



PLANNING COMMITTEE

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

MEMBERSHIP:

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

Most Council meetings are open to the public and press. The space for the public and press will be made available on a first come first served basis. Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting. Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

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

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DATE OF PUBLICATION: Monday, 24 February 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 11 - 26)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Tuesday, 4 February 2025.

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. - 24/01890/FUL - Land at High Street Car Park, Carnarvon Road, Clacton-on-Sea (Pages 27 - 66)

Demolition of existing multi-story car park and clearance of site. Construction of replacement multi-story car park, 28no. residential (Class C3) apartments, and 5no. flexible units (Class E, F1, F2 and related Sui Generis uses).

6 Report of the Director (Planning & Communities) - A.2. - 24/00937/FUL - Elmtree Garage, Colchester Road, Elmstead, CO7 7EE (Pages 67 - 88)

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 60KL 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. - 24/01643/FUL - Gunfleet Sailing Club, Marine Parade East, Clacton-on-Sea (Pages 89 - 100)

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

8 Report of the Director (Planning & Communities) - A.4. - 24/01592/FUL - Upper Promenade, Marine Parade West, Clacton-on-Sea (Pages 101 - 112)

Installation of 2no. CCTV columns, cameras and ancillary equipment as part of Clacton-on-Sea Safer Streets Scheme.

9 Exclusion of Press and Public

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

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

10 Exempt Minute (Pages 113 - 116)

To confirm and sign as a correct record the exempt minute of the meeting of the Committee held on Tuesday, 3 December 2024.

Date of the Next Scheduled Meeting

The next scheduled Special meeting of the Planning Committee is to be held in the Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 5.00 pm on Wednesday, 19 March 2025.

INFORMATION FOR VISITORS

PUBLIC ATTENDANCE AT PLANNING COMMITTEE MEETINGS

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

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

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

Rights of members of the public to film and record meetings

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

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

The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

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

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

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

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

Filming by the Council This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for up to four

years (the Council retains three full years of recordings and the relevant proportion of the current Municipal Year). The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in, the meeting.

Tendring District Council



PLANNING COMMITTEE MEETINGS PUBLIC SPEAKING SCHEME March 2021

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

TO WHICH MEETINGS DOES THIS SCHEME APPLY?

Public meeting of the Council's Planning Committee are normally held every 4 weeks at 5.00 pm in the Committee Room at the Town Hall, Station Road, Clacton-on-Sea CO15 1SE.

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

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

or wards impacted by the proposed development may also speak with the agreement of the Chairman. Permission for District Councillors to speak is subject to the Council's Code of Conduct and the declarations of interest provisions will apply. A maximum of 5 minutes to speak is allowed;

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

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

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

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

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

WHICH MATTERS ARE COVERED BY THIS SCHEME?

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

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

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

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

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

HOW DO I ARRANGE TO SPEAK AT THE MEETING?

You can:-

Telephone the Committee Services Officer (“CSO”) (01255 686587 or 686584) during normal working hours on any weekday after the reports and agenda have been published; or

Email: democraticservices@tendringdc.gov.uk.

OR

On the day of the Planning Committee meeting, you can arrive in the Committee Room in the Town Hall at least 15 minutes before the beginning of the meeting (meetings normally begin at 5.00pm) and speak to the CSO.

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

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

WHAT WILL HAPPEN WHEN THE MATTER CONCERNED IS CONSIDERED?

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

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

WHAT SHOULD I SAY AT THE MEETING?

Please be straightforward and concise and try to keep your comments to planning matters which are directly relevant to the application or matter concerned. Planning matters may include things such as planning policy, previous decisions of the Council on the same site or in similar circumstances, design, appearance, layout, effects on amenity, overlooking, loss of light, overshadowing, loss of privacy, noise or smell nuisance, impact on trees, listed buildings or highway safety.

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

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

WHO DO I CONTACT FOR MORE INFORMATION?

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

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

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

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

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 4TH FEBRUARY, 2025 AT 5.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Fowler (Chairman)(except item 47), White (Vice-Chairman)(in the Chair for item 47 only), Alexander (except item 47), Everett (except item 52), Goldman, Smith (except item 47), Sudra and Wiggins
Also Present:	Councillor P B Honeywood (except items 46 – 53)
In Attendance:	Gary Guiver (Director (Planning & Communities)), John Pateman-Gee (Head of Planning & Building Control), Joanne Fisher (Planning Solicitor), Alison Newland (Planning Team Leader) (except items 46 - 53), Michael Pingram (Senior Planning Officer) (except items 48 - 53), Bethany Jones (Committee Services Officer) and Katie Koppenaar (Committee Services Officer)
Also in Attendance:	Michael Carran (Assistant Director (Economic Growth, Culture & Leisure)) (except items 48 – 53), Keith Simmons (Head of Democratic Services & Elections) (except Items 42 – 53) and Andy White (Assistant Director (Building and Public Realm))

40. DEFERMENT OF PLANNING APPLICATIONS A.2 - 24/00937/FUL - ELMTREE GARAGE, COLCHESTER ROAD, ELMSTEAD, CO7 7EE AND A.4 - 24/01643/FUL - GUNFLEET SAILING CLUB, MARINE PARADE EAST, CLACTON-ON-SEA

The Chairman informed the meeting that she was proposing to defer consideration of Planning Applications **A.2 – 24/00937/FUL – Elmtree Garage, Colchester Road, Elmstead, CO7 7EE** and **A.4 – 24/01643/FUL – Gunfleet Sailing Club, Marine Parade East, Clacton-on-Sea** until the next meeting of the Committee on the grounds that there were a large number of planning applications due to be considered at this meeting and in the interests of the efficient dispatch of business and a timely conclusion of the meeting.

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

RESOLVED that any consideration of application **A.2 – 24/00937/FUL – Elmtree Garage, Colchester Road, Elmstead, CO7 7EE** be deferred until the next meeting of the Committee.

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

RESOLVED that any consideration of application **A.4 – 24/01643/FUL – Gunfleet Sailing Club, Marine Parade East, Clacton-on-Sea** be deferred until the next meeting of the Committee.

41. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions submitted on this occasion.

42. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the meeting of the Committee, held on Tuesday 3 December 2024, be approved as a correct record and be signed by the Chairman.

43. DECLARATIONS OF INTEREST

Councillor Alexander declared an interest in relation to Planning Application **24/01716/FUL – Milton Road Car Park, Milton Road, Dovercourt, CO12 3LA** and informed the meeting that, due to his being a Member of the Levelling-Up Portfolio Holder Working Party, he would not participate in the Committee's deliberations and decision making for that application and that he would therefore leave the room.

Councillor Smith declared an interest in relation to Planning Application **24/01716/FUL – Milton Road Car Park, Milton Road, Dovercourt, CO12 3LA** and informed the meeting that, due to his being a Member of the Levelling-Up Portfolio Holder Working Party, he would not participate in the Committee's deliberations and decision making for that application and that he would therefore leave the room.

Councillor Fowler (Chairman) declared for the public record in relation to Planning Application **24/01716/FUL – Milton Road Car Park, Milton Road, Dovercourt, CO12 3LA** that she was predetermined and that therefore she would not participate in the Committee's deliberations and decision making for this application and that Councillor White (Vice-Chairman) would take over as Chairman for this item.

Councillor P Honeywood declared for the public record that, in relation to Planning Application **24/01384/OUT – Colchester Institute, The Clacton Campus, Church Road, Clacton-on-Sea, CO15 6JQ** and due to his making reference to the North Essex Parking Partnership (NEPP) when speaking to the Committee later on in his capacity as a Ward Member, and as he was the Chairman of NEPP, he had not been involved in the representations submitted. He also declared that he was an Essex County Councillor, and he would make reference to Essex County Council Heritage, but that he was not involved in the representations.

Later on in the meeting, as reported in Minute 52 below, Councillor Everett declared an interest in relation to Planning Application **24/017164/FUL – Outside 48 Wellesley Road, Clacton-on-Sea, CO15 3PJ** in that he worked opposite the application site. Councillor Everett thereupon left the room when the application was put to the Committee, and it was deliberated and decided upon.

44. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

45. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.1 - 24-01384-OUT - COLCHESTER INSTITUTE, THE CLACTON CAMPUS, CHURCH ROAD, CLACTON-ON-SEA, CO15 6JQ

Members were told that the application had been referred to the Planning Committee following a call-in from Councillor Paul Honeywood. The concerns raised by him had related 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.

Members were reminded that the site lay within the settlement development boundary, Priority Area for Regeneration, Clacton Seafront Conservation Area (CSCA), and within the setting of Grade II listed buildings.

Officers made Members aware that the application sought 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 had been vacant since 2020 and was in a very poor condition and subject to repeated acts of antisocial behaviour. An appeal for 61 retirement apartments had been 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.

Members were informed that the scale of development required to make the site viable for redevelopment, as evidenced by the viability assessments, would 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 was considered that, on balance, the public benefits of the proposal outweighed the harm, and the application was recommended by Officers for approval.

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

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

An Officer Update Sheet had been circulated to Members prior to the meeting which informed the Committee about the Conservation Area status and a change to condition wording which was as follows:-

"Conservation Area status

Paragraph 8.26 of the committee report confirms that the site is proposed for removal from the Clacton Seafront Conservation Area (CSCA) within the latest draft of the CSCA Appraisal (2021). That draft was agreed by Cabinet on Friday (31/01/2025) but Members have one week to call that decision in to Full Council. The draft cannot therefore be adopted before 08/02/2025. At Planning Committee on 04/02/2025 the site therefore remains within the CSCA and subject to the statutory duty and policy considerations explained within the committee report. The decision by Cabinet to agree the draft, which includes removing this site from the CSCA, is a material consideration.

Change to condition wording

Minor change to wording of condition 5 (RAMS) to make it pre-commencement rather than pre-occupation:

05. PRE-COMMENCEMENT CONDITION: MITIGATION TO BE AGREED, RAMS

CONDITION: The hereby approved development shall not be first commenced 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.”

Roger Gilles, the applicant's agent, spoke in support of the application.

Councillor Paul Honeywood, the Ward Member and caller-in, spoke against the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>If Councillor P Honeywood had not brought this application to Committee, would this application have been approved by Officers?</i>	<i>Yes, it could have been a delegated approval without the call-in.</i>
<i>What has changed from the application in 2022 to the application in front of the Committee?</i>	<i>The appeal was for 61 retirement units and now this application is for 60 flats, so similar scale but a completely different design. The only detail that the Inspector dismissed the appeal on was the detailed design of that scheme. The scale, the parking, the neighbour impact and all the other issues were deemed to be acceptable in that case and Officers have compared the current proposal to that.</i>
<i>Has there been an increase in parking spaces or is there the same amount?</i>	<i>There has been a significant increase. The appeal scheme had 61 retirement units with 20 parking spaces, there is now 60 flats with 41 parking spaces. There is also a car club scheme which was not in the appeal.</i>
<i>Would it be fair to say that there would be ample parking spaces for the 60 flats?</i>	<i>That would be down to judgement in the debate. In terms of the Highways Standards, this application is less than those standards, but Members are dealing with an application that Officers deem to be sustainable within the location of Clacton and Officers have the Highways recommendation to accept the standards that has been proposed.</i>
<i>Would the housing contribution not be met?</i>	<i>That is correct. There is no affordable housing provision which is why there is a viability assessment which is only to meet the RAMS which is mandatory otherwise there would be habitat harm.</i>
<i>Did the appeal application before have a housing contribution?</i>	<i>The appeal application had a Section 106 which was submitted during the appeal which had a deferred contribution to have affordable housing so if the development was not completed within 3 years the developer had to provide £112,000 towards off-site affordable housing, but if the development was completed within 3 years, then the developer would not have to provide anything.</i>
<i>So, it is possible to get affordable housing on a scheme?</i>	<i>That was for retirement housing which would have different costings, but Officers have had an up-to-date viability assessment and independently reviewed by the same people who reviewed the previous case and said that it was not viable at this time and construction costs have increased since 2022.</i>
<i>So, the Council is not going to get an affordable housing contribution but, on some schemes, it is possible to do so?</i>	<i>Members could take that away as an opinion in order to consider the application, but it is not what is before Members and therefore,</i>

	<i>Members should concentrate on what is being proposed and the evidence provided. For the policy on affordable housing, it does allow for viability to be a consideration and therefore is not contrary to the Council's affordable housing policy.</i>
<i>Is it up to Members to decide if this scheme is an appropriate scheme or not?</i>	<i>That scheme was refused and dismissed at appeal for other reasons so that scheme was not possible because it wasn't approved. This scheme has to be considered on its individual merits, alternative schemes may be out there, but they are not before Members, therefore Members would need to consider the harm and the considerations of this application.</i>
<i>Would Members be within their remit to refuse the application on the merit of not having affordable housing?</i>	<i>Members have the option to refuse the scheme based on lack of contributions if Members feel that the evidence before them in terms of viability is not correct.</i>
<i>If the builders wanted to pay a mitigating contribution, if there is not a Section 106 agreement, how does the Council get that money?</i>	<i>Because there has been a viability review, that is why there is not a Section 106 agreement as the review has said that it cannot provide it and can only provide RAMS which can be secured by conditions. If it had been proven to be viable then the Section 106 would have come forward.</i>
<i>Are there any private spaces for these flats?</i>	<i>In terms of gardens, there are 4 front gardens in the scheme and there are balconies. There are around 11 units that do not have amenity space, but the rest do have private amenity space. Given the location and the Town centre being close to the beach, Officers are not raising concerns in terms of not providing enough private amenity space.</i>
<i>Is the sycamore tree going to be protected?</i>	<i>One of the sycamore trees will be retained and the other tree has fungus in it so the Council's Tree Officer has given their view that it has not got a long-life expectancy so that one will be coming out. There is other tree planting that is being proposed.</i>
<i>Are the heritage buildings near by all Grade II?</i>	<i>They are all Grade II.</i>
<i>Has a letter of objection been received from Thorogood Road? If so, is there steps that the Committee can take to reduce the privacy to residents?</i>	<i>All the letters of objections are summarised in the report. The report relates to the current impact.</i>
<i>Are there any mitigating steps that the Committee can take to keep the privacy?</i>	<i>Officers had the withdrawn proposal which had a greater impact on the property and the current scheme has brought that down and added more screens to balconies which will be overlooking which is unavoidable.</i>
<i>So, the new design has lessened the privacy circumstance?</i>	<i>The current degree of overlooking is quite high. The proposed degree of overlooking at best is</i>

	<i>slightly less but similar which needs to be taken as a balanced opinion. The Inspector took that issue in the previous scheme. It is a judgement on harm.</i>
<i>Have the applicants submitted a tree survey?</i>	<i>No, they haven't. Tree Officer's review was that it had not been submitted, nevertheless, the trees identified for removal do not merit retention and the tree with the greatest amenity value is retained.</i>

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

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant outline planning permission subject to the conditions as stated in paragraph 10.2 of the Officer report (A.1), the Officer Update Sheet to the change of wording on Condition 5 and to make sure that the best possible Wi-Fi is available, 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 referred is retained; and,
- 2) the sending of any informative notes to the applicant as may be deemed necessary.

46. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.2 - 24-00937-FUL - ELMTREE GARAGE, COLCHESTER ROAD, ELMSTEAD, CO7 7EE

This item had been deferred for the reasons set out in Minute 40 above.

47. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.3 - 24-01716-FUL - MILTON ROAD CAR PARK, MILTON ROAD, DOVERCOURT, CO12 3LA

Earlier on in the meeting as reported under Minute 43 above, Councillors Alexander, Fowler (Chairman) and Smith had each declared for the public record that they had an interest. They therefore withdrew from the meeting and took no part whilst the Committee deliberated and made its decision on this application. The Chair was thereupon occupied by the Vice-Chairman (Councillor White).

The Committee heard that this application was before the Planning Committee on the basis that the applicant was Tendring District Council.

It was reported that 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 was supported in principle. Further, the proposal was considered to result in a visual enhancement to the area and would also not harm any of the surrounding heritage assets.

Members were told that Officers considered that there would not be any significant harm to the amenities of neighbouring residents, and ECC Highways had raised no objections subject to conditions. The proposal resulted in the loss of some existing parking

provision, but it was noted that the site was currently vacant and there had been a significant increase in provision at Orwell Road car park directly adjacent; the combination of those factors ensured that there would be sufficient provision overall.

Officers therefore told Members that taking all of the above into consideration, the application was considered to comply with local and national planning policies and accordingly was recommended by them 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.

There were no updates circulated to Members on this item.

Michael Carran, the applicant’s representative, spoke in support of the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<p><i>What did the holding objection say?</i></p>	<p><i>It is listed on Page 103 of the Agenda in the 3 bullet points provided. Which are:</i></p> <p><i>“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.</i></p> <p><i>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.</i></p> <p><i>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.”</i></p>
<p><i>Could you confirm what that means?</i></p>	<p><i>The Planning Team have discussed this, and Officers feel that on this occasion, it is something that Officers can get addressed via a planning condition. The applicant was preparing a revised drainage strategy that could address the specific points, but Officers ran out of time to get that</i></p>

	<p><i>included before this Planning Committee. There are opportunities to provide patches of greenspace that could act as better drainage to what is currently on site at the moment.</i></p>
<p><i>Is there any way that we can make sure that people do not jump over the railings?</i></p>	<p><i>There is no condition or a way for the Council to stop the public from jumping over the railings from a planning perspective. The existing situation has the same fencing. There has been an improvement in health and safety.</i></p>

It was moved by Councillor Wiggins, seconded by Councillor Sudra 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), 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.

48. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.4 - 24-01643-FUL - GUNFLEET SAILING CLUB, MARINE PARADE EAST, CLACTON-ON-SEA

This item had been deferred for the reasons stated in Minute 40 above.

49. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.5 - 24-01596-FUL - CAR PARK/SKATE PARK, CLACTON LEISURE CENTRE, VISTA ROAD, CLACTON-ON-SEA, CO15 6DJ

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

It was reported that the application sought 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.

Members were told that the application proposed 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 would be painted black (same appearance as the existing columns elsewhere within Clacton).

The Committee was informed that the proposal was of a similar height and appearance as existing street light columns and other existing CCTV columns in the Town and would not appear prominent or harmful within the street scene.

The Committee was made aware that the proposal formed part of the Safer Streets Programme aiming to combat place-based crime through situational crime prevention. The proposals were supported by The Office of the Police, Fire and Crime Commissioner by provision of funding to deliver the intended works. The development would contribute to the Council's Corporate Plan 'Our Vision' 2024/25 and 2024 – 2028 Theme, Championing our local environment.

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

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

An Officer Update Sheet had been circulated to Members prior to the meeting which informed the Committee of a minor word changing of:-

“Paragraph 7.5 – Minor change to wording should read 8 metres and not 12 metres high”

There were no public speakers on this occasion.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Does there need to be a new pole?</i>	<i>In terms of the 360 degree element, it is not proposed before Members.</i>

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

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant full planning permission subject to the conditions as stated at paragraph 9.2 of the Officer report (A.5), 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.

50. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.6 - 24-01761-FUL - OUTSIDE 137-139 OLD ROAD, CLACTON-ON-SEA, CO15 3AX

The Committee heard that this application was before Members as Tendring District Council was the applicant.

Members were told that the application sought full planning permission for the erection of a CCTV camera and supporting column on the highway edge of the public footway outside Numbers 137 & 139 Old Road, Clacton-on-Sea.

The Committee was informed that the application proposed 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 would be painted black (same appearance as the existing columns elsewhere in Clacton).

The Committee were made aware that the proposal was of a similar height and appearance as existing street light columns and other existing CCTV columns in the Town and would not appear prominent or harmful within the street scene.

Officers reminded Members that the proposal formed part of the Safer Streets Programme aiming to combat place-based crime through situational crime prevention. The proposals were supported by The Office of Police, Fire and Crime Commissioner by provision of funding to deliver the intended works. The development would contribute to the Council's Corporate Plan 'Our Vision' 2024/25 and 2024 – 2028 Theme, Championing our local environment.

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

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

An Officer Update Sheet had been circulated to Members prior to the meeting which informed the Committee of a minor word changing of:-

"Paragraph 7.5 – Minor change to wording should read 8 metres and not 12 metres high"

There were no public speakers on this occasion.

There were no questions on this occasion.

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

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant full planning permission subject to the conditions as stated at paragraph 9.2 of the Officer report (A.6), 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.

51. **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**

The Committee heard that the application was before Members as Tendring District Council was the applicant.

Members were told that the application sought 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.

The Committee was informed that the application proposed 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 column would be painted black (same appearance as the existing columns elsewhere within Clacton).

The Committee was made aware that the proposal was of a similar height and appearance as existing street light columns and other existing CCTV columns in the Town and would not appear prominent or harmful within the street scene.

Members were reminded that the proposal formed part of the Safer Streets Programme aiming to combat place-based crime through situational crime prevention. The proposals were supported by The Office of the Police, Fire and Crime Commissioner by provision of funding to deliver the intended works. The development would contribute to the Council's Corporate Plan 'Our Vision' 2024/25 and 2024 – 2028 Theme, Championing our local environment.

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

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

An Officer Update Sheet had been circulated to Members prior to the meeting which informed the Committee of a minor word changing of:-

"Paragraph 7.5 – Minor change to wording should read 8 metres and not 12 metres high"

There were no public speakers on this occasion.

There were no questions on this occasion.

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

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 9.2 of the Officer report (A.7), 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.

52. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.8 - 24-01764-FUL - OUTSIDE 48 WELLESLEY ROAD, CLACTON-ON-SEA, CO15 3PJ

Councillor Everett declared an interest in relation to this Planning Application as he worked opposite the proposed application site and that he would therefore not participate in the discussions and decision-making. Councillor Everett thereupon left the room.

The Committee heard that the application was before Members as Tendring District Council was the applicant.

Members were told that the application sought 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.

The Committee was informed that the application proposed 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.

Members were made aware that the proposal was of a similar height and appearance as existing street light columns and other existing CCTV columns in the Town and would not appear prominent, out of character or visually harmful within the street scene.

Officers reminded Members that the proposal formed part of the Safer Streets Programme aiming to combat place-based crime through situational crime prevention. The proposals were supported by The Office of the Police, Fire and Crime Commissioner by provision of funding to deliver the intended works.

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

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

There were no updates circulated to Members prior to the meeting on this occasion.

There were no public speakers on this occasion.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
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<i>Are the cameras on 24 hours a day?</i>	<i>Yes, they are on for 24 hours a day. This pole is 12 metres so then it is mindful to not be looking directly into windows.</i>
<i>Do residents know this CCTV is going to be there?</i>	<i>Yes.</i>
<i>Are residents happy for this?</i>	<i>There has been nothing received to disagree with the CCTV.</i>

It was moved by Councillor Alexander, seconded by Councillor Sudra 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.8), 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.

53. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.9 - 24-01765-FUL - OPPOSITE ORWELL ROAD, MARINE PARADE EAST, CLACTON-ON-SEA, CO15 1PR

The Committee heard that this application was before Members as Tendring District Council was the landowner and applicant.

Members were told that the application sought 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 Pavillion Fun Park, Marine Parade East, Clacton-on-Sea.

The Committee was informed that the application proposed 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.

Members were made aware that the proposal was of a similar height and appearance as existing street light columns and would be viewed in the context of the existing tall, amusement equipment and lighting columns. The development would not appear prominent, out of character or visually harmful within the street scene.

Officers reminded Members that the CCTV column would have no impact upon the significance and setting of the historic lampposts and was considered to preserve the character and appearance of the Clacton Seafront Conservation Area.

Members were further told that the proposal formed part of the Safer Streets Programme aiming to combat place-based crime through situational crime prevention.

The proposals were supported by The Office of the Police, Fire and Crime Commissioner by provision of funding to deliver the intended works.

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

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

There were no updates circulated to Members on this occasion.

There were no public speakers on this occasion.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>Will the camera be looking at the children’s play area?</i>	<i>Possibly, yes.</i>

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

RESOLVED that:-

- 1) 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 sending of any informative notes to the applicant as may be deemed necessary.

The meeting was declared closed at 7.03 pm

Chairman

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PLANNING COMMITTEE

4 MARCH 2025

REPORT OF THE DIRECTOR OF PLANNING

A.1. PLANNING APPLICATION – 24/01890/FUL – LAND AT HIGH STREET CAR PARK CARNARVON ROAD CLACTON ON SEA ESSEX CO15 6QF



DO NOT SCALE

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Application:	24/01890/FUL	Expiry Date:	3rd April 2025
Case Officer:	Michael Pingram		
Town/ Parish:	Clacton - Non Parished		
Applicant:	Tendring District Council		
Address:	Land at High Street Car Park Carnarvon Road, Clacton On Sea, CO15 6QF		
Development:	Demolition of existing multi-story car park and clearance of site. Construction of replacement multi-story car park, 28no. residential (Class C3) apartments, and 5no. flexible units (Class E, F1, F2 and related Sui Generis uses).		

1. Executive Summary

- 1.1 The application is before members of the Planning Committee on the basis that the applicant and owner of the site is Tendring District Council.
- 1.2 This application seeks the demolition of the existing multi-story car park and all other structures, to be replaced by a new multi-story car park providing 301 spaces, the erection of 28 affordable residential units and the erection of 1,330sqm of flexible commercial floorspace. Given that the site falls within the Settlement Development Boundary for Clacton-on-Sea, and is also an area prioritised for regeneration, the principle of development is acceptable. The proposed commercial uses may not necessarily be main town centre uses, but will still be a boost to the commercial offering in the surrounding area.
- 1.3 Officers consider that the design, scale and layout is an acceptable response to the character and appearance of the area, and whilst there will be a degree of harm to the amenities of Number 39 Carnarvon Road, on balance this is not considered so significant that it warrants recommending a reason for refusal. The residential units all meet the technical housing space standards and provide for enough private amenity space, and Essex Highways Authority have raised no objections subject to conditions. The parking provision is also considered to be of an acceptable level.
- 1.4 The proposal would result in the loss of a Copper Beach tree, however whilst unfortunate it would not be feasible to retain it without significant revisions to the wider scheme. Furthermore, the proposal includes a significant increase of soft landscaping, and therefore on balance the wider benefits of the scheme are considered to outweigh the harm of the loss of this tree.
- 1.5 Taking all of the above into consideration, Officers conclude that whilst there are some minor harms as a result of the development, they are significantly outweighed by the benefits the scheme would generate.

<p>Recommendation: Approval subject to S106</p> <p>1) On appropriate terms as summarised below and those as may be deemed necessary to the satisfaction of the Head of Planning and Building Control to secure the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters:</p> <ul style="list-style-type: none"> • Affordable Housing provision; and

- Biodiversity Net Gain (Unless the applicant opts to deal with under the planning condition)
- 2) That the Head of Planning and Building Control be authorised to grant planning subject to the agreed section 106 agreement and conditions as stated at paragraph 10.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
 - 3) The informative notes as may be deemed necessary.
- Or;**
- 4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 12 months that the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion.

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>

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

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

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP2 Community Facilities
- HP5 Open Space, Sports and Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable Housing
- PP1 New Retail Development
- PP5 Town Centre Uses
- PP8 Tourism
- PP14 Priority Areas for Regeneration
- PPL1 Development and Flood Risk

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
 DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
[Essex Design Guide](#)
[Technical housing standards](#): nationally described space standard Published 27 March 2015

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

5. Relevant Planning History

94/01377/FUL	(High Street Car Park, High Street, Clacton on Sea) General Market (Tuesdays) including small car park, replacement for site on Ellis Road car park	Approved	10.01.1995
95/00950/FUL	(High Street Car Park, Clacton on Sea) Construction of a multi-storey car park on the site of the existing surface level car park	Approved	26.09.1995
96/00593/FUL	(High Street Car Park, Clacton on Sea) General market to be held on Tuesdays including car parking	Refused	25.06.1996
96/01010/FUL	(High Street Car Park, Clacton on Sea) Construction of a multi-storey car park on the site of the existing surface level car park (variation to scheme approved under planning permission TEN/95/0950)	Approved	17.09.1996
98/00983/FUL	Extension to access/egress ramp to upper floors	Approved	22.09.1998

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/>.

Active Travel England**08.01.2025**

Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application. Our standing advice can be found here: <https://www.gov.uk/government/publications/active-travel-england-sustainable-development-advice-notes>

ATE would like to be notified of the outcome of the application through the receipt of a copy of the decision notice, in addition to being notified of committee dates for this application.

Anglian Water Services Ltd**23.01.2025****ASSETS****Section 1 - Assets Affected**

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES**Section 2 - Wastewater Treatment**

This development is within the catchment of Clacton-Holland Haven water recycling centre (WRC), which currently lacks the capacity to accommodate the additional flows that would be generated by the proposed development. Clacton-Holland Haven WRC is included within our approved Business Plan as a named growth scheme with investment delivery planned between 2025-2030

To ensure there is no pollution or deterioration in the receiving watercourse due to the development foul flows we recommend a planning condition is applied if permission is granted.

Condition: Prior to occupation written confirmation from Anglian Water must be submitted confirming the upgrades at Clacton-Holland Haven water recycling centre have been completed, and there is sufficient headroom to accommodate the foul flows from the development site.

Reason: To protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

Section 3 - Used Water Network

This response has been based on the following submitted documents: Drainage Strategy Document 12/12/24 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.

Section 4 - Surface Water Disposal

Anglian Water object to this application as the proposal of discharge of surface water to existing systems without evidence of existing connections and surface water hierarchy evidence could cause flood risk as per Drainage Strategy dated 12/12/24.

There is no historic right of connection when a site is redeveloped and the surface water hierarchy must be fully explored. There are designated public surface water sewers within the vicinity of the development. When the applicant has fully explored the surface water hierarchy, they will need to engage with Anglian Water and provide evidence that all other options have been exhausted and discounted in line with the Surface Water Hierarchy and with consultation with the LLFA.

The rate proposed (5l/s) is not in line with Anglian Water's policy and rate and is not considered acceptable. Only when this engagement has taken place and an agreement issued by Anglian Water will we remove any objections.

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

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition/objection has been recommended above, please see below information:

Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Surface water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:
 - Development hectare size
 - Proposed discharge rate (Our minimum discharge rate is 2l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website - <http://www.uksuds.com/drainage-calculation-tools/greenfield-runoff-rate-estimation> . For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)
 - Connecting manhole discharge location

- Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)

Essex County Council Archaeology

27.01.2025

There are no recorded features on the Essex Historic Environment Record and no evidence to indicate that there is potential for surviving archaeological remains within the proposed site. The site has been developed and is likely to have disturbed or destroyed any archaeological remains that may have been present. The above application is unlikely to have any further significant impact on any unknown archaeological remains.

There is no objection to the above application.

Essex County Fire Officer

23.01.2025

Initial Response to Consultation Document

Having reviewed the consultation document, at this time Essex County Fire and Rescue Service would ask that the following are considered during the continued development of the 24/01890.FUL 28 Land at High Street Car Park Carnarvon Road Clacton On Sea Essex:

- 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.

Min. Width of Road between Kerbs

Pumping Appliance

3.7m

High Reach

3.7m

Min. Width of Gateways

Pumping Appliance

3.1m

High Reach

3.1m

Min. Height Clearance

Pumping Appliance

3.7m

High Reach

4.0m

Min. Carrying Capacity
Pumping Appliance
18 tonnes
High Reach
28 tonnes

Min. Turning Circle (Kerb to Kerb)
Pumping Appliance
17.8m
High Reach
17.8m

Min. Turning Circle between Walls
Pumping Appliance
19.0m
High Reach
20.0m

Sweep Circle
Pumping Appliance
19.0m

- 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.

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.

Future Infrastructure Risk Team: future.infrastructure.risk@essex-fire.gov.uk

ECC Green Infrastructure

22.01.2025

ECC GI position

Having reviewed the Design and Access Statement (includes Landscape Strategy), Landscape Masterplans, Preliminary Ecological Assessment (PEA), Biodiversity Net Gain (BNG) Metric Calculation and the associated documents which accompanied the planning application, we do not object to the granting of 24/01890/FUL based on the following:

The site benefits from existing green infrastructure (GI) in the form of a few urban trees but is otherwise bare of other GI features. The DAS, PEA, and BNG Metric Calculations highlight the retention and enhancement of mature trees where possible, with significant opportunities for further improvements. These improvements include urban greening of vertical landscapes, introducing native hedgerows, enhancing the small section of landscape north of Clacton Library, adding shrubs and species-rich wildflower lawns, creating green streets, designing natural play areas, providing seating, implementing sustainable drainage rain gardens, and additional tree planting.

The BNG Metric Calculations and PEA establishes a net gain of 59.9%% in habitats, a significant net gain of 0.25 units in hedgerow against a 0 unites baseline which is welcomed.

Additionally, the PEA and DAS recommend other ecological enhancements not captured by the metric, such as bird, bat and insect boxes. The enhancement and mitigation measure identified are instrumental in producing quality GI, therefore all these GI threads should be carried through to detail stages of the application and secured through suitably worded condition.

The PEA recommends that a Biodiversity Gain Assessment (or BNG Plan) be produced to support the application and that management and maintenance for 30 years. The application does not reference or include any maintenance or management schedules for the proposed landscape scheme. Therefore, we recommend that a Landscape Ecological Management Plan (LEMP) be submitted for approval prior to determination or secured by condition as outlined below. The LEMP should detail responsibilities for GI assets, timescales for implementing each aspect of GI within the development phase, maintenance activities and frequencies, and the funding, management, and monitoring of GI assets and green spaces throughout the development's lifetime. A Construction Environmental Management Plan (CEMP) should explain how to protect existing GI during construction and how to add new GI in stages for early growth. Given the significant net gains, a Habitat Management and Monitoring Plan may be required as a planning condition.

To ensure delivery of the new GI components and retention of the existing, we would recommend the following conditions:

Condition 1

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

Reason:

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

Condition 2

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.

Reason:

To ensure appropriate management and maintenance arrangements and funding mechanisms are put in place to maintain high-quality value and benefits of the GI assets.

Failure to provide the above required information before commencement of works may result in reducing the value of the development, becoming an undesirable place to live that may increase the impacts from climate change, such as flood risk or air pollution from the site.

Condition 3

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.

Reason:

To ensure the GI are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure the high-quality and multi-functional benefits of GI assets.

Other Considerations

New Tree Planting and their early establishment

ECC GI Team will expect that all new trees on new developments will have their establishment considered at the time of planting. This should include weeding, mulching and watering. All newly planted trees with a trunk diameter of 6cm or more will be watered for three years via a buried watering tube, irrigation bag or irrigation well; applying 60 litres per visit, at least 14 times between May and September. Mulch, stakes, ties and weed establishment will also be inspected and actioned as required. Stakes and ties should be removed 3 years after planting.

Sustainable Design

ECCs GI team support a strategy that seeks to maximise opportunity for habitat retention and welcomes the proposal for vertical landscaping (climbers), rain gardens and other ecological enhancements recommended by the PEA. ECCs GI team also recommends consideration of the following: -

- Wildlife Bricks: The provision of wildlife bricks creates habitats for invertebrates.
- Dual street furniture/seating (i.e., a bench including a planter): The design of the street furniture and bin stores can contribute to the landscape character, reduce clutter of an area or street and act as a green corridor/link to the wider landscape scale GI network.]
- Log piles/ hibernacula- for invertebrates.
- Permeable paving within the public realm/ green streets.

ECC Highways Dept

30.01.2025

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. A previous site visit was undertaken in conjunction with a separate planning application. It is noted that the existing site is currently situated in a residential and commercial area. Its primary use is for parking and consists of a multi-storey car park as well as more car parking at the wider ground level of 300 spaces overall. A parking survey over a radius of approximately 200m around the site accounting for daytime and nighttime was undertaken in September 2024. The findings indicate that as the proposed car park is of a similar size to the existing, the development will not have an adverse impact on the parking situation in the area. The vehicle trips associated with the development is expected to remain consistent with the existing given that the number of spaces being provided will be consistent with the current scenario. The town centre location means that many services are within walking distance of the new mixed-use development and apartments with sustainable travel or public transport network facilities nearby, 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. As provided in the supporting information, and prior to any works commencing on site, including any ground works or demolition, a Construction Management Plan must be 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. No occupation of the new development shall take place until the following have been provided or completed:
 - a) A minimum 2.4 metres x 43 metres clear to ground visibility splay shall be provided at its centre line in both directions, for all vehicular accesses as measured from and along the nearside edge of the carriageway.
 - b) 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 each vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
 - c) A half a metre 'no build zone' will need to be provided between the rear of the existing footway/ highway boundary and the proposed structures/ buildings across the site frontage.
 - d) At no point shall barriers/gates be provided at the car park access. To ensure a free and unhindered access is retained at all times.
 - e) Any redundant vehicular access as shown in principle on drawing shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway / kerbing prior to the occupation of the development.
 - f) Public Footpath 34, surface is a block paved area, which is prone to lift or sink creating tripping hazards. The block paving should be removed and replaced with a compacted surface material to provide a firm and level surface, a plan shall be submitted to PROW Planning providing details of the surfacing works to be agreed prior to commencement of works.

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

3. 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.

4. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each blue badge parking space shall have minimum dimensions of 4.1 metres x 6.7 metres.

Reason: To ensure adequate space for parking off the highway is provided and to reflect modern car sizes in the interest of highway safety in accordance with Policy DM8.

5. 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.

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

6. Prior to occupation of the proposed residential development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator).

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

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

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

8. The public's rights and ease of passage over public footpath no. 34 (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 in accordance with Policies DM1 and DM11.

9. No development shall be permitted to commence on site until such time as an Order securing the temporary closure/ diversion of the existing definitive right of way (public footpath no. 34 Great Clacton_167) to allow the route to be resurfaced, to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

Reason: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Policies DM1 and DM11.

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

o The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority.

o The development should be in accordance with the 2024 Essex Parking Guidance 2024 Essex Parking Guidance | Essex Design Guide

o A Stage 1 RSA for the proposed accesses to be provided, ideally to be carried out by Essex Highways (to avoid the issue of additional items being identified at RSA2 stage which can then delay technical approval) roadsafety.audit@essexhighways.org o The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.

ECC Schools Service

07.02.2025

Thank you for your email, no request on this occasion, I can see that there are multiple 1 bed dwellings, therefore this falls under our current threshold for requesting contributions.

ECC SuDS Consultee

20.01.2025

Lead Local Flood Authority position:

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

- As discussed in the pre application advice from October 2024, the LLFA does not accept a flat rate of 5l/s discharging from the site if the Greenfield 1 in 1 year rate is below 5l/s as there are vortex flow control devices which can be designed to a discharge at 1l/s, with 600mm shallow design head and still provide a more than 50mm orifice diameter. Furthermore, appropriate measures should be put in place to remove materials that are likely to cause blockage before they reach the flow control device.
- As the site lies within the Combined Essex Management Catchment, 45% climate change allowance should be used when calculating the storage required and within the drainage calculations.

Essex County Council Ecology

04.02.2025

We have reviewed the Preliminary Ecological Appraisal (Place Services, October 2024) and Landscape Master Plan (Wynne-Williams Associates, Drg 2487-WWA-ZZ-ZZ-D-L-0101, Rev Po5, October 2024) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We are satisfied that there is sufficient ecological information available 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, October 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 and 193d of the National Planning Policy Framework (December 2024). 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).

Please note we do not provide comments on Biodiversity Net Gain as we have been instructed to leave comments on this matter to the LPA. 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, October 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, October 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).

Economic Growth Team

17.01.2025

The Economic Growth Team are unable to submit a comment on this application due to the team being involved in the delivery of this project.

Environmental Protection

20.01.2025

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

Contaminated Land: I can advise we have reviewed the submitted Phase One, Desk Top Study document, dated November 2024, and are satisfied with its methodology and findings. In line with the relevant recommendations, the EP Team are requesting a further, intrusive study be performed to determine the extent of the presence of contaminated soil within the site.

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, future residents and other offsite receptors

Noise / Ventilation: Given the sites location within the Town Centre, and consideration for the location on the main carriageway, as well as its proximity to Clacton Railway Station and consideration for the potential change to the existing noise climate, due to number of required plant/machinery (extraction / ventilation systems for food outlets for example - use classes requested include potential for food outlets, as well as confirmation as to whether ventilation within the residential units will be achieved by either trickle vents or mechanical ventilation), the EP Team are requesting evidence be submitted to confirm the proposed units will not expose future residents to unacceptable levels of noise leading to an adverse impact. As such we are requesting a formal Noise Impact Assessment be undertaken, by a relevantly qualified acoustician. The survey will meet the requirements of relevant Planning Policy Guidance and include periods for -

Day-time 0700-2300 hours and night-time 2300-0700 hours.

The purpose of the report will be to confirm the current noise climate, any potential design or mitigation techniques that may be required and to ensure the proposed development can offer future residents compliance with the relevant British Standard for noise levels, and other applicable guidance and standards; including the World Health Organisations Community Noise Guideline Values - as shown below -

Dwellings indoors in daytime - 35 dB LAeq,16 hours

Outdoor living area in day time - 55 dB LAeq,16 hours

Inside bedrooms at night-time - 30 dB LAeq,8 hours (45 dB LAmax)

Outside bedrooms at night-time - 45 dB LAeq,8 hours (60 dB LAmax)

The internal figures consider that windows are open.

In addition we are requesting the predicted noise emissions from the proposed plant / machinery is included within the Noise Assessment, in line with the relevant British Standard (BS4142:2014) -

Potential Noise Impact from Plant Machinery: Prior to installation of any plant/machinery/ventilation/air conditioning/extraction equipment, including any replacements of such, full details including location, acoustic specifications, and specific measures to control noise/dust/odour from the equipment, shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed, used and maintained thereafter in full accordance with the approved details.

REASON: to ensure compliance with the relevant standards and guidelines and to protect the amenity of guests and possible future residential premises

Lighting: Any proposed lighting of the development must ensure relevant measures are taken to ensure that any lighting of the development will be located, designed and directed or screened so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

REASON: In the interest of protecting residential amenity

Demolition / Construction Method Statement: The applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Environmental Protection, this document should include, but not be limited to the following information -

- 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.

- 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 Environmental Protection. 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: In the interest of protecting residential amenity.

Arch. Liaison Off, Essex Police

23.01.2025

The 'Essex Police ' Designing out Crime Office' (DOCO), welcomes the opportunity to comment on the submission of 24/01890/FUL.

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

Security forms a key part of a sustainable and vibrant development and Essex Police considers that it is important that this site is designed incorporating the maximum achievable benefit of

Crime Prevention Through Environmental Design (CPTED) for which Secured by Design (SBD) is the preferred enabler. This national, official police security initiative works to improve the security of a structure and their immediate surroundings to provide a safe and secure environment to help reduce the opportunities for crime and minimise the fear of crime, as referenced in the NPPF, 'Promoting Healthy and Safe Communities'.

Upon reviewing the submitted documents for this application, the DOCO would request further information regarding the Multi-storey car park cycle store and ground floor front aspect space towards Carnarvon Road, we would welcome the opportunity to discuss these spaces with the applicant.

The applicant and Essex Police have been involved in constructive, pre-application consultation and Essex Police is content the ethos of NPPF, sec 12, para 127(f) and the Tendring Local Plan policy PL4, which requires developments that are safe, secure places, is being considered. The applicant has indicated their aspiration for this development to attain Secured by Design accreditation (SBD).

Essex Police requests Tendring DC Planning make SBD compliance a planning condition for this application. The Designing Out Crime Team is keen to support the applicant to ensure crime prevention through environmental design is embedded into the development and assist in successfully achieving the requirements to gain the nationally acknowledged and Police recommended, Secured by Design accreditation.

UU Open Spaces

15.01.2025

Officer Conclusions and Recommendations

- On site open space is being provided. So no off site contribution is being requested.

Tree & Landscape Officer

29.01.2025

The application site is currently dominated by the built form and contains only small areas of soft landscaping and no functional open space or other usable area.

The main landscape features on the site are three mature trees: 2 Copper Beech (*Fagus sylvatica* 'purpurea') close to Carnarvon Road and a Maidenhair Tree (*Ginkgo biloba*) by the walkway from the car park to Station Road.

There are a few smaller trees mainly the fastigate form of the Callery Pear (*Pyrus calleryana* 'Chanticleer').

The site layout proposals make provision for the retention of the large Copper Beech (T3) tree at the northern end of the site and the Maidenhair tree (T4) however the site layout and tree report identify the removal of the second and southernmost Copper Beech (T8) ostensibly because of its condition.

In this regard it is noted that the crown of the tree (T8) is somewhat asymmetrical with the southwestern aspect showing much weaker growth. The Arboricultural Impact Assessment submitted in support of the application categorises the tree as C2 which means that it is not considered to be a significant constraint on the development potential of the land.

However, as the tree is not in leaf at the present time, it is not possible to ascertain the extent of deadwood within the canopy of the tree. The tree appears to be in reasonable condition and makes a positive contribution to the character and appearance of the area.

Whilst the amenity value provided by the smaller trees can be relatively easily replicated and improved upon by tree planting included in the overall soft landscaping proposals the removal of the Copper Beech (T8) would have a significant adverse impact on the amenities of the locality.

Whilst there is no reason to question the accuracy of the AIA in respect of the condition of the Copper Beech (T8) it was not possible for the findings of the report at the time of the site visit as the tree was not in leaf.

Regarding the physical protection of the large, retained trees the application is supported by the above-mentioned Arboricultural Impact Assessment (AIA) containing an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP). This information shows how retained trees will be physically protection for the duration of the construction phase of any approved development.

This information is in accordance with BS5837 2012 Trees in relation to design demolition and construction. Recommendations.

In terms of soft landscaping the scheme will lead to the provision of an area of well-designed and 'thought out' open space that will be a significant improvement on the current situation.

Waste Management

07.01.2025

Bin store for residential properties to be of sufficient size to accommodate the equivalent wheeled bin capacity of 5040 litre fortnightly residual waste collection, 640 litre weekly food waste collection and 8240 litre dry mixed recycling collection.

ECC Heritage

11.02.2025

The site is located within the wider setting of the designated heritage assets named below:
- Clacton Town Hall (List Entry No. 1267903), a Grade II Listed Building which is situated to the west of the site; and,
- Clacton Seafront Conservation Area that includes Rosemary Road to the south of the site.

Currently the site is visually unintrusive and makes a neutral contribution to the setting of these heritage assets. In principle the proposed scheme of re-development for the site is supported, on the basis that the setting of the heritage assets is preserved and could be enhanced if opportunities to improve the connections from the site through to the Town Hall and Conservation Area are exploited.

There is a proposal emerging for expansion of Clacton Seafront Conservation Area northwards to include additional buildings of potential positive contribution to its character and appearance. If that proposal is brought forward and adopted by the Tendring District Council, the boundary for the Conservation Area will be redrawn along the High Street. This would bring the Conservation Area adjacent to the southern part of the site where there is a pedestrian access through a passageway between No. 37 the High Street and Nos. 39-43 the High Street (a vacant superstore). This possibility was discussed during the pre-application stage and is recognised by Section 2.03 of the Design and Access Statement submitted for the proposal, which also considers how the proposed Mixed-Use Spaces will be viewed and linked from the High Street (see Section 7.31 for passageway perspective).

The stepped shopfronts of the proposed Mixed-Use Spaces create a contemporary arcade that is in-keeping with the character of the High Street, given that there is a historic arcade found between Nos 4 and 7 the High Street. It is unfortunate that the opposing view of the High Street from the passageway is not represented, as a glimpsed view of the former Post Office (a Non-Designated Heritage Asset) would be gained, nevertheless, the proposal will undoubtedly

improve the appearance of the passageway in the street scene and the experience and appreciation of the former Post Office as a landmark building. Which will in turn enhance the setting of the Conservation Area.

Similarly, a gap between Clacton Library (potentially to be redeveloped as Clacton Hub) and No. 92 Station Road allows a glimpsed view of Clacton Town Hall to be gained, and provides pedestrian access to the site, but only the view of the new four-storey residential building from Station Road through this gap is represented in the Design and Access Statement (see Section 7.15 perspective).

It was recommended at pre-application stage that the height and scale of the new residential building should not detract from the prominence of Clacton Town Hall in the Station Road street scene. The Townscape and Visual Appraisal does not provide any wireframe viewpoints (either from north of Clacton Library looking south or from Station Road looking towards the site) to demonstrate that the proposal will not be a visually prominent addition to the setting of the Town Hall. In addition, there is no Heritage Statement to consider the significance of the Town Hall and Conservation Area and the impact of the development, as per paragraph 207 of the National Planning Policy Framework (NPPF).

The scale of the proposed buildings in views north of Clacton Library looking south towards the site and the Town Hall is not well illustrated. Viewpoint 1 of the Townscape and Visual Appraisal is taken at an angle that excludes the Town Hall from view, which is unhelpful for assessing the impact on its setting and without a wireframe the impact is unclear. It is noted that the submitted Townscape and Visual Appraisal has considered this potential for the upper stories to be visible within the Station Road (Viewpoints 1, 2a and 2b), and concluded that its adverse effects will be minor or negligible.

But the perspective view clearly shows that the upper two stories of the new residential building will protrude above the roofs of the intervening built form that lines the east side of Station Road (page 93 of the Design and Access Statement). From this viewpoint, it is unlikely to result in a harmful impact upon the significance of the Town Hall. However, it is suggested that a condition be used to agree a sensitive colour palette for the external materials of the new residential building, so that its appearance harmonises better with the colour palette of the Station Road street scene. Securing a respectful colour palette will ensure that the new building is unimposing upon the setting of Clacton Town Hall and does not compete with it for prominence. For avoidance of the same issues occurring at nighttime, a condition to agree a suitable external lighting scheme for the building is also suggested.

In its entirety the scheme of new development within the setting of the heritage assets is likely to be acceptable, however, the colour and design of the proposed car park does not appear to reflect local character and distinctiveness on Carnarvon Road. Otherwise, the proposals will enhance the connections from the site to Clacton Town Hall, and the Conservation Area, and attention has been shown to the surrounding historic environment, which is used as a source of inspiration for the design of the Mixed-Use Spaces and the Residential Building. Such as in the use of external materials to distinguish the shopfronts from the residential storeys above and exaggerate the roof form, in a contemporary way that follows the hierarchy and rhythms of the built form from the adjoining streets.

Nevertheless, the application is lacking in information to illustrate the impact on views of the Town Hall, however, assuming that the proposed buildings are of low visibility as per the discussion within the Townscape and Visual Appraisal, it is likely that the proposal will preserve the special architectural and historic interest of the Clacton Town Hall and its setting in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

With regards to the National Planning Policy Framework (NPPF), the proposal is unlikely to cause harm to the significance of any of the aforementioned heritage assets (Clacton Town Hall, Clacton Seafront Conservation Area, and the former Post Office), and the proposal should be treated favourably in line with the direction of Paragraph 219; given that it will improve the appearance and use of the pedestrian connections from the site to the heritage assets which will in turn enhance their setting. In respect of the proposal's design and potential to make a positive contribution to the local character and distinctiveness Paragraphs 210 (c) and 135 (c) will be relevant to decision-making.

7. Representations

- 7.1 Clacton-on-Sea is non-parished so no comments were expected.
- 7.2 One letter of objection has been received, with concerns that the proposal is out of character.
- 7.3 One letter of observation has also been received, which raises potential concerns with the contractor working hours and where contractors would park during construction – this, however, can be addressed within a Construction Method Statement, which is recommended to be included as a planning condition. It is also asked whether the application includes improvements to existing pavements, however this does not form part of the submission.

8. Assessment

Site Description

- 8.1 The application site is the High Street Car Park, which is land sited to the western section of Carnarvon Road, within Clacton-on-Sea. The majority of the site consists of a multi-storey car park and ancillary car parking, with the land to the northern section currently empty following demolition of Carnarvon House, a former building previously occupied by the NHS, in 2023.
- 8.2 The character of the area is heavily urbanised, with a mixture of residential and commercial development located to all sides. The Grade II Listed 'Clacton Town Hall' is sited adjacent to the east, with the main hub of the Clacton Town Centre approximately 250 metres to the south-west. Adjacent to the north of the site is the Clacton Library.
- 8.3 The site falls within the Settlement Development Boundary for Clacton-on-Sea within the adopted Local Plan 2013-2033, and is also allocated as an area prioritised for regeneration purposes. The site is allocated within the Primary Shopping Area for Clacton-on-Sea, with the Clacton Seafront Conservation Area sited to the south, but outside of the site.

Description of Proposal

- 8.4 This application seeks planning permission for the following works:
- Demolition of the existing multi-story car park and all other structures, to be replaced by a new multi-story car park providing 301 parking spaces;
 - Erection of 28 residential units (14 x 1 bedroom units and 14 x 2 bedroom units) to the northern section of the site, with 11 units (40%) being affordable housing;
 - Creation of five flexible commercial civic/community units (1,330sqm) including Classes E, F1, F2 and Sui Generis, with one located on the ground floor of the residential building, one on the ground floor of the car park, and three on the land to the west of the site; and
 - New publicly accessible urban realm, including a range of hard and soft landscaping features.

Principle of Development

- 8.5 The site is located within the Settlement Development Boundary (SDB) for Clacton-on-Sea, as established in the adopted Local Plan 2013-2033. Adopted Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies. In this respect, the site is well located for residential properties.
- 8.6 In addition, the site is allocated within an area prioritised for regeneration purposes. Policy PP14 states 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. The development of a site that is currently operational but not a particularly visually impressive site, would be a welcome boost to the wider area, and is supported in principle.
- 8.7 It is noted that the site also falls within a Primary Shopping Area, with adopted Policy PP5 requiring that ground floor units should be restricted to uses within Class E (commercial, business and service uses). Whilst the exact use types are not yet clarified, the submission clarifies that the 1,330sqm of commercial floorspace will include Classes E, F1 (Learning and non-residential institutions), F2 (Local community uses) and Sui Generis. Whilst some of these uses are not technically in accordance with the requirements of PP5, the NPPF is clear that main town centre uses extend far beyond retail uses. In addition, the current site includes no commercial offering, and therefore the proposal would result in a significant increase to the services provided within the Clacton Town Centre.
- 8.8 Given the above, at an overarching high level, the principle of development on the sites for both residential and civic/commercial uses is acceptable, subject to the detailed considerations below.

Affordable Housing

- 8.9 Paragraph 64 of the NPPF (2024) states that 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. Adopted Local Plan Policy LP5 adds that 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 to be made available to Tendring District Council or its nominated partners to acquire at a proportionate discounted value for use as affordable housing.
- 8.10 On this occasion, the proposal includes for a total of 28 residential properties, and therefore there is a requirement to ensure that a minimum of nine units are allocated as affordable housing. The supporting submission confirms that 11 of the units (40%) will be affordable housing, thereby comfortably adhering with the above policy requirements. The Council's Housing Team have been consulted but have not provided any comments at the time of writing, however Officers are content with the affordable housing provision outlined. It is therefore recommended that this be secured via a legal agreement in the event that the application is recommended for approval.

Scale, Layout & Appearance

- 8.11 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.
- 8.12 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs. Policy SPL3 and LP4 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high

standards and which, together with a well-considered site layout which create a unique sense of place.

- 8.13 As detailed above, in principle the development of these sites would be a visual improvement in comparison to the current site, which includes an outdated multi storey car park as well as additional parking and does not maintain or enhance the character of the wider area. Historically, the site where the 28 dwellings are proposed was a three storey building of poor design that has since been demolished. Similarly, on the land where the proposed car park is to be, was historically Westleigh House which was also demolished a number of years ago.
- 8.14 Set against the above context, the proposal for a mixed-use development that maintains the existing public parking provision and offers additional residential and commercial offering to the District represents an enhancement to the areas character and appearance. ECC Urban Design were involved at pre-application stage and have therefore been involved in the overall design process. The proposed siting of the residential block in the northern corner of the site is considered logical and this location has the opportunity to relate well to the emerging Clacton Hub proposals and existing flats. Similarly, consolidating car parking into the south-western corner of the site is also logical and direct vehicular access off Carnarvon Road to avoid unnecessary highway infrastructure is welcomed. In addition, the development includes significant public realm improvements, including a seating area, a 'green street', public art and additional tree planting; all of which will provide for a significant visual improvement and make the site more appealing and better connected from Carnarvon Road/Station Road through to High Street.
- 8.15 In summary, the proposals overall are considered to result in a significant visual enhancement to the character of the area, representing a marked improvement in comparison to the existing site which is considered to detract from the areas wider character. The design of the buildings and car park is certainly of a more contemporary nature, however would equally not detract from the more traditional properties along Carnarvon Road in particular. Taking all of the above into consideration, there are no objections raised in this regard.

Heritage Impacts

- 8.16 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.
- 8.17 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.
- 8.18 The application site falls within the setting of a Grade II Listed Building, and is also close to the Clacton Seafront Conservation Area. ECC Place Services (Heritage) have been consulted as part of this planning application, and have provided the following comments:

"The site is located within the wider setting of the designated heritage assets named below:

- Clacton Town Hall (List Entry No. 1267903), a Grade II Listed Building which is situated to the west of the site; and,*
- Clacton Seafront Conservation Area that includes Rosemary Road to the south of the site.*

Currently the site is visually unintrusive and makes a neutral contribution to the setting of these heritage assets. In principle the proposed scheme of re-development for the site is supported, on the

basis that the setting of the heritage assets is preserved and could be enhanced if opportunities to improve the connections from the site through to the Town Hall and Conservation Area are exploited.

There is a proposal emerging for expansion of Clacton Seafront Conservation Area northwards to include additional buildings of potential positive contribution to its character and appearance. If that proposal is brought forward and adopted by the Tendring District Council, the boundary for the Conservation Area will be redrawn along the High Street. This would bring the Conservation Area adjacent to the southern part of the site where there is a pedestrian access through a passageway between No. 37 the High Street and Nos. 39-43 the High Street (a vacant superstore). This possibility was discussed during the pre-application stage and is recognised by Section 2.03 of the Design and Access Statement submitted for the proposal, which also considers how the proposed Mixed-Use Spaces will be viewed and linked from the High Street (see Section 7.31 for passageway perspective).

The stepped shopfronts of the proposed Mixed-Use Spaces create a contemporary arcade that is in-keeping with the character of the High Street, given that there is a historic arcade found between Nos 4 and 7 the High Street. It is unfortunate that the opposing view of the High Street from the passageway is not represented, as a glimpsed view of the former Post Office (a Non-Designated Heritage Asset) would be gained, nevertheless, the proposal will undoubtedly improve the appearance of the passageway in the street scene and the experience and appreciation of the former Post Office as a landmark building. Which will in turn enhance the setting of the Conservation Area.

Similarly, a gap between Clacton Library (potentially to be redeveloped as Clacton Hub) and No. 92 Station Road allows a glimpsed view of Clacton Town Hall to be gained, and provides pedestrian access to the site, but only the view of the new four-storey residential building from Station Road through this gap is represented in the Design and Access Statement (see Section 7.15 perspective).

It was recommended at pre-application stage that the height and scale of the new residential building should not detract from the prominence of Clacton Town Hall in the Station Road street scene. The Townscape and Visual Appraisal does not provide any wireframe viewpoints (either from north of Clacton Library looking south or from Station Road looking towards the site) to demonstrate that the proposal will not be a visually prominent addition to the setting of the Town Hall. In addition, there is no Heritage Statement to consider the significance of the Town Hall and Conservation Area and the impact of the development, as per paragraph 207 of the National Planning Policy Framework (NPPF).

The scale of the proposed buildings in views north of Clacton Library looking south towards the site and the Town Hall is not well illustrated. Viewpoint 1 of the Townscape and Visual Appraisal is taken at an angle that excludes the Town Hall from view, which is unhelpful for assessing the impact on its setting and without a wireframe the impact is unclear. It is noted that the submitted Townscape and Visual Appraisal has considered this potential for the upper stories to be visible within the Station Road (Viewpoints 1, 2a and 2b), and concluded that its adverse effects will be minor or negligible.

But the perspective view clearly shows that the upper two stories of the new residential building will protrude above the roofs of the intervening built form that lines the east side of Station Road (page 93 of the Design and Access Statement). From this viewpoint, it is unlikely to result in a harmful impact upon the significance of the Town Hall. However, it is suggested that a condition be used to agree a sensitive colour palette for the external materials of the new residential building, so that its appearance harmonises better with the colour palette of the Station Road street scene. Securing a respectful colour palette will ensure that the new building is unimposing upon the setting of Clacton Town Hall and does not compete with it for prominence. For avoidance of the same issues occurring at nighttime, a condition to agree a suitable external lighting scheme for the building is also suggested.

In its entirety the scheme of new development within the setting of the heritage assets is likely to be acceptable, however, the colour and design of the proposed car park does not appear to reflect local

character and distinctiveness on Carnarvon Road. Otherwise, the proposals will enhance the connections from the site to Clacton Town Hall, and the Conservation Area, and attention has been shown to the surrounding historic environment, which is used as a source of inspiration for the design of the Mixed-Use Spaces and the Residential Building. Such as in the use of external materials to distinguish the shopfronts from the residential storeys above and exaggerate the roof form, in a contemporary way that follows the hierarchy and rhythms of the built form from the adjoining streets.

Nevertheless, the application is lacking in information to illustrate the impact on views of the Town Hall, however, assuming that the proposed buildings are of low visibility as per the discussion within the Townscape and Visual Appraisal, it is likely that the proposal will preserve the special architectural and historic interest of the Clacton Town Hall and its setting in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

With regards to the National Planning Policy Framework (NPPF), the proposal is unlikely to cause harm to the significance of any of the aforementioned heritage assets (Clacton Town Hall, Clacton Seafront Conservation Area, and the former Post Office), and the proposal should be treated favourably in line with the direction of Paragraph 219; given that it will improve the appearance and use of the pedestrian connections from the site to the heritage assets which will in turn enhance their setting. In respect of the proposal's design and potential to make a positive contribution to the local character and distinctiveness Paragraphs 210 (c) and 135 (c) will be relevant to decision-making."

- 8.19 In summary, the site in its current form provides a neutral contribution to the setting of the aforementioned heritage assets, and the principle of re-development of the site is supported. The stepped shopfronts create a contemporary appearance in-keeping with the character of the adjacent High Street, and overall the proposal improves the appearance of the passageway in the street scene. Whilst the submission does not definitively clarify that the proposal would not be a visually prominent addition to the setting of the Town Hall, it is considered unlikely to result in a harmful impact subject to conditions relating to the colour palette of the external materials and a suitable external lighting scheme.
- 8.20 Some concerns are raised with the design and colour of the proposed car park, with it being considered not to reflect the local character and distinctiveness of Carnarvon Road, however the remainder of the works enhance connections from the site to Clacton Town Hall as well as the Conservation Area. Overall, ECC Place Services consider the proposal should be looked upon favourably. Officers acknowledge these comments, and subject to the recommended conditions do not raise any objections in this regard. It is noted that some concerns are raised relating to the car park design, however the overall proposals taken as a whole are an enhancement to the setting of the heritage assets, and therefore Officers do not consider it reasonable to raise an objection on this basis.

Highway Safety

- 8.21 Paragraph 114 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 108 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. Paragraph 115 adds 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.
- 8.22 Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.

- 8.23 Essex Highways Authority have been consulted on the application and have confirmed that from a highway and transportation perspective the impact of the proposal is acceptable. However, they do recommend a number of conditions relating to a Construction Management Plan, visibility splays, no gates/barriers, closure of any redundant access points, the vehicle parking area, cycle parking provision, the submission of a Residential Travel Information Pack, boundary planting, no impact to the public footpath, and that no development shall commence until a temporary closure/diversion of the existing definitive right of way has been agreed. Where these are supported by the six tests of conditions they have been recommended to be included.
- 8.24 The proposed car park includes for a total of 301 public parking spaces, of which 36 will be dedicated to electric vehicle charging and 21 will be dedicated blue badge spaces. There is also proposed to be 64 cycle spaces. The current car park provides for approximately 300 spaces, and therefore there will be no loss of spaces overall.
- 8.25 Essex Parking Standards (2009) outlines that for one bedroom properties there should be a minimum of one parking space measuring 5.5m x 2.9m and for two bedroom properties there should be a minimum of two spaces at the above measurements. Given part of the application is for 28 dwellings, of which 14 will be served by one bedroom and 14 served by two bedrooms, there is a requirement to provide for a total of 42 parking spaces. The supporting submission clarifies that 42 cycle spaces are to be provided within the private garden area, and residents occupying the residential units will also be able to apply for a permit to park within the public car park. In addition, Officers acknowledge that the site is within a highly sustainable location in walking distance to a number of shops and facilities. Given this, and that all of the units are one and two bedroom, therefore unlikely to attract larger families with a greater requirement for parking provision, Officers conclude that the parking provision as outlined is acceptable.

Impact on Residential Amenity

- 8.26 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.
- 8.27 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.
- 8.28 The site is within a highly urbanised area, with a number of residential properties located out to all sides. There are a number of properties along the western boundary (fronting Station Road), to the south (fronting High Street) and Number 39 Carnarvon Road to the eastern section of the site.
- 8.29 The development by its very nature will result in some degree of impact to these properties, however it must also be acknowledged that the existing site is an active and busy car park that generates high levels of vehicular movements and associated noise. The re-location of the multi-storey car park away from the north-western boundary will result in an improvement to the amenities of the neighbours to the west, with the current multi-storey appearing oppressive and likely resulting in some of loss of light.
- 8.30 The most impacted property is likely to be 39 Carnarvon Road given its close proximity and relationship to the residential proposals. The submitted plans include a daylight and sunlight report that concludes that while there would be a minor impact in respect of loss of daylight to two windows at Number 39, these both serve small kitchens there are not considered to be non-habitable rooms. The units include small balcony areas that provide a degree of overlooking to the rear of Number 39, however it is noted that this area is already overlooked via the adjacent multi-storey car park that is proposed to be replaced elsewhere within the site, which in turn results in a neutral overall impact. Furthermore, it is acknowledged that previously a large structure has been in the location of the

proposed residential units for a number of years, and the site is a heavily urbanised location where such proposed development would be expected.

- 8.31 Taking the above into consideration, whilst it is likely that there will be some impacts as a result of the development, the majority is set away from neighbouring properties and in the case of the north-western corner properties, there will be an improvement to their existing amenities. With regards to Number 39 Carnarvon Road, Officers acknowledge a small degree of loss of light and note that the building itself will appear relatively oppressive, however for the reasoning detailed above the harm is not so significant that Officers consider it warrants recommending a reason for refusal.

Tree and Landscape Impacts

- 8.32 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.
- 8.33 The Council's Tree and Landscape Officer has been consulted on the application, and has provided the following comments:

"The application site is currently dominated by the built form and contains only small areas of soft landscaping and no functional open space or other usable area.

The main landscape features on the site are three mature trees: 2 Copper Beech (Fagus sylvatica 'purpurea') close to Carnarvon Road and a Maidenhair Tree (Ginkgo biloba) by the walkway from the car park to Station Road.

There are a few smaller trees mainly the fastigate form of the Callery Pear (Pyrus calleryana 'Chanticleer'.

The site layout proposals make provision for the retention of the large Copper Beech (T3) tree at the northern end of the site and the Maidenhair tree (T4) however the site layout and tree report identify the removal of the second and southernmost Copper Beech (T8) ostensibly because of its condition.

In this regard it is noted that the crown of the tree (T8) is somewhat asymmetrical with the southwestern aspect showing much weaker growth. The Arboricultural Impact Assessment submitted in support of the application categorises the tree as C2 which means that it is not considered to be a significant constraint on the development potential of the land.

However, as the tree is not in leaf at the present time, it is not possible to ascertain the extent of deadwood within the canopy of the tree. The tree appears to be in reasonable condition and makes a positive contribution to the character and appearance of the area.

Whilst the amenity value provided by the smaller trees can be relatively easily replicated and improved upon by tree planting included in the overall soft landscaping proposals the removal of the Copper Beech (T8) would have a significant adverse impact on the amenities of the locality.

Whilst there is no reason to question the accuracy of the AIA in respect of the condition of the Copper Beech (T8) it was not possible for the findings of the report at the time of the site visit as the tree was not in leaf.

Regarding the physical protection of the large, retained trees the application is supported by the above-mentioned Arboricultural Impact Assessment (AIA) containing an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP). This information shows how retained trees will be physically protected for the duration of the construction phase of any approved development.

This information is in accordance with BS5837 2012 Trees in relation to design demolition and construction. Recommendations.

In terms of soft landscaping the scheme will lead to the provision of an area of well-designed and 'thought out' open space that will be a significant improvement on the current situation."

- 8.34 Therefore, in summary, the proposal involves the removal of the existing Copper Beach which provides a positive contribution to the area, and its loss results in a level of harm to the amenities of the locality. However, the submitted AIA considers it not to be a significant constraint on the development potential of the land, and following discussions with the agent for the application they have confirmed the tree falls within the footprint of the proposed car park, which could not realistically be located elsewhere on the site. On balance, whilst the loss of the tree is not supported, it must be weighed in the overall planning balance against the benefits of the provision of the car park, and on this occasion the benefits of the proposal are considered to outweigh the identified harm.

Foul Sewage

- 8.35 Paragraph 187 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 198 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.
- 8.36 Adopted Local Plan Section 2 Policy PPL5 the 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.
- 8.37 The application form clarifies that foul sewage will be disposed of via the existing mains sewer, and therefore it fully complies with the requirements of the above local and national planning policies.

Flood Risk and SuDS

- 8.38 Paragraph 181 of the NPPF states that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 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.
- 8.39 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.
- 8.40 ECC SuDS as Lead Local Flood Authority have been consulted on the application and have raised a holding objection on the basis that they do not accept a flat rate of 5l/s discharging from the site if the Greenfield 1 in 1 year rate is below 5l/s. In addition, a 45% climate change allowance should be used when calculating the storage required and within the drainage calculations.
- 8.41 At the time of writing, the applicant is preparing revised information in order to address these technical points raised by ECC SuDS, but importantly this is not a greenfield site and material consideration must be given to the location, existing infrastructure and previous use. Tending has not adopted higher rates. Due to the nature of this proposal and the existing/previous use of the site, it is considered this matter could be adequately resolved by condition as included within the recommendation, in consultation with ECC SUDS and Anglian Water.

Functional Layout

- 8.42 Paragraph 135(f) of the NPPF states that planning decisions should ensure that developments create places that are safe with a high standard of amenity for existing and future users. Adopted Policy SPL3 (Part B)(f) seeks to ensure that provision is made for adequate private amenity space, waste storage and recycling facilities, vehicle and cycle parking.
- 8.43 The submitted plans demonstrate that there is a shared residential garden space to the rear of the site, that includes cycle parking facilities. In addition, the properties at ground floor level each have a small private amenity area, whilst all apartments on first, second and third floors are all served by a balcony area. Given this, and that the site is in a highly sustainable location in walking distance to amenity areas including the seafront, such provision is acceptable on this occasion.
- 8.44 Policy LP3(b) states new residential development must comply with the government's latest 'Technical housing standards - nationally described space standard', which for a one bedroom for two persons on a single storey requires the dwelling to be a minimum of 50 square metres, and for a two bedroom property for four persons on a single storey requires the dwelling to be a minimum of 70 square metres. The plans submitted show that the one bedroom units range between 50.2sqm and 62.6sqm, and the two bedroom units range between 70.1sqm and 85sqm. Therefore, the standards above are adhered to and no objections are raised in this regard.

Bin Storage and Waste Collection

- 8.45 Policy SPL3 Part states that all new development must meet practical requirements, including provision for adequate waste storage and recycling facilities. The supporting information states that refuse will be provided in accordance with best practice and the Essex Design Guide.
- 8.46 On this occasion, the submitted plans show that a refuse area is located at ground floor level to the rear of the residential courtyard. The Council's Waste Management team have confirmed this area is of a sufficient size to accommodate the equivalent wheeled bin capacity of 5,040 litre fortnightly residual waste collection, 640 litre weekly food waste collection and 8,240 litre dry mixed recycling collection. Officers therefore raise no objections in this regard.

Impact on Protected Species

- 8.47 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.
- 8.48 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.
- 8.49 ECC Place Services (Ecology) have been consulted on the application, and have confirmed there is sufficient ecological information available to support determination this application. They raise no objections to the proposal, subject to conditions relating to securing the mitigation measures and the submission of a Biodiversity Enhancement Strategy.

Habitats, Protected Species and Biodiversity Enhancement

- 8.50 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

- 8.51 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.
- 8.52 The application is supported by a Preliminary Ecological Appraisal (PEA), that concludes there will be a neutral impact to bats, mammal species and birds. ECC Place Services (Ecology) have been consulted on the application, and have confirmed there is sufficient ecological information available to support determination this application. They raise no objections to the proposal, subject to conditions relating to secure the mitigation measures outlined within the PEA and the submission of a Biodiversity Enhancement Strategy.

Biodiversity net gain

- 8.53 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.
- 8.54 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 recommended to be secured by condition and legal agreement.

Protected Designated Habitats

- 8.55 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.
- 8.56 The application scheme proposes a residential on a site that lies within the Zone of Influence (Zoi) but is approximately 6.1 kilometres from the Colne Estuary SPA, SAC and RAMSAR. New housing development within the Zoi would be likely to increase the number of recreational visitors to these sites and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.
- 8.57 A planning condition is recommended to secure this via a future legal obligation. This will 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.

Biodiversity Conclusion

8.58 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.

Public Open Space and Play Facilities

8.59 Policy HP5 of the adopted Local Plan 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.

8.60 The Council's Open Space team have confirmed that there is a deficit of 2.22 hectares of equipped play in Clacton-on-Sea, and adequate formal open space to cope with some future development. However, they have clarified that as on site open space is being provided within the scheme, no off-site contribution is requested.

Renewable Energy

8.61 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.

8.62 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.

8.63 The proposal includes for a development that has the potential to incorporate renewable energy features, and accordingly is supported by an Energy Statement which outlines a series of energy efficiency and low/zero carbon measures are to be adopted, including ULEV charging points for electric cars, air source heat pumps, solar panels, and highly efficient systems for lighting. Given this, it is not reasonable or necessary to include a condition requiring the submission of renewable energy details.

9. Planning Balance and Conclusion

9.1 This application seeks the demolition of the existing multi-story car park and all other structures, to be replaced by a new multi-story car park providing 301 spaces, the erection of 28 affordable residential units and the erection of 1,330sqm of flexible commercial floorspace. Given that the site falls within the Settlement Development Boundary for Clacton-on-Sea, and is also an area prioritised for regeneration, the principle of development is acceptable. The proposed commercial uses may not necessarily be main town centre uses, but will still be a boost to the commercial offering in the surrounding area.

9.2 Officers consider that the design, scale and layout is an acceptable response to the character and appearance of the area, and whilst there will be a degree of harm to the amenities of Number 39 Carnarvon Road, on balance this is not considered so significant that it warrants recommending a reason for refusal. The residential units all meet the technical housing space standards and provide

for enough private amenity space, and Essex Highways Authority have raised no objections subject to conditions. The parking provision is also considered to be of an acceptable level.

- 9.3 The proposal would result in the loss of a Copper Beach tree, however whilst unfortunate it would not be feasible to retain it without significant revisions to the wider scheme. Furthermore, the proposal includes a significant increase of soft landscaping, and therefore on balance the wider benefits of the scheme are considered to outweigh the harm of the loss of this tree.
- 9.4 Taking all of the above into consideration, Officers conclude that whilst there are some minor harms as a result of the development, they are significantly outweighed by the benefits the scheme would generate.

10. Recommendation

- 10.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a section 106 legal agreement with the agreed Heads of Terms, for affordable housing and BNG.

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 9613-CPL-ZZ-ZZ-DR-A-08000 Revision P4, 9613-CPL-ZZ-ZZ-DR-A-08200 Revision P10, 9613-CPL-01-01-DR-A-08201 Revision P9, 9613-CPL-01-02-DR-A-08202 Revision P8, 9613-CPL-01-03-DR-A-08203 Revision P8, 9613-CPL-01-RF-DR-A-08204 Revision P8, 9613-CPL-01-ZZ-DR-A-08301 Revision P7, 9613-CPL-01-ZZ-DR-A-08400 Revision P7, 9613-CPL-01-ZZ-DR-A-08401 Revision P7, 9613-CPL-01-ZZ-DR-A-08600 Revision P5, 9613-CPL-01-ZZ-DR-A-08601 Revision P5, 9613-CPL-01-ZZ-DR-A-08602 Revision P5, 9613-CPL-01-ZZ-DR-A-08603 Revision P5, 9613-CPL-02-04-DR-A-08210 Revision P9, 9613-CPL-02-01-DR-A-08211 Revision P8, 9613-CPL-02-02-DR-A-08212 Revision P8, 9613-CPL-02-03-DR-A-08213 Revision P8, 9613-CPL-02-04-DR-A-08214 Revision P8, 9613-CPL-02-ZZ-DR-A-08311 Revision P6, 9613-CPL-02-ZZ-DR-A-08411 Revision P6, 9613-CPL-02-ZZ-DR-A-08412 Revision P6, 9613-CPL-03-05-DR-A-08225 Revision P6, 9613-CPL-03-ZZ-DR-A-08321 Revision P6, 9613-CPL-03-ZZ-DR-A-08322 Revision P6, 9613-CPL-03-ZZ-DR-A-08323 Revision P6, 9613-CPL-ZZ-ZZ-DR-A-08150 Revision P6, 9613-CPL-ZZ-ZZ-DR-A-08151 Revision P5, 9613-CPL-ZZ-ZZ-DR-A-08152 Revision P2, 2487-WWA-ZZ-ZZ-D-L-0101 Rev P05, 2487-WWA-ZZ-ZZ-D-L-0103 Rev P02, 2487-WWA-ZZ-ZZ-D-L-0104 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0105 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0106 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0107 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0301 Rev P05, 2487-WWA-ZZ-ZZ-D-L-0302 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0704 Rev P01 and the documents titled 'Planning Statement', 'Tree Survey, Arboricultural Impact Assessment and Outline Method Statement', 'Interim Travel Plan', 'Transport Statement', 'Townscape and Visual Appraisal', 'Superfast Broadband Statement',

'Preliminary Ecological Appraisal', 'Energy Strategy Report', 'Design and Access Statement', 'Contaminated Land Risk Assessment', 'Sitewide Existing Demolition Plan'.

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

- 3 CONDITION: No development of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) shall take place until;
- (i) A strategy for investigating any contamination present on site has been submitted for approval, in writing, by the Local Planning Authority. Development on site, including demolition, may be carried out in order to fully investigate contamination prior to the submission of said strategy subject to agreement, in writing, by the Local Planning Authority and all other pre commencement conditions being agreed by the Local Planning Authority first.
 - (ii) Following approval of the strategy, an investigation shall be carried out in accordance with the strategy and timescales as may be agreed.

REASON: To ensure that 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 off site receptors. This condition is required to be agreed prior to the commencement of any development to ensure health and safety is secured early for both development and its construction including the health of all workers during all phases of construction. If agreement was sought at any later stage there is an unacceptable risk to health.

- 4 CONDITION: Prior to any works within each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) above slab level, a Noise Impact Assessment shall be submitted to, and agree in writing by, the Local Planning Authority. The details contained within this assessment shall thereafter be adhered to.

REASON: In the interest of the amenity of neighbouring residents.

- 5 CONDITION: Before any machinery/plant is first used on the development as hereby approved as part of this permission, it shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved, in writing, by the Local Planning Authority. The scheme shall thereafter been maintained as may be approved.

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

- 6 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 portalooos.
- 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).

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 in adverse harm on amenity.

- 7 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 each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) of the development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

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

- 8 CONDITION: Prior to the first occupation of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) 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, October 2024).

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

- 9 CONDITION: Prior to first occupation of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) of the hereby approved development, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;

- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To enhance protected and Priority species and habitats.

- 10 CONDITION: No development/works shall be commenced above slab level of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) until 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 existing building(s) and in the interests of visual amenity and the character and appearance of the area.

- 11 CONDITION: Prior to the erection/installation of any 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.

- 12 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.

- 13 CONDITION: Prior to first use of the access of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152), visibility splays shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 43 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.

- 14 CONDITION: Prior to first occupation of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) 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 access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

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

- 15 **CONDITION:** 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.

- 16 **CONDITION:** Prior to first occupation of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) of the hereby approved development, the vehicle parking area indicated on the approved plans shall be hard surfaced and sealed. 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 in writing 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.

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

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

- 18 **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.

- 19 **CONDITION:** The hereby approved development shall not be first commenced 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.

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 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 areas directly adjacent to the carriageway(s) in which trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway. In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.
- iii) No permanent part of a development shall overhang the public highway.
- iv) 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.
- 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) 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

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/>.

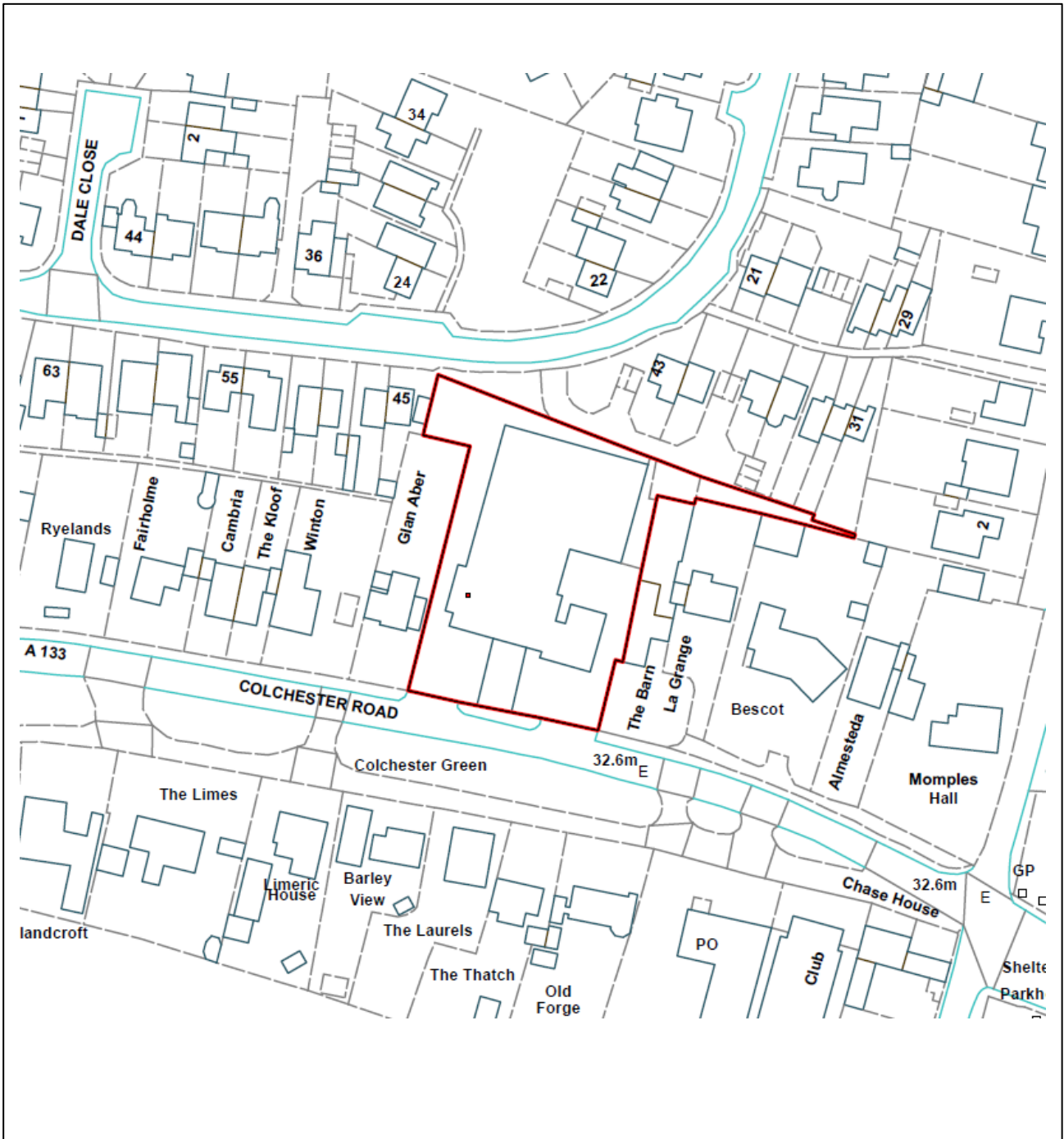
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PLANNING COMMITTEE

4th March 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 March 2025
Town/ Parish:	Elmstead Market Parish Council		
Applicant:	Motor Fuel Group Limited		
Address:	Elmtree Garage, Colchester Road, Elmstead, 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.

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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 portalos.
- 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

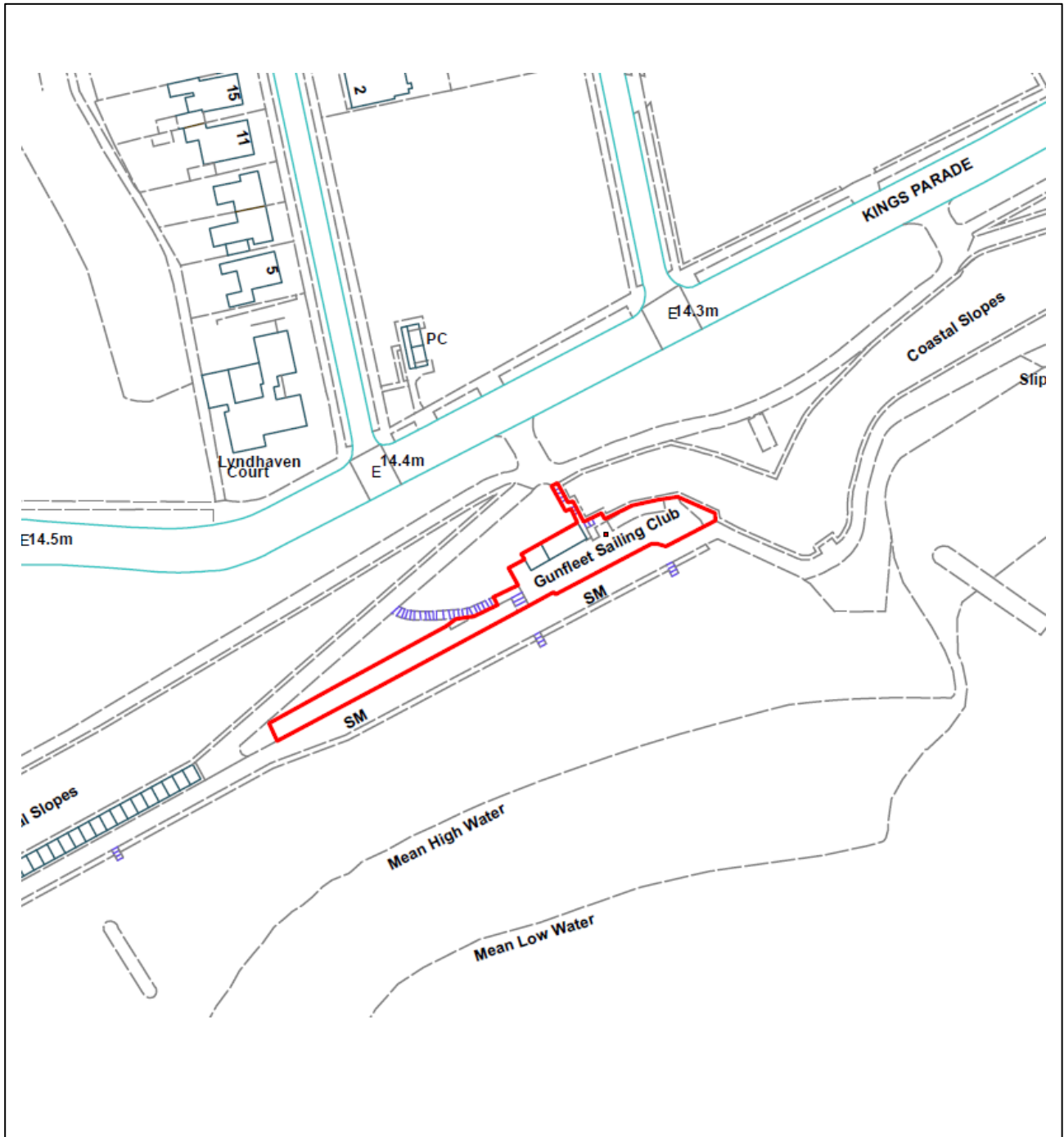
- 13.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report)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

4th March 2025

REPORT OF THE DIRECTOR OF PLANNING

A.3. 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		
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
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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.

Environmental Protection

23.12.2024

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
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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/>.

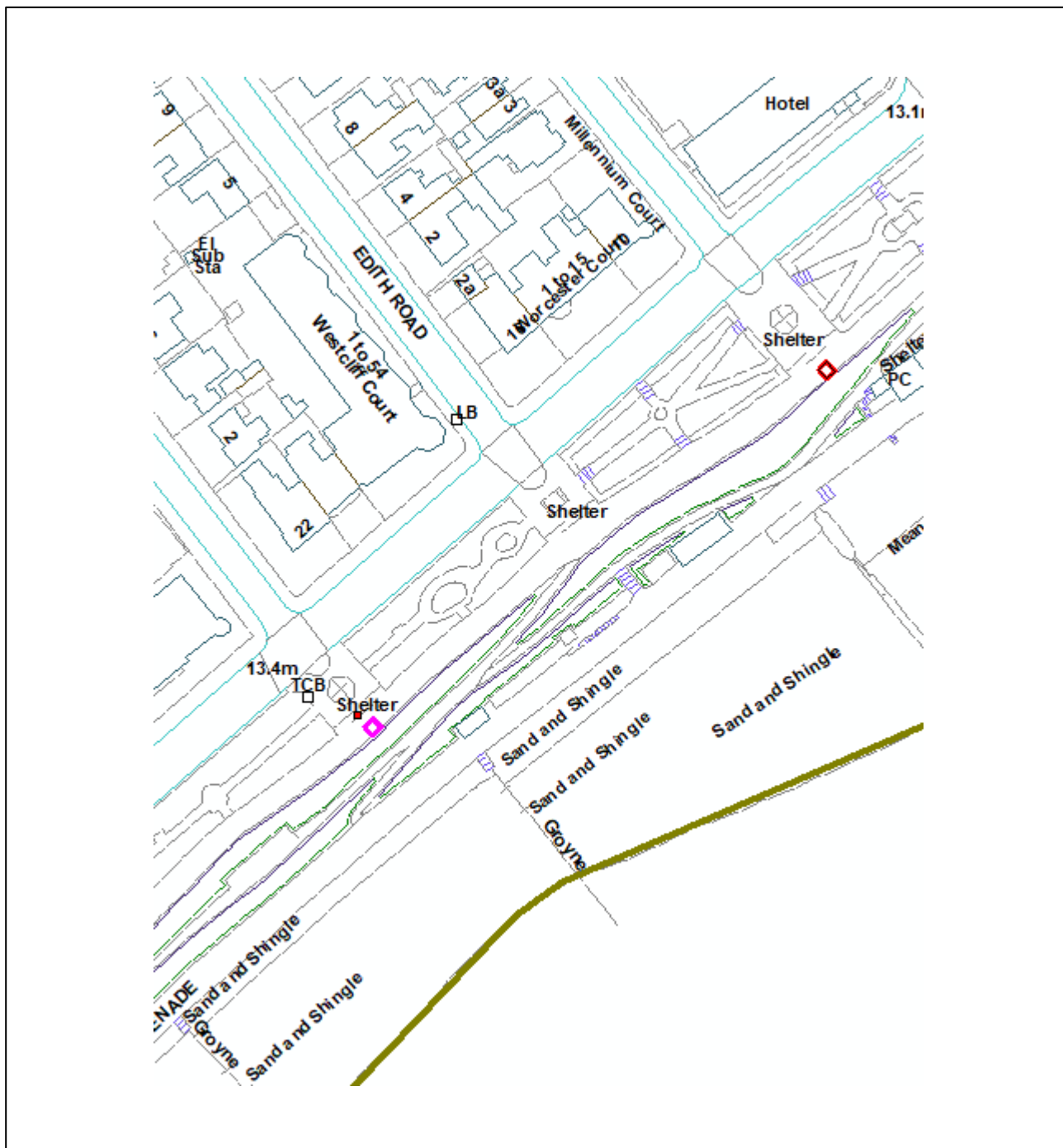
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PLANNING COMMITTEE

4th March 2025

REPORT OF THE DIRECTOR OF PLANNING

A.4. PLANNING APPLICATION – 24/01592/FUL– UPPER PROMENADE OFF MARINE PARADE WEST CLACTON ON SEA



DO NOT SCALE

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Application:	24/01592/FUