed accords with the objectives of national and local planning policy for delivering sustainable development, utilising land effectively, and supporting development that will contribute to regeneration and the vitality of town centres. The proposal is, therefore, considered to be acceptable in principle.

Scale, Layout & Appearance

- 8.9 Paragraph 135 of the National Planning Policy Framework (NPPF) (2024) states 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.
- 8.10 Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Adopted Policy SPL3 Part A (b) requires that development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials.
- 8.11 The development is to provide a new and revised car parking area within the centre of Dovercourt Town Centre, which would replace the currently vacant and derelict site that is of a poor visual appearance. ECC Place Services (Urban Design) were involved at pre-application stage and have therefore been involved in the overall design process. The retention of the Bagshaw Road entrance is supported as it retains the existing access connection, and due to the lack of built form it will not appear visually harmful. Features including the use of landscaping to break up spaces, electric vehicle charging points, disabled spaces and separate cycle/motorcycle parking provision, are considered to be positive design characteristics. Furthermore, the north-eastern corner of the site is to be used for a small area of public realm, which is supported as due to its seating and landscaping it will help create a positive relationship with the surrounding area.
- 8.12 Moreover, as a result of the topography, which slopes towards the north, there is a need for a retaining wall and boundary fencing to ensure safety and treatment of the levels. It is welcomed that this boundary treatment, which looks to integrate features of the local area in the form of lighthouses and railings, has been used as an opportunity for placemaking.
- 8.13 Overall, therefore, the development is considered to provide for an improved visual appearance to the currently vacant and derelict site, and will result in a visually appealing scheme that accords with the aforementioned national and local planning policies.

Heritage Impacts

- 8.14 Paragraph 210(c) of the NPPF states that in determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local

character and distinctiveness. Paragraph 215 confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 8.15 Adopted Policy PPL8 states that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area. Policy PPL9 adds that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.
- 8.16 The application site falls within the Dovercourt Conservation Area, and is also adjacent to a Grade II Listed Building, with other Grade II Listed Buildings also further out within the wider surrounding area. Accordingly, ECC Place Services (Heritage) have been consulted, and they have provided the following comments:

“This application is supported by a Heritage Statement that meets the requirements of the NPPF Paragraph 200 in that it provides a proportionate level of information to describe the significance of the heritage assets affected by the proposal and understand the potential impact upon them. It identifies that the boundary of the Dovercourt Conservation Area lies to the north of the site on the opposite side of Bagshaw Road, and to the southwest of the site where it includes the Kingsway Hall and Railings.

The significance of the Conservation Area is predominantly derived from its historic value most closely associated with the early development of Harwich as a seaside resort, centred on a core of historic terraced streets, and the open space of the park and Beacon Hill Fort which are historic in their origins and enhance our understanding of the development of the Conservation Area. Its significance also derives from the architectural interest of the nineteenth and early twentieth century buildings which make up the core of the Conservation Area. The historic and architectural significance of the Conservation Area has been damaged by the loss of key buildings of historic and architectural significance, and the current condition of other important buildings.

The setting of the Conservation Area comprises later residential areas to the east and west of the Conservation Area, the railway and Harwich harbour to the north and Dovercourt Bay to the southwest. The setting of the built core of the Conservation Area has some adverse impact on its significance. The Multi-Storey car park is identified in the adopted Appraisal as a detracting example, being unsympathetic in scale, mass and building materials, appearing intrusive and detracting from views of the traditional building stock within the area.

The Kingsway Hall and Railings situated immediately adjacent to the site are Grade II listed (List Entry No. 1187913). The Listed Building's significance is derived from its special architectural and historic interest as a former non-conformist church that dates to the latter half of the nineteenth century and constructed in the Italianate style by Gibbons of Ipswich. The boundary walling to its southeast and southwest has ornate iron railings between Roman cement coated piers that are listed with the building. They display craftsmanship in their decoration and are considered to contribute positively to the building's aesthetic value, as a consciously designed element of the listed building.

Its setting comprises the High Street and surrounding built up area. The existing Milton Road Car Park does not contribute to the significance of the listed building, although it does allow open views towards the rear of the building.

Given the close proximity of the site to the designated heritage assets, there is potential for the proposal to cause indirect impacts to the character and appearance of the Dovercourt Conservation Area, and to the significance of the Kingsway Hall and Railings through the changes to their setting.

In principle there is no objection to the demolition and replacement of the Milton Road Car Park, on the basis that the Conservation Area Character Appraisal and Management Plan (December 2021) states that the existing multi-storey car park is "unsympathetic in scale, mass and building materials, appearing intrusive and detracting from views of the traditional building stock within the area". As such, its removal creates an opportunity to enhance the setting of the designated heritage assets.

Its replacement by the proposed at-grade car park, cycle parking, and landscaping works is supported. The design of the new development is considered to be appropriate in the setting of the designated heritage assets, and has been informed by pre-application discussions with the Local Planning Authority, which involved advice from the Place Services Historic Built Environment Team.

The new car park is reduced in scale to a single level that will appear to be partly sunken due to the site's sloped ground levels. This will increase the amount of open space that the site provides to the setting of the designated heritage assets, and enhance the rearward views of the Kingsway Hall.

New railings with attractive latticework panel and lighthouse shaped post detailing are proposed to enclose the carpark. The design is influenced by local historic landmarks within the wider setting of the Dovercourt Conservation Area, namely the Upper and Lower Lighthouses, and the Harwich Redoubt Fort. They are of a high-quality design that will make a positive contribution to the local character and distinctiveness, as set out in Paragraph 203 (c) of the National Planning Policy Framework (NPPF).

Overall, the proposal is considered to enhance the setting of the designated heritage assets. There would be no indirect harm caused to the setting and significance of the Kingsway Hall and Railings, and to the character and appearance of the conservation area.

The proposal is considered to be in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and is not in conflict with the provision of Chapter 16 of the NPPF.

The Design and Access Statement specifies that the new railings are to be made from steel with a polyester powder-coated black finish. We recommend a condition is used to secure appropriate materials and finishes for the boundary treatments that ensure the high-quality design is sustained."

- 8.17 In summary, the current car park is considered to be an unsympathetic addition to the Dovercourt Conservation Area in its current form, and also does not contribute to the significance of the adjacent Grade II Listed Building. The proposed replacement car park is considered to make a positive contribution to the local character and distinctiveness, and therefore no objections are raised in this regard, subject to the inclusion of the suggested condition.

Highway Safety/Parking

- 8.18 Paragraph 115 of the National Planning Policy Framework (2024) seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 116 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy SPL3 (Part B) of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.
- 8.19 Essex Highways Authority have been consulted and have confirmed that from a highway and transportation perspective the impact of the proposal is acceptable. However, they have recommended conditions relating to the submission of a Construction Management Plan, visibility splays, the closure of the redundant vehicular access, boundary planting, the vehicle parking areas, cycle parking and an informal pedestrian crossing point.

- 8.20 With regards to the suggested condition relating to the inclusion of an informal pedestrian crossing point, the agent for the application has suggested this can be addressed via a Section 278 agreement rather than a condition. Whilst Officers agree that this could be addressed via such an agreement, on this occasion it is not considered that there is sufficient justification for such a request, and therefore it would not be reasonable or necessary to include this within the recommendation.
- 8.21 The Essex Parking Standards (2009) outline that parking spaces shall each measure 5.5m x 2.9m (or 5m x 2.5m in exceptional circumstances). Officers acknowledge that the proposal would result in the overall loss of parking spaces at Milton Road car park, with the current spaces being 60 and that proposed being 23. However, on this occasion it is noted that the site is currently vacant (and has been since September 2023), and following the approval of 21/01145/FUL a new car park at Orwell Road directly adjacent has provided for a total of 51 parking spaces. Therefore, in considering both applications, there will not be a significant loss of parking provision, and no significant harm is raised.

Tree and Landscaping Impacts

- 8.22 Adopted Policy PPL3 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.
- 8.23 The Council's Tree and Landscape Officer has been consulted on the pre-application, and has provided the following advisory comments:

"There are no trees or other significant vegetation on the application site.

There are limited opportunities to introduce soft landscaping into the scheme however the proposals maximise the opportunities and along with a range of sensitive design proposals, with a local theme, make the most of the potential of the site."

- 8.24 Taking the above comments into consideration, no objections are raised in this regard.

Impact on Residential Amenity

- 8.25 Paragraph 135 of the National Planning Policy Framework (2024) 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.
- 8.26 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.
- 8.27 There are a number of residential properties in close proximity to the application site, however on this occasion Officers acknowledge that the site is an existing car park and that being proposed is to provide for modern facilities within the same use. Given this, and that the number of parking spaces (and in turn vehicular movements) is reduced, there will be no significant harm to neighbouring amenities to warrant a reason for refusal within any future planning application.

Flood Risk and SuDS

- 8.28 Paragraph 181 of the NPPF states that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 181 goes on to say that, developments should incorporate sustainable drainage systems. The systems used should, amongst other things, take account of advice from the lead local flood authority and have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

- 8.29 Adopted Local Plan Policy PPL5 requires that all new development must make adequate provision for drainage and sewage treatment and should include sustainable drainage systems (SuDS). Policy SPL3, Part B criterion g), requires that development reduces flood risk and integrates sustainable drainage within development.
- 8.30 ECC SuDS as Lead Local Flood Authority have issued a holding objection to the proposal and the applicant is in the process of preparing the additional information requested. Due to the nature of this proposal being a hardstanding area and the existing site coverage it is considered this matter could be adequately resolved via a planning condition, as included within the recommendation, in consultation with ECC SuDS.

Impact to Protected Species

- 8.31 Paragraph 187 of the Framework states planning decisions should contribute to and enhance the natural and local environment, by minimising impacts and providing net gains for biodiversity. Paragraph 193(a) of the NPPF confirms that in assessing planning applications where significant harm to biodiversity as a result of a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.
- 8.32 Adopted Policy SP7 requires that all new development should incorporate biodiversity creation and enhancement measures. Adopted Policy SPL3 Part A(d) includes that the design and layout of development should maintain or enhance ecological value.
- 8.33 ECC Place Services (Ecology) have been consulted and have confirmed they are satisfied there is sufficient ecological information available to support the determination of the application, and raise no objections subject to conditions relating to mitigation measures and a Biodiversity Enhancement Strategy.

Renewable Energy

- 8.34 Paragraph 117 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.
- 8.35 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.
- 8.36 The proposal includes for a development that has the potential to incorporate ULEV charging points for electric cars, and it is noted that such provision has been allowed for. Therefore, on this occasion it would not be reasonable or necessary to include a condition requiring the submission of renewable energy details.

9. Conclusion

- 9.1 The proposal would result in the demolition of the existing multi-storey car park, to be replaced with a single storey car park providing for 23spaces. In this instance, the regeneration of a large vacant site within the Dovercourt Town Centre is supported in principle. Further, the proposal is considered to result in a visual enhancement to the area, and will also not harm any of the surrounding heritage assets.
- 9.2 Officers consider that there will not be any significant harm to the amenities of neighbouring residents, and ECC Highways have raised no objections subject to conditions. The proposal results

in the loss of some existing parking provision, but it is noted that the site is currently vacant and there has been a significant increase in provision at Orwell Road car park directly adjacent; the combination of these factors ensures there will be sufficient provision overall.

9.3 Taking all of the above into consideration, the application is considered to comply with local and national planning policies and accordingly is recommended for approval.

10. Recommendation

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

10.2 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

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 2530557-P01 Rev A, 2530557-P10 Rev B, 2530557-P11 Rev C, 2530557-P12 Rev B, 2530557-P13, L1047L01 Rev E, L1047L02 Rev C, and the documents titled 'Phase 1 Desk Study Report', 'Drainage Strategy', 'Preliminary Ecological Appraisal', 'Heritage Statement', 'Landscape Design Statement' and 'Transport Statement'.

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

3 **CONDITION:** Prior to the commencement of development details of a construction methodology and timetable shall be submitted to and approved, in writing, by the Local Planning Authority. This shall incorporate the following information:-

- a) Details of how construction and worker traffic and parking shall be managed.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Storage of plant and materials used in the construction of the development.
- d) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- e) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.

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

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

- 4 CONDITION: Prior to first use of the access, visibility splays shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 41 metres in both directions, as measured from and along the nearside edge of the carriageway, and shall then be retained in its approved form. Notwithstanding the provisions of Part 2 Class A 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 obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

REASON: To ensure vehicles exiting the access would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

- 5 CONDITION: The hereby approved access shall be completed in all respects in accordance with the approved drawings and be available for use before the car park is brought into first use. The approved access shall then be retained in its approved form. Prior to first use of the new access details of the stopping up of all other means of vehicular access within the frontage as shown on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The stopping up as approved shall be implemented in full prior to first use of the new access.

REASON: To ensure that an increase in accesses available does not increase in highway safety risk.

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

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

- 7 CONDITION: Prior to occupation of the hereby approved development, details of the powered two-wheeler/cycle parking facilities shall be submitted to, and agreed in writing by, the Local Planning Authority. These approved details shall then be retained thereafter.

REASON: To ensure appropriate powered two-wheeler and bicycle parking is provided.

- 8 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.

- 9 CONDITION: No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the boundary treatments to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

REASON: To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

- 10 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 (Place Services, November 2024).

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

- 11 CONDITION: Full details of surface water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority prior to the beginning of any works to the building/s it would serve are commenced. No part of the development shall be brought into use until the agreed method of surface water drainage has been fully installed and is functionally available for use. The surface water drainage scheme shall thereafter be maintained as approved.

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

10.3 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.

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>

Highways Informatives:

- i) All work within or affecting the highway (including demolition works) is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details must 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) The area(s) directly adjacent to the carriageway(s) in which the 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.

- iii) It is recommended that the location of the internal light columns as shown on drawing no. 2530557 - P13, are reviewed and located on the wider landscape areas to avoid being hit by vehicles or restricting access to the adjacent parking spaces and potentially becoming an ongoing maintenance issue.
- iv) 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.
- v) 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. Declaration of Interest

- 12.1 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.

13. Background Papers

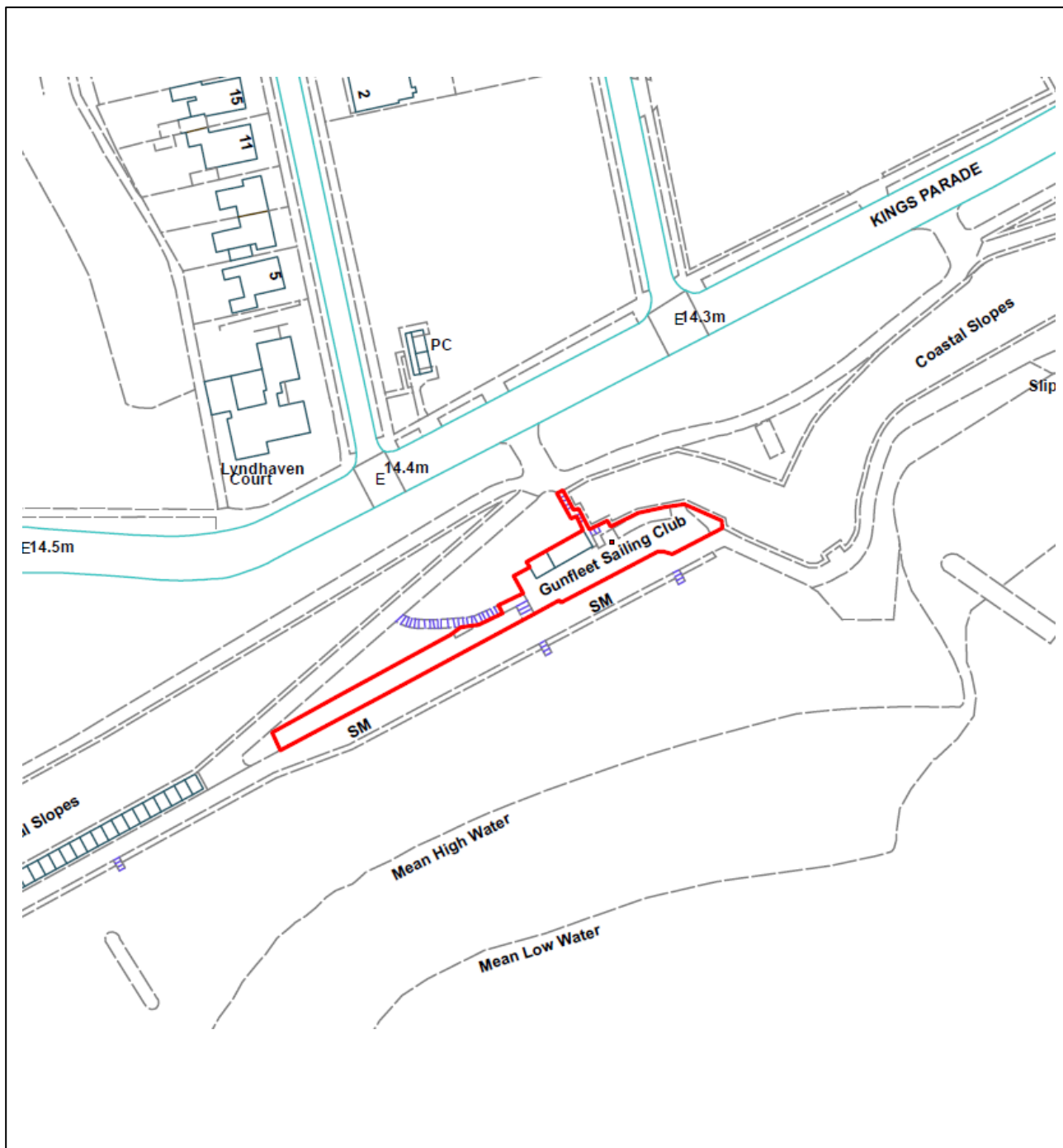
- 13.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report)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

4th February 2025

REPORT OF THE DIRECTOR OF PLANNING

A.4. PLANNING APPLICATION – 24/01643/FUL – GUNFLEET SAILING CLUB MARINE PARADE EAST CLACTON ON SEA



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| | | | |
|----------------------|---|---------------------|--------------------|
| Application: | 24/01643/FUL | Expiry Date: | 21st January 2025 |
| Case Officer: | Naomi Hart | EOT Date: | 05th February 2025 |
| Town/ Parish: | Clacton Non Parished | | |
| Applicant: | Mr Richard Walker (Commodore) - Gunfleet Sailing Club Ltd. | | |
| Address: | Gunfleet Sailing Club Marine Parade East Clacton On Sea Essex | | |
| Development: | Planning Application - Extension to the clubhouse to accommodate entrance lobby and enclosed race officer box for starting and managing dinghy races. | | |

1. Executive Summary

- 1.1 This application is before Members as Tendring District Council is the landowner.
- 1.2 The application seeks full planning permission for a small extension to the sailing club clubhouse to accommodate an entrance lobby and race officer box.
- 1.3 The site is located within the settlement development boundary, within Clacton Greensward Safeguarded Open Space and within Flood zone 2.
- 1.4 The proposal is not considered to cause any material harm to visual or residential amenity, highway safety, biodiversity, or flood risk and the 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.

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. 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>

4. **Planning Policy**

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

National:

National Planning Policy Framework December 2024 ([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
SP7 Place Shaping Principles

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

SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP1 Improving Health and Wellbeing
HP2 Community Facilities
HP4 Safeguarded Open Space
HP5 Open Space, Sports and Recreation Facilities
PPL1 Development and Flood Risk
CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

5. **Relevant Planning History**

| | | | |
|--------------|-----------------------------------|----------|------------|
| 00/00853/FUL | Replacement of existing clubhouse | Approved | 13.10.2000 |
|--------------|-----------------------------------|----------|------------|

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/>.

Environment Agency**10.01.2025**

We have inspected the application and have no objection. We have provided brief information regarding environmental permitting below.

Environmental Permitting Regulations

This application does not require a Flood Risk Activity Permit as the defence in this area is maintained under the Coastal Protection Act 1949, and therefore is not considered a 'sea defence' under the terms of The Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations 2016, Schedule 25, Part 1, Paragraph 3 (3).

ECC Highways Dept**09.01.2025**

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. No site visit was undertaken in conjunction with this planning application. The proposal is set back from the public highway, while to the south of the clubhouse is public footpath 29 (Great Clacton_167) that forms part of a coastal path. It is noted that the club need to undertake some important maintenance work to its property incorporating an extension to the building to improve and enhance its operation, 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. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials shall be provided clear of the highway.
2. The public's rights and ease of passage over public footpath no.29 (Great Clacton_167) shall be maintained free and unobstructed at all times.

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.

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 must 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.

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

Construction Activities: In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following hours and actions be adhered to, should the application be approved;

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

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

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

7. Representations

7.1 Parish / Town Council

Not applicable (Clacton – non parished)

7.2 Neighbour / Local Representations

No letters of representation have been received.

8. Assessment

Site Context

8.1 The application site relates to Gunfleet Sailing Club, Marine Parade East, Clacton on Sea which is a single storey building raised up on stilts from ground level and located within the settlement development boundary of Clacton on Sea. The application site is located within Clacton Greensward Safeguarded Open Space and is located within Flood zone 2.

Proposal

8.2 This application seeks full planning permission for an extension to the clubhouse to accommodate an entrance lobby and enclosed race officer box for starting and managing dinghy races.

8.3 Officers note that works have already commenced.

Principle of Development

8.4 The site lies within the Clacton-on-Sea Settlement Development Boundary where adopted Local Plan Policy SPL2 provides a general presumption in favour of new development. Adopted Local Plan Policy SPL3 states that all new development should make a positive contribution to the quality of the local environment by incorporating, amongst other things, measures to minimise opportunities for crime and anti-social behaviour.

8.5 Policy HP4 of the Local Plan 2013-2033 aims to protect open spaces as defined on the Policies Map and Local Maps. The application site is located within the Clacton Greensward Safeguarded Open Space. As the proposal is to extend and replace the existing race officer box within the existing confines of the building, it will not result in any harm to the existing use of the open space and therefore the proposal complies with Policy HP4.

8.6 The development is therefore considered acceptable in principle, subjected to the detailed consideration below.

Scale, Layout & Appearance

8.7 Policy SPL3 Part A states that all new development should protect or enhance local character and relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.

8.8 The proposed extension will be located to the eastern side of the sailing club building. The extension will replace the existing racebox and will measure approximately 2.9 metres in width, 1.9 metres in depth with an overall height of 3 metres. It is considered that the size of the proposal is of a scale which is in keeping with the main building.

8.9 The extension will be constructed from creosoted shiplap timber walls, goosewing grey composite roof panels, white framed UPVC double glazed windows and navy blue reinforced composite door. These materials match the materials used within the main clubhouse and are therefore considered acceptable.

8.10 Although the proposed extension will be visible from the coastal footpath, due to the use of matching materials, as well as the height of the extension being set lower than the main ridge height, the extension is not considered to result in any visual harm to the character of the surrounding area.

Highway Safety/Parking

8.11 Paragraph 115 of the National Planning Policy Framework 2024 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 109 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

8.12 Adopted Policy CP1 (Sustainable Transport and Accessibility) 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.

8.13 Gunfleet Sailing Club is set back from the highway and to the south of the clubhouse is public footpath 29 (Great Clacton_167) which forms part of the coastal path. It is considered that as the extension is to create a lobby area and race officer box largely within the existing confines of the structure, the proposal is not considered likely to cause any impact to highway safety and parking provision.

8.14 Essex Highways Authority have been consulted on this application and have no objections subject to conditions relating to storage of building materials (imposed as an informative) and not obstructing the footpath is included as a condition.

Impact on Residential Amenity

8.15 Adopted Local Plan Policy SPL3 Part C states that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

8.16 The existing building is located a significant distance away from any neighbouring properties to prevent any harm to residential amenity. Environmental Protection request a condition relating to hours of operation however given the small scale of the development and the isolation from neighbouring properties it is not considered necessary to impose as a condition and this has been added as an informative.

Flood Risk

8.17 Policy PPL1 states that all development proposals should include appropriate measures to respond to the risk of flooding on and/or off site.

8.18 The application site lies within flood zone 2 and therefore the Environment Agency have been consulted. They have no objections and note that the proposal does not require a Flood Risk Activity Permit.

8.19 The building is raised above ground level and the extension is set at the existing floor level, there is therefore no likely impact upon flood risk to the site or surrounding area in accordance with Policy PPL1.

BNG & ECOLOGY

Habitats, Protected Species and Biodiversity Enhancement

General duty on all authorities

8.20 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.

8.21 This development is subject to the general duty outlined above. An informative has been 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.

Biodiversity net gain

8.22 Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. Officers have considered the requirements of Mandatory Biodiversity Net Gain in this context of this development and site against the relevant legislative requirements and statutory duties contained therein.

8.23 Due to the limited size and construction on the existing raised platform, the application is exempt from the requirements of biodiversity net gain.

Protected Species

8.24 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.

8.25 Conclusion: 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.

9. Conclusion

9.1 The proposed development 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.

10. Recommendation

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

10.2 Conditions and Reasons

1. COMPLIANCE: 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.

- Existing and Proposed Front Elevations – Received 26.11.2024
- Existing and Proposed Side Elevations – Received 26.11.2024
- Proposed Floor Plan – Received 26.11.2024

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. COMPLIANCE: PUBLIC FOOTPATH

CONDITION: The public's rights and ease of passage over public footpath no.29 (Great Clacton_167) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

10.3 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

- 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 must be agreed before the commencement of works.
- ii) The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- iii) 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.
- iv) 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.
- v) Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials shall be provided clear of the highway.

Biodiversity

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>

Environmental Health

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.
- No materials produced as a result of the site development or clearance shall be burned on site.

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.

12. Declaration of Interest

- 12.1 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.

13. 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/>.

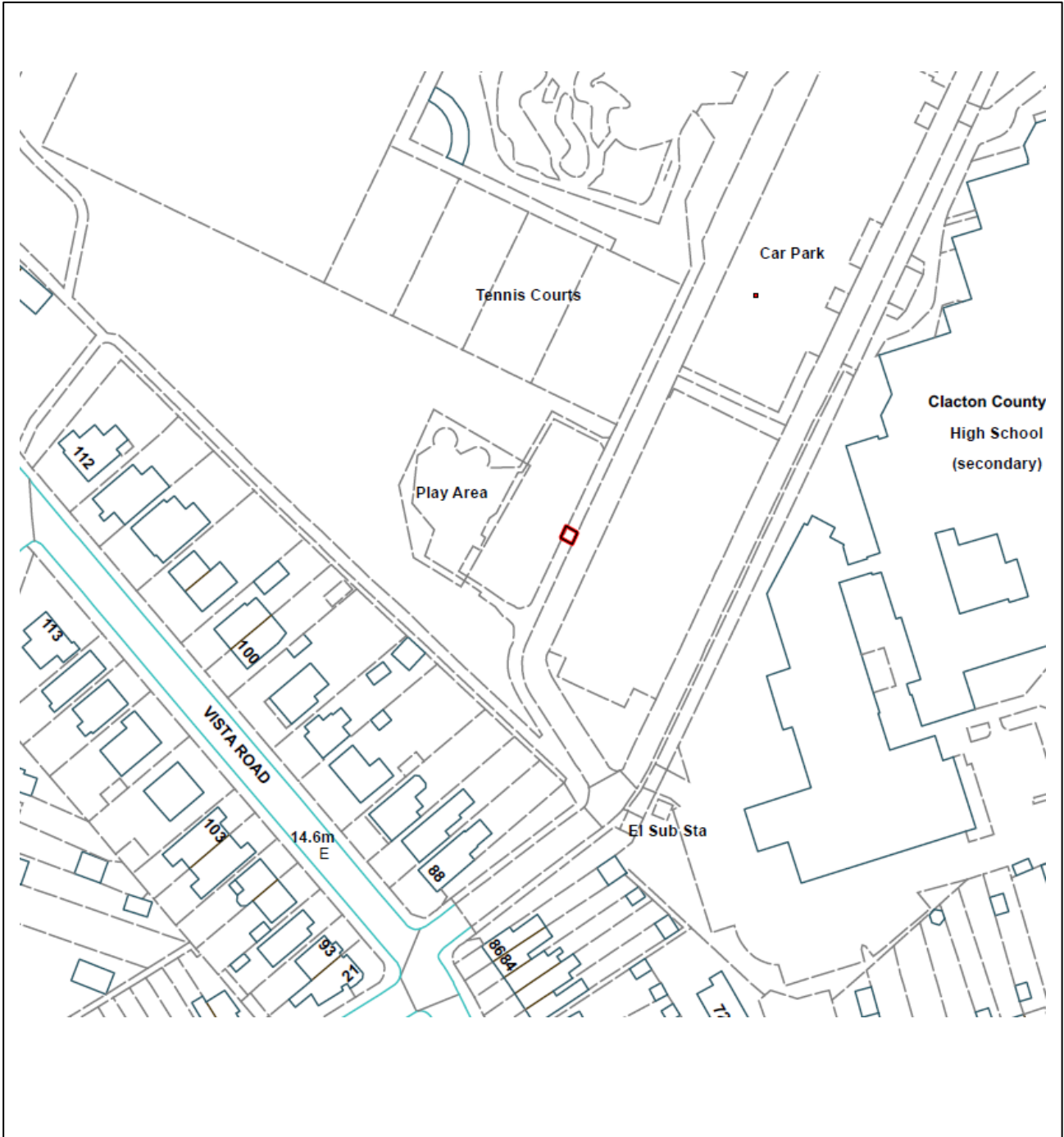
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PLANNING COMMITTEE

4th February 2025

REPORT OF THE DIRECTOR OF PLANNING

A.5. PLANNING APPLICATION – 24/01596/FUL – CAR PARK/SKATE PARK CLACTON LEISURE CENTRE VISTA ROAD CLACTON ON SEA CO15 6DJ



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| | | | |
|----------------------|--|---------------------|--------------------------------|
| Application: | 24/01596/FUL | Expiry Date: | 30 th December 2024 |
| Case Officer: | Oliver Ashford | EOT Date: | 7 th February 2025 |
| Town/ Parish: | Clacton Non Parished | | |
| Applicant: | Mr Andrew White - Tendring District Council | | |
| Address: | Car Park/Skate Park Clacton Leisure Centre Vista Road Clacton On Sea Essex | | |
| Development: | Planning Application - erection/installation of CCTV columns, cameras and ancillary equipment. | | |

1. Executive Summary

- 1.1 The application is before Members as Tendring District Council is the applicant.
- 1.2 The application seeks full planning permission for the erection of a CCTV camera and supporting column on the highway edge of the public footway at the Car Park for Clacton Leisure Centre, Vista Road.
- 1.3 The application proposes a 12-metre-high column, positioned at a location of an existing parking sign (parking sign plate to be relocated onto new column) with a swan neck adaptor and dome camera fitted to the top (giving a 360 degree view around the Car park), supplemented by a proposed fixed camera. The columns will be painted black (same appearance as the existing columns elsewhere within Clacton).
- 1.4 The proposal is of a similar height and appearance as existing street light columns and other existing CCTV columns in the Town and will not appear prominent or harmful within the street scene.
- 1.5 The proposal forms part of the Safer Streets Programme aiming to combat place-based crime through situational crime prevention. The proposals are supported by The Office of the Police, Fire and Crime Commissioner by provision of funding to deliver the intended works. This development will contribute to the Council's Corporate Plan 'Our Vision' 2024/25 and 2024–2028 Theme, Championing our local environment.
- 1.6 The application is recommended for approval.

Recommendation: Approval

- 1) That the Head of Planning and Building Control be authorised to grant full planning permission subject to the 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.

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.

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. Planning Policy

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

National:

National Planning Policy Framework December 2024 ([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

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

PP3 Village and Neighbourhood Centres

PP14 Priority Areas for Regeneration

CP3 Improving the Telecommunications Network

DI1 Infrastructure Delivery and Impact Mitigation

4. Relevant Planning History

No site-specific planning history.

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/>.

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

6. Representations

6.1 Parish / Town Council

Not applicable (Clacton – non parished).

6.2 Neighbour / Local Representations

No letters of representation received.

7. Assessment

Site Context

- 7.1 The application relates to the kerbside edge of the public footway directly outside the Car Park and Skate Park at Clacton Leisure Centre.
- 7.2 The site lies within the Settlement Development boundary for Clacton and a designated Priority Area for Regeneration as defined within the adopted Tendring District Local Plan 2013-2033.
- 7.3 The site contains an existing pole and affixed parking sign (to be replaced as part of the development proposals).

Proposal

- 7.4 The application seeks full planning permission for the erection of a CCTV camera and supporting column on the highway edge of the public footway, adjacent to the Car Park of Clacton Leisure Centre.
- 7.5 The application proposes a 12-metre-high column, positioned at a location of an existing parking sign (parking sign plate to be relocated onto new column) with a swan neck adaptor and dome camera fitted to the top (giving a 360 degree view around the skatepark and car park), supplemented by a proposed fixed camera giving a 180 degree view. The columns will be painted black (same appearance as the existing columns elsewhere within Clacton).

Principle of Development

- 7.6 The site lies within the Clacton-on-Sea Settlement Development Boundary where adopted Local Plan Policy SPL2 provides a general presumption in favour of new development. Adopted Local Plan Policy SPL3 states that all new development should make a positive contribution to the quality of the local environment by incorporating, amongst other things, measures to minimise opportunities for crime and anti-social behaviour.
- 7.7 Furthermore, the application site is located within a 'Priority Area for Regeneration' where Local Plan Policy PP14 supports initiatives to improve community safety. The Council will support proposals for new development which are consistent with achieving its regeneration aims.
- 7.8 The proposal forms part of the Safer Streets Programme aiming to combat place-based crime through situational crime prevention. The proposals are supported by The Office of the Police, Fire and Crime Commissioner by provision of funding to deliver the intended works.

7.9 The development is considered acceptable in principle.

Appearance and Visual Impact

- 7.10 Adopted Local Plan Policy SPL3 Part A states that all new development should protect or enhance local character and relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.
- 7.11 The proposal is of a similar siting, height and appearance as existing street light columns and other existing CCTV columns in the Town and are not likely to be harmful within the street scene.
- 7.12 The application proposes a black painted finished, but officers consider a grey finish to match existing columns in the locality would be better, to ensure the development blends well in its context. A condition is included within this recommendation to ensure the appropriate colour finish.

Highway Safety/Parking

- 7.13 Notice has been served on the Essex County Council as the Highway Authority (ECC Highways). Consultation has also been undertaken as part of this application.
- 7.14 ECC Highways raise no objection to the development, subject to conditions. The suggested conditions can be covered by the approved plans condition or added as informatives (covered by Highway legislation).

Impact on Residential Amenity

- 7.15 Adopted Local Plan Policy SPL3 Part C states that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 7.16 The proposed camera will not be located near to any residential properties and therefore it is not considered that there will be any amenity impact. It is also considered that the camera is needed in the public interest.
- 7.17 No letters of objection have been received.

Mandatory Biodiversity Net Gain

- 7.18 Officers have considered the requirements of Mandatory Biodiversity Net Gain in this context of this development and site against the relevant legislative requirements and statutory duties contained therein.
- 7.19 Due to the size and hard surfaced nature of the site, the application is exempt from the requirements of biodiversity net gain.

8. Conclusion

- 8.1 The proposal is of a similar height and appearance as existing street light columns and other existing CCTV columns in the Town and will not appear prominent, out of character or visually harmful within the street scene.
- 8.2 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. COMPLIANCE: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by 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 permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2. COMPLIANCE: 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.

- SITE LOCATION PLAN FOR PROPOSED CCTV COLUMN - LOCATION C (1:1250)
- BLOCK PLAN FOR PROPOSED CCTV COLUMN - LOCATION C (1:500)
- TDC01/07/24/02/C CCTV DETAILS – LOCATION C

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. COMPLIANCE: COLOUR FINISH

CONDITION: Notwithstanding the materials colour finish contained within the supporting plans and documents, the development shall be finished in grey to match the existing street light columns in the locality.

REASON: To ensure the development appears in keeping with the character of the area, in the interest of visual amenities.

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

- i) The proposed private apparatus will be located within the public highway and therefore requires a licence under Section 177 or 178 of the Highways Act, 1980. The link to this: www.essexhighways.org/applications/section-50-street-works-licences will advise on the process. Alternatively, the applicant should contact Development Management team to secure the appropriate licence, contact details below.
- ii) 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 must be agreed before the commencement of works.
- iii) The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- iv) 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.
- v) 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.
- vi) The existing parking sign plate will need to be removed prior to the removal of the existing post and relocated to the new CCTV column, the existing sign (or other over-sail - state description) shall afford a minimum headroom of 2.1 metres above the footway. Reason: To ensure unimpeded passage of pedestrians, and the enforcement of the existing parking restriction, in the interests of highway safety and in accordance with Policy DM1.

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.
- 10.8 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.

11. Declaration of Interest

- 11.1 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

- 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

4th February 2025

REPORT OF THE DIRECTOR OF PLANNING

A.6. PLANNING APPLICATION – 24/01761/FUL – OUTSIDE 137/139 OLD ROAD CLACTON ON SEA CO15 3AX



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| | | | |
|----------------------|--|---------------------|--------------------------------|
| Application: | 24/01761/FUL | Expiry Date: | 30 th December 2024 |
| Case Officer: | Oliver Ashford | EOT Date: | 7 th February 2025 |
| Town/ Parish: | Clacton Non Parished | | |
| Applicant: | Mr Andrew White - Tendring District Council | | |
| Address: | Outside 137/139 Old Road Clacton on Sea Essex CO15 3AX | | |
| Development: | Planning Application - erection/installation of CCTV columns, cameras and ancillary equipment. | | |

1. Executive Summary

- 1.1 The application is before Members as Tendring District Council is the applicant.
- 1.2 The application seeks full planning permission for the erection of a CCTV camera and supporting column on the highway edge of the public footway Outside Number 137 & 139 Old Road, Clacton on Sea.
- 1.3 The application proposes a 12-metre-high column, positioned at a location of an existing parking sign (parking sign plate to be relocated onto new column) with a swan neck adaptor and dome camera fitted to the top (giving a 360 degree view along Old Road), supplemented by a proposed fixed camera. The columns will be painted black (same appearance as the existing columns elsewhere within Clacton).
- 1.4 The proposal is of a similar height and appearance as existing street light columns and other existing CCTV columns in the Town and will not appear prominent or harmful within the street scene.
- 1.5 The proposal forms part of the Safer Streets Programme aiming to combat place-based crime through situational crime prevention. The proposals are supported by The Office of the Police, Fire and Crime Commissioner by provision of funding to deliver the intended works. This development will contribute to the Council's Corporate Plan 'Our Vision' 2024/25 and 2024–2028 Theme, Championing our local environment.
- 1.6 The application is recommended for approval.

Recommendation: Approval

- 1) That the Head of Planning and Building Control be authorised to grant full planning permission subject to the 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.

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.

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. Planning Policy

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

National:

National Planning Policy Framework December 2024 ([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
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
PP3 Village and Neighbourhood Centres
PP14 Priority Areas for Regeneration
CP3 Improving the Telecommunications Network
DI1 Infrastructure Delivery and Impact Mitigation

4. Relevant Planning History

No site-specific planning history.

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/>.

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

1. The proposed works are directly within the footway. This is public highway, and the construction work must be carried out subject to arrangements made with the Development Management Team contact details in the informative at the foot of the page.

Reason: In the interests of highway safety in accordance with policy DM1.

2 . The proposed column shall be set back a minimum distance of 0.5 metres from the edge of carriageway.

Reason: To avoid being struck by high-sided vehicles, in the interests of highway safety and in accordance with Policy DM1.

3. The existing parking sign plate will need to be removed prior to the removal of the existing post and relocated to the new CCTV column, the existing sign (or other over-sail - state description) shall afford a minimum headroom of 2.1 metres above the footway.

Reason: To ensure unimpeded passage of pedestrians, and the enforcement of the existing parking restriction, in the interests 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 Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and National Planning Policy Framework.

Informatives:

i. The proposed private apparatus will be located within the public highway and therefore requires a licence under Section 177 or 178 of the Highways Act, 1980. The link to this: www.essexhighways.org/applications/section-50-street-works-licences will advise on the process. Alternatively, the applicant should contact Development Management team to secure the appropriate licence, contact details below.

ii. 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 must be agreed before the commencement of works.

iii. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

iv. 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.

v. 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.

6. Representations

6.1 Parish / Town Council

Not applicable (Clacton – non parished).

6.2 Neighbour / Local Representations

No letters of representation received.

7. Assessment

Site Context

- 7.1 The application relates to the kerbside edge of the public footway directly outside number 137 & 139 Old Road, Clacton-on-Sea.
- 7.2 The site lies within the Settlement Development boundary for Clacton and a designated Priority Area for Regeneration as defined within the adopted Tendring District Local Plan 2013-2033.
- 7.3 The site contains an existing pole and affixed parking sign (to be replaced as part of the development proposals).

Proposal

- 7.4 The application seeks full planning permission for the erection of a CCTV camera and supporting column on the highway edge of the public footway, outside no. 137 & 139 Old Road, Clacton-on-Sea.
- 7.5 The application proposes a 12-metre-high column, positioned at a location of an existing parking sign (parking sign plate to be relocated onto new column) with a swan neck adaptor and dome camera fitted to the top (giving a 360 degree view along Old Road in both directions, and into Old Road), supplemented by a proposed fixed camera giving a 180 degree view up Old Road. The columns will be painted black (same appearance as the existing columns elsewhere within Clacton).

Principle of Development

- 7.6 The site lies within the Clacton-on-Sea Settlement Development Boundary where adopted Local Plan Policy SPL2 provides a general presumption in favour of new development. Adopted Local Plan Policy SPL3 states that all new development should make a positive contribution to the quality of the local environment by incorporating, amongst other things, measures to minimise opportunities for crime and anti-social behaviour.
- 7.7 Furthermore, the application site is located within a 'Priority Area for Regeneration' where Local Plan Policy PP14 supports initiatives to improve community safety. The Council will support proposals for new development which are consistent with achieving its regeneration aims.
- 7.8 The proposal forms part of the Safer Streets Programme aiming to combat place-based crime through situational crime prevention. The proposals are supported by The Office of the Police, Fire and Crime Commissioner by provision of funding to deliver the intended works.
- 7.9 The development is considered acceptable in principle.

Appearance and Visual Impact

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- 7.11 The proposal is of a similar siting, height and appearance as existing street light columns and other existing CCTV columns in the Town and are not likely to be harmful within the street scene.

- 7.12 The application proposes a black painted finished, but officers consider a grey finish to match existing columns in the locality would be better, to ensure the development blends well in its context. A condition is included within this recommendation to ensure the appropriate colour finish.

Highway Safety/Parking

- 7.13 Notice has been served on the Essex County Council as the Highway Authority (ECC Highways). Consultation has also been undertaken as part of this application.
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Impact on Residential Amenity

- 7.15 Adopted Local Plan Policy SPL3 Part C states that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 7.16 Officers recognise that the proposed camera is to be located directly adjacent to existing residential dwellings. The development includes 2 cameras: one with 360-degree views and one with 180-degree views, both having views towards the front windows of existing dwellings.
- 7.17 However, the cameras are positioned almost at the top of the 12-metre-high column, and will not point directly at the front windows, thus reducing the perception of being overlooked.
- 7.18 Moreover, the nature of the development is to provide additional security and safety measures for our residents and visitors, to be operated and used by law enforcement professionals working within GDPR and Data Protection laws. The intended use and function of the camera is such that any views toward private dwellings would be restricted to views already available to the public and on this basis while there may be limited perceived harm, it is not considered to be of such weight to warrant refusal against the public benefit in the planning balance. Any harm is outweighed by the enhanced crime prevention and peace of mind the development will bring to residents as a proportionate safeguard.
- 7.19 No letters of objection have been received.

Mandatory Biodiversity Net Gain

- 7.20 Officers have considered the requirements of Mandatory Biodiversity Net Gain in this context of this development and site against the relevant legislative requirements and statutory duties contained therein.
- 7.21 Due to the size and hard surfaced nature of the site, the application is exempt from the requirements of biodiversity net gain.

8. Conclusion

- 8.1 The proposal is of a similar height and appearance as existing street light columns and other existing CCTV columns in the Town and will not appear prominent, out of character of visually harmful within the street scene.

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. COMPLIANCE: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by 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 permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2. COMPLIANCE: 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.

- SITE LOCATION PLAN FOR PROPOSED CCTV COLUMN - LOCATION C (1:1250)
- BLOCK PLAN FOR PROPOSED CCTV COLUMN - LOCATION C (1:500)
- TDC01/07/24/02/C CCTV DETAILS – LOCATION C

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. COMPLIANCE: COLOUR FINISH

CONDITION: Notwithstanding the materials colour finish contained within the supporting plans and documents, the development shall be finished in grey to match the existing street light columns in the locality.

REASON: To ensure the development appears in keeping with the character of the area, in the interest of visual amenities.

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

- i) The proposed private apparatus will be located within the public highway and therefore requires a licence under Section 177 or 178 of the Highways Act, 1980. The link to this: www.essexhighways.org/applications/section-50-street-works-licences will advise on the process. Alternatively, the applicant should contact Development Management team to secure the appropriate licence, contact details below.
- ii) 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 must be agreed before the commencement of works.
- iii) The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- iv) 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.
- v) 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.
- vi) The existing parking sign plate will need to be removed prior to the removal of the existing post and relocated to the new CCTV column, the existing sign (or other over-sail - state description) shall afford a minimum headroom of 2.1 metres above the footway. Reason: To ensure unimpeded passage of pedestrians, and the enforcement of the existing parking restriction, in the interests of highway safety and in accordance with Policy DM1.

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.
- 10.8 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.

11. Declaration of Interest

- 11.1 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

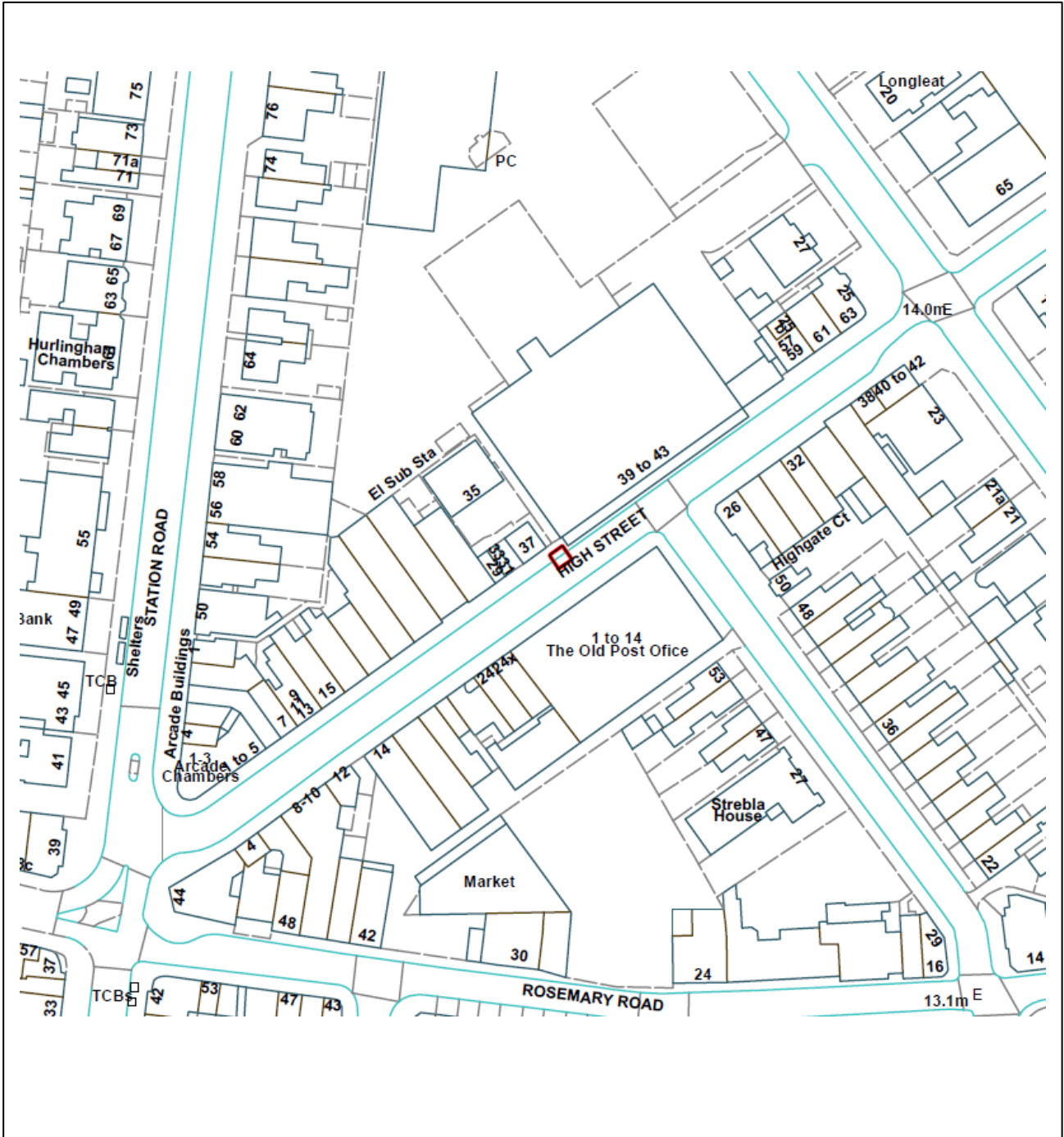
- 12.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report)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

PLANNING COMMITTEE

4th February 2025

REPORT OF THE DIRECTOR OF PLANNING

A.7. PLANNING APPLICATION – 24/01763/FUL – ADJACENT TO 37 HIGH STREET OPPOSITE FORMER POST OFFICE CLACTON ON SEA CO15 6PL



DO NOT SCALE

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| | | | |
|----------------------|--|---------------------|--------------------------------|
| Application: | 24/01763/FUL | Expiry Date: | 30 th December 2024 |
| Case Officer: | Oliver Ashford | EOT Date: | 7 th February 2025 |
| Town/ Parish: | Clacton Non Parished | | |
| Applicant: | Mr Andrew White - Tendring District Council | | |
| Address: | Adjacent to 37 High Street Opposite Former Post Office Clacton On Sea Essex CO15 6PL | | |
| Development: | Planning Application - erection/installation of CCTV columns, cameras and ancillary equipment. | | |

1. Executive Summary

- 1.1 The application is before Members as Tendring District Council is the applicant.
- 1.2 The application seeks full planning permission for the erection of a CCTV camera and supporting column on the highway edge of the public footway outside number 37 High Street, Clacton on Sea.
- 1.3 The application proposes a 12-metre-high column, positioned at a location of an existing parking sign (parking sign plate to be relocated onto new column) with a swan neck adaptor and dome camera fitted to the top (giving a 360 degree view along High Street), supplemented by a proposed fixed camera. The columns will be painted black (same appearance as the existing columns elsewhere within Clacton).
- 1.4 The proposal is of a similar height and appearance as existing street light columns and other existing CCTV columns in the Town and will not appear prominent or harmful within the street scene.
- 1.5 The proposal forms part of the Safer Streets Programme aiming to combat place-based crime through situational crime prevention. The proposals are supported by The Office of the Police, Fire and Crime Commissioner by provision of funding to deliver the intended works. This development will contribute to the Council's Corporate Plan 'Our Vision' 2024/25 and 2024–2028 Theme, Championing our local environment.
- 1.6 The application is recommended for approval.

Recommendation: Approval

- 1) That the Head of Planning and Building Control be authorised to grant full planning permission subject to the 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.

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.

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. Planning Policy

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

National:

National Planning Policy Framework December 2024 ([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

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

PP3 Village and Neighbourhood Centres

PP14 Priority Areas for Regeneration

CP3 Improving the Telecommunications Network

DI1 Infrastructure Delivery and Impact Mitigation

4. Relevant Planning History

No site-specific planning history.

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/>.

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

1. The proposed works are directly within the footway. This is public highway, and the construction work must be carried out subject to arrangements made with the Development Management Team contact details in the informative at the foot of the page.

Reason: In the interests of highway safety in accordance with policy DM1.

2. The proposed column shall be set back a minimum distance of 0.5 metres from the edge of carriageway.

Reason: To avoid being struck by high-sided vehicles, in the interests of highway safety and in accordance with Policy DM1.

3. The existing parking sign plate will need to be removed prior to the removal of the existing post and relocated to the new CCTV column, the existing sign (or other over-sail - state description) shall afford a minimum headroom of 2.1 metres above the footway.

Reason: To ensure unimpeded passage of pedestrians, and the enforcement of the existing parking restriction, in the interests 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 Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and National Planning Policy Framework.

Informatives:

i. The proposed private apparatus will be located within the public highway and therefore requires a licence under Section 177 or 178 of the Highways Act, 1980. The link to this: www.essexhighways.org/applications/section-50-street-works-licences will advise on the process. Alternatively, the applicant should contact Development Management team to secure the appropriate licence, contact details below.

ii. 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 must be agreed before the commencement of works.

iii. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

iv. 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.

v. 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.

6. Representations

6.1 Parish / Town Council

Not applicable (Clacton – non parished).

6.2 Neighbour / Local Representations

No letters of representation received.

7. **Assessment**

Site Context

- 7.1 The application relates to the kerbside edge of the public footway directly outside number 37 High Street, Clacton-on-Sea.
- 7.2 The site lies within the Settlement Development boundary for Clacton and a designated Priority Area for Regeneration as defined within the adopted Tendring District Local Plan 2013-2033.
- 7.3 The site contains an existing pole and affixed parking sign (to be replaced as part of the development proposals).

Proposal

- 7.4 The application seeks full planning permission for the erection of a CCTV camera and supporting column on the highway edge of the public footway, outside no. 37 High Street, Clacton-on-Sea.
- 7.5 The application proposes a 12-metre-high column, positioned at a location of an existing parking sign (parking sign plate to be relocated onto new column) with a swan neck adaptor and dome camera fitted to the top (giving a 360 degree view along High Street in both directions, and into High Street), supplemented by a proposed fixed camera giving a 180 degree view. The columns will be painted black (same appearance as the existing columns elsewhere within Clacton).

Principle of Development

- 7.6 The site lies within the Clacton-on-Sea Settlement Development Boundary where adopted Local Plan Policy SPL2 provides a general presumption in favour of new development. Adopted Local Plan Policy SPL3 states that all new development should make a positive contribution to the quality of the local environment by incorporating, amongst other things, measures to minimise opportunities for crime and anti-social behaviour.
- 7.7 Furthermore, the application site is located within a 'Priority Area for Regeneration' where Local Plan Policy PP14 supports initiatives to improve community safety. The Council will support proposals for new development which are consistent with achieving its regeneration aims.
- 7.8 The proposal forms part of the Safer Streets Programme aiming to combat place-based crime through situational crime prevention. The proposals are supported by The Office of the Police, Fire and Crime Commissioner by provision of funding to deliver the intended works.
- 7.9 The development is considered acceptable in principle.

Appearance and Visual Impact

- 7.10 Adopted Local Plan Policy SPL3 Part A states that all new development should protect or enhance local character and relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.
- 7.11 The proposal is of a similar siting, height and appearance as existing street light columns and other existing CCTV columns in the Town and are not likely to be harmful within the street scene.

- 7.12 The application proposes a black painted finished, but officers consider a grey finish to match existing columns in the locality would be better, to ensure the development blends well in its context. A condition is included within this recommendation to ensure the appropriate colour finish.

Highway Safety/Parking

- 7.13 Notice has been served on the Essex County Council as the Highway Authority (ECC Highways). Consultation has also been undertaken as part of this application.
- 7.14 ECC Highways raise no objection to the development, subject to conditions. The suggested conditions can be covered by the approved plans condition or added as informatives (covered by Highway legislation).

Impact on Residential Amenity

- 7.15 Adopted Local Plan Policy SPL3 Part C states that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 7.16 Officers recognise that the proposed camera is to be located directly adjacent to existing residential dwellings. The development includes 2 cameras: one with 360-degree views and one with 180-degree views, both having views towards the front windows of existing dwellings.
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- 9.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

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CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

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

NOTE/S FOR CONDITION:

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- 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 |
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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.
- 10.8 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.

11. Declaration of Interest

- 11.1 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

- 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/>.

PLANNING COMMITTEE

4th February 2025

REPORT OF THE DIRECTOR OF PLANNING

A.8. PLANNING APPLICATION – 24/01764/FUL – OUTSIDE 48 WELLESLEY ROAD CLACTON ON SEA CO15 3PJ



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| | | | |
|----------------------|--|---------------------|----------------|
| Application: | 24/01764/FUL | Expiry Date: | 3rd March 2025 |
| Case Officer: | Amy Lang | EOT Date: | N/A |
| Town/ Parish: | Clacton Non Parished | | |
| Applicant: | Mr Andrew White - Tendring District Council | | |
| Address: | Outside 48 Wellesley Road Clacton On Sea Essex CO15 3PJ | | |
| Development: | Planning Application - Erection/installation of CCTV columns, cameras and ancillary equipment. | | |

1. Executive Summary

- 1.1 The application is before Members as Tendring District Council is the applicant.
- 1.2 The application seeks full planning permission for the erection of CCTV cameras and a supporting column on the highway edge of the public footway, outside no. 48 Wellesley Road, Clacton-on-Sea.
- 1.3 The application proposes a 12-metre-high column, with a swan neck adaptor and dome camera fitted to the top (giving a 360-degree view along Wellesley Road in both directions, and into Meredith Road), supplemented by a proposed fixed camera giving a 180 degree view up Meredith Road from its junction with Wellesley Road.
- 1.4 The proposal is of a similar height and appearance as existing street light columns and other existing CCTV columns in the Town and will not appear prominent, out of character or visually harmful within the street scene.
- 1.5 The proposal forms part of the Safer Streets Programme aiming to combat place-based crime through situational crime prevention. The proposals are supported by The Office of the Police, Fire and Crime Commissioner by provision of funding to deliver the intended works.
- 1.6 The application is recommended for approval.

| |
|---|
| <p>Recommendation: Approval</p> <ul style="list-style-type: none"> 1) That the Head of Planning and Building Control be authorised to grant full planning permission subject to the 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. |
|---|

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. **Planning Policy**

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

National:

National Planning Policy Framework December 2024 ([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

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

PP3 Village and Neighbourhood Centres

PP14 Priority Areas for Regeneration

CP3 Improving the Telecommunications Network

DI1 Infrastructure Delivery and Impact Mitigation

4. **Relevant Planning History**

No site-specific planning history.

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

11.12.2024

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

6. **Representations**

6.1 **Parish / Town Council**

Not applicable (Clacton – non parished).

6.2 **Neighbour / Local Representations**

No letters of representation received.

7. Assessment

Site Context

- 7.1 The application relates to the kerbside edge of the public footway directly outside number 48 Wellesley Road, Clacton-on-Sea.
- 7.2 The site lies within the Settlement Development boundary for Clacton and within a designated Priority Area for Regeneration as set out in the adopted Tendring District Local Plan 2013-2033.
- 7.3 The site contains an existing pole and affixed parking sign (to be replaced as part of the development proposals).

Proposal

- 7.4 The application seeks full planning permission for the erection of CCTV cameras and a supporting column on the highway edge of the public footway, outside no. 48 Wellesley Road, Clacton-on-Sea.
- 7.5 The application proposes a 12-metre-high column, positioned at a location of an existing parking sign (parking sign plate to be relocated onto new column) with a swan neck adaptor and dome camera (giving a 360-degree view along Wellesley Road in both directions, and into Meredith Road), supplemented by a proposed fixed camera giving a 180 degree view up Meredith Road from its junction with Wellesley Road. The application proposes a black painted finish.

Principle of Development

- 7.6 The site lies within the Clacton-on-Sea Settlement Development Boundary where adopted Local Plan Policy SPL2 provides a general presumption in favour of new development. Adopted Local Plan Policy SPL3 states that all new development should make a positive contribution to the quality of the local environment by incorporating, amongst other things, measures to minimise opportunities for crime and anti-social behaviour.
- 7.7 Furthermore, the application site is located within a 'Priority Area for Regeneration' where Local Plan Policy PP14 supports initiatives to improve community safety. The Council will support proposals for new development which are consistent with achieving its regeneration aims.
- 7.8 The proposal forms part of the Safer Streets Programme aiming to combat place-based crime through situational crime prevention. The proposals are supported by The Office of the Police, Fire and Crime Commissioner by provision of funding to deliver the intended works.
- 7.9 The development is considered acceptable in principle.

Appearance and Visual Impact

- 7.10 Adopted Local Plan Policy SPL3 Part A states that all new development should protect or enhance local character and relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.
- 7.11 The proposal is of a similar siting, height and appearance as existing street light columns and other existing CCTV columns in the Town and are not likely to be harmful within the street scene.
- 7.12 The application proposes a black painted finished, but officers consider a grey finish to match existing columns in the locality would be better, to ensure the development blends well in its context. A condition is included within this recommendation to ensure the appropriate colour finish.

Highway Safety/Parking

- 7.13 Notice has been served on the Essex County Council as the Highway Authority (ECC Highways). Consultation has also been undertaken as part of this application.
- 7.14 ECC Highways raise no objection to the development, subject to conditions. The suggested conditions can be covered by the approved plans condition or added as informatives (covered by Highway legislation).

Impact on Residential Amenity

- 7.15 Adopted Local Plan Policy SPL3 Part C states that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 7.16 Officers recognise that the proposed camera is to be located directly adjacent to existing residential dwellings. The development includes 2 cameras: one with 360-degree views and one with 180-degree views, both having views towards the front gardens and front windows of existing dwellings. The development will be sited directly to the front of number 48 Wellesley Road. Direct views into front gardens and front windows will be possible.
- 7.17 However, the cameras are positioned almost at the top of the 12-metre-high column, and will not point directly at the front windows, thus reducing the perception of being overlooked.
- 7.18 Moreover, the nature of the development is to provide additional security and safety measures for our residents and visitors, to be operated and used by law enforcement professionals working within GDPR and Data Protection laws. The intended use and function of the camera is such that any views toward private dwellings would be restricted to views already available to the public and on this basis while there may be limited perceived harm, it is not considered to be of such weight to warrant refusal against the public benefit in the planning balance. Any harm is outweighed by the enhanced crime prevention and peace of mind the development will bring to residents as a proportionate safeguard.
- 7.19 No letters of objection have been received.

Mandatory Biodiversity Net Gain

- 7.20 Officers have considered the requirements of Mandatory Biodiversity Net Gain in this context of this development and site against the relevant legislative requirements and statutory duties contained therein.
- 7.21 Due to the size and hard surfaced nature of the site, the application is exempt from the requirements of biodiversity net gain.

8. Conclusion

- 8.1 The proposal is of a similar height and appearance as existing street light columns and other existing CCTV columns in the Town and will not appear prominent, out of character or visually harmful within the street scene.
- 8.2 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. COMPLIANCE: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by 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 permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2. COMPLIANCE: 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.

- SITE LOCATION PLAN FOR PROPOSED CCTV COLUMN - LOCATION C (1:1250)
- BLOCK PLAN FOR PROPOSED CCTV COLUMN - LOCATION C (1:500)
- TDC01/07/24/02/C CCTV DETAILS – LOCATION C

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. COMPLIANCE: COLOUR FINISH

CONDITION: Notwithstanding the materials colour finish contained within the supporting plans and documents, the development shall be finished in grey to match the existing street light columns in the locality.

REASON: To ensure the development appears in keeping with the character of the area, in the interest of visual amenities.

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

- i) The proposed private apparatus will be located within the public highway and therefore requires a licence under Section 177 or 178 of the Highways Act, 1980. The link to this: www.essexhighways.org/applications/section-50-street-works-licences will advise on the process. Alternatively, the applicant should contact Development Management team to secure the appropriate licence, contact details below.
- ii) 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 must be agreed before the commencement of works.
- iii) The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- iv) 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.
- v) 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.
- vi) The existing parking sign plate will need to be removed prior to the removal of the existing post and relocated to the new CCTV column, the existing sign (or other over-sail - state description) shall afford a minimum headroom of 2.1 metres above the footway. Reason: To ensure unimpeded passage of pedestrians, and the enforcement of the existing parking restriction, in the interests of highway safety and in accordance with Policy DM1.

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. It is highlighted that the proposal is one by the Council with associated costs but not considered material to consideration by the Council as Local Planning Authority.

11. Declaration of Interest

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

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/>.

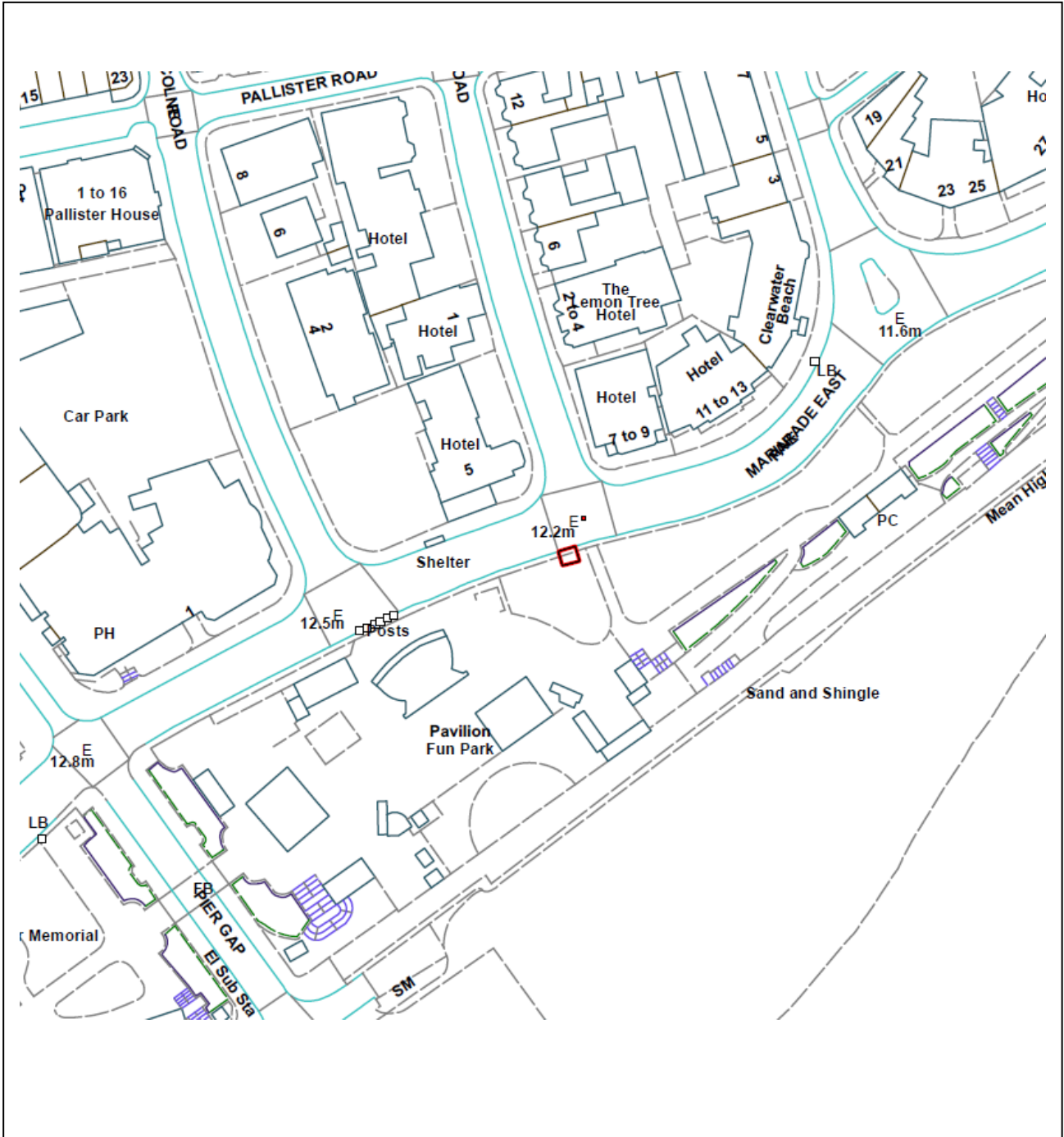
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PLANNING COMMITTEE

4th February 2025

REPORT OF THE DIRECTOR OF PLANNING

A.9. PLANNING APPLICATION – 24/01765/FUL – OPPOSITE ORWELL ROAD MARINE PARADE EAST CLACTON ON SEA CO15 1PR



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| | | | |
|----------------------|--|---------------------|----------------|
| Application: | 24/01765/FUL | Expiry Date: | 3rd March 2025 |
| Case Officer: | Amy Lang | EOT Date: | N/A |
| Town/ Parish: | Clacton Non Parished | | |
| Applicant: | Mr Andrew White - Tendring District Council | | |
| Address: | Opposite Orwell Road Marine Parade East Clacton On Sea Essex CO15 1PR | | |
| Development: | Planning Application - Erection/installation of CCTV columns, cameras and ancillary equipment. | | |

1. Executive Summary

- 1.1 The application is before Members as Tendring District Council is the landowner and applicant.
- 1.2 The application seeks full planning permission for the erection of CCTV and a supporting column on the back edge of the public footway, opposite Orwell Road, to the front of the Pavilion Fun Park, Marine Parade East, Clacton.
- 1.3 The application proposes an 8-metre-high column, with a swan neck adaptor and dome camera fitted to the top providing a 360-degree view along Marine Parade East and into Orwell Road, supplemented by a proposed fixed camera giving a 180 degree view up Orwell Road from its Junction with Marine Parade East.
- 1.4 The proposal is of a similar height and appearance as existing street light columns and will be viewed in the context of the existing tall, amusement equipment and lighting columns. The development will not appear prominent, out of character or visually harmful within the street scene.
- 1.5 Furthermore, the CCTV column will have no impact upon the significance and setting of the historic lampposts and is considered to preserve the character and appearance of the Clacton Seafront Conservation Area.
- 1.6 The proposal forms part of the Safer Streets Programme aiming to combat place-based crime through situational crime prevention. The proposals are supported by The Office of the Police, Fire and Crime Commissioner by provision of funding to deliver the intended works.
- 1.7 The application is recommended for approval.

Recommendation: Approval

- 1) That the Head of Planning and Building Control be authorised to grant full planning permission subject to the 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.

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. Planning Policy

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

National:

National Planning Policy Framework December 2024 ([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
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
PPL8 Conservation Areas
PPL9 Listed Buildings
HP1 Improving Health and Wellbeing
PP3 Village and Neighbourhood Centres
PP14 Priority Areas for Regeneration
CP3 Improving the Telecommunications Network
DI1 Infrastructure Delivery and Impact Mitigation

4. Relevant Planning History

No site-specific planning history.

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/>.

Essex County Council Heritage

20.12.2024

Built Heritage Advice pertaining to a Full Planning Application for the installation of three CCTV columns at locations C, H (2) and Q, with cameras and ancillary equipment as part of Clacton on Sea Safer Streets Scheme.

Location Q

Overall, the proposal is considered to preserve the character and appearance of the Conservation Area, in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. and does not conflict with the provisions of Chapter 16 form the National Planning Policy Framework.

ECC Highways Dept

16.12.2024

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

6. Representations

6.1 Parish / Town Council

Not applicable (Clacton – non parished).

6.2 Neighbour / Local Representations

No letters of representation received.

7. Assessment

Site Context

- 7.1 The application relates to an area of Council owned land, on the back edge of the public footway, opposite Orwell Road, to the front of the Pavilion Fun Park, Marine Parade East, Clacton.
- 7.2 The site lies within the Settlement Development boundary for Clacton, within the Clacton Seafront Conservation Area and within a designated Priority Area for Regeneration as set out in the adopted Tendring District Local Plan 2013-2033.
- 7.3 The site contains an existing, redundant pole.

Proposal

- 7.4 The application seeks full planning permission for the erection of CCTV cameras and a supporting column on the back edge of the public footway to the front of the Pavilion Fun Park.
- 7.5 The application proposes an 8-metre-high column, with a swan neck adaptor and dome camera fitted to the top providing a 360-degree view along Marine Parade East and into Orwell Road, supplemented by a proposed fixed camera giving a 180 degree view up Orwell Road from its Junction with Marine Parade East. The application proposes a black painted finish.

Principle of Development

- 7.6 The site lies within the Clacton-on-Sea Settlement Development Boundary where adopted Local Plan Policy SPL2 provides a general presumption in favour of new development. Adopted Local Plan Policy SPL3 states that all new development should make a positive contribution to the quality of the local environment by incorporating, amongst other things, measures to minimise opportunities for crime and anti-social behaviour.
- 7.7 Furthermore, the application site is located within a 'Priority Area for Regeneration' where Local Plan Policy PP14 supports initiatives to improve community safety. The Council will support proposals for new development which are consistent with achieving its regeneration aims.
- 7.8 The proposal forms part of the Safer Streets Programme aiming to combat place-based crime through situational crime prevention. The proposals are supported by The Office of the Police, Fire and Crime Commissioner by provision of funding to deliver the intended works.
- 7.9 The development is considered acceptable in principle.

Appearance, Visual Impact & Impact Upon Heritage Assets

- 7.10 Adopted Local Plan Policy SPL3 Part A states that all new development should protect or enhance local character and relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.
- 7.11 TDLP2 Policy PPL 8 states that, development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area. In addition, TDLP2 Policy PPL9 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.
- 7.12 The proposal is of a similar siting, height and appearance as existing street light columns and other existing CCTV columns in the Town. The column will be viewed in combination with the existing street furniture, lighting columns and the Pavilion Fun Park rollercoaster that has several swan neck lampposts of a similar height.
- 7.13 The new CCTV column will be viewed against the backdrop of the modern amusements that characterise the open spaces forming the public realm east of Pier Gap. Installed in this context, and at generous distance away from the Grade II listed row of 16 Street Lights situated on the south side of the esplanade between Beach Road and West Road (List Entry No. 1111519), the new CCTV column will have no impact upon the significance and setting of the historic lampposts and is considered to preserve the character and appearance of the Clacton Seafront Conservation Area.
- 7.14 Overall, the proposal is considered to preserve the character and appearance of the Conservation Area, in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and does not conflict with the provisions of Chapter 16 from the National Planning Policy Framework.
- 7.15 The application proposes a black painted finished, but officers consider a grey finish to match existing columns in the locality (including the directly adjacent rides and lighting columns) would be better, to ensure the development blends well in its context. A condition is included within this recommendation to ensure the appropriate colour finish.

Highway Safety/Parking

- 7.16 Notice has been served on the Essex County Council as the Highway Authority (ECC Highways). Consultation has also been undertaken as part of this application.

7.17 ECC Highways raise no objection to the development, subject to conditions. The suggested conditions can be covered by the approved plans condition or added as informatives (covered by Highway legislation).

Impact on Residential Amenity

7.18 Adopted Local Plan Policy SPL3 Part C states that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

7.19 Officers recognise that the proposed camera is to be located opposite existing buildings containing flats and adjoining streets containing dwellings. The development includes 2 cameras: one with 360-degree views and one with 180-degree views, both having views towards the front gardens and front windows of existing dwellings. Direct views into front gardens and front windows will be possible.

7.20 However, the cameras are positioned almost at the top of the 8-metre-high column, and will not point directly at the front windows, thus reducing the perception of being overlooked.

7.21 Moreover, the nature of the development is to provide additional security and safety measures for our residents and visitors, to be operated and used by law enforcement professionals working within GDPR and Data Protection laws. The intended use and function of the camera is such that any views toward private dwellings would be restricted to views already available to the public and on this basis while there may be limited perceived harm, it is not considered to be of such weight to warrant refusal against the public benefit in the planning balance. Any harm is outweighed by the enhanced crime prevention and peace of mind the development will bring to residents as a proportionate safeguard.

7.22 No letters of objection have been received.

Mandatory Biodiversity Net Gain

7.23 Officers have considered the requirements of Mandatory Biodiversity Net Gain in this context of this development and site against the relevant legislative requirements and statutory duties contained therein.

7.24 Due to the size and hard surfaced nature of the site, the application is exempt from the requirements of biodiversity net gain.

8. Conclusion

8.1 The proposal is of a similar height and appearance as existing street light columns and will be viewed in the context of the existing tall, amusement equipment and lighting columns. The development will not appear prominent, out of character or visually harmful within the street scene. Furthermore, the CCTV column will have no impact upon the significance and setting of the historic lampposts and is considered to preserve the character and appearance of the Clacton Seafront Conservation Area.

8.2 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

1. COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by 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 permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2. COMPLIANCE: 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.

- SITE LOCATION PLAN FOR PROPOSED CCTV COLUMN - LOCATION Q (1:1250)
- BLOCK PLAN FOR PROPOSED CCTV COLUMN LOCATION Q (1:500)
- TDC01/07/24/02/Q CCTV DETAILS – LOCATION Q

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. COMPLIANCE: COLOUR FINISH

CONDITION: Notwithstanding the materials colour finish contained within the supporting plans and documents, the development shall be finished in grey to match the existing street light columns in the locality.

REASON: To ensure the development appears in keeping with the character of the area, in the interest of visual amenities.

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

- i) The proposed private apparatus will be located within the public highway and therefore requires a licence under Section 177 or 178 of the Highways Act, 1980. The link to this: www.essexhighways.org/applications/section-50-street-works-licences will advise on the process. Alternatively, the applicant should contact Development Management team to secure the appropriate licence, contact details below.
- ii) 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 must be agreed before the commencement of works.
- iii) The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- iv) 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.
- v) 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.
- vi) The existing parking sign plate will need to be removed prior to the removal of the existing post and relocated to the new CCTV column, the existing sign (or other over-sail - state description) shall afford a minimum headroom of 2.1 metres above the footway. Reason: To ensure unimpeded passage of pedestrians, and the enforcement of the existing parking restriction, in the interests of highway safety and in accordance with Policy DM1.

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. It is highlighted that the proposal is one by the Council with associated costs but not considered material to consideration by the Council as Local Planning Authority.

11. Declaration of Interest

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

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/>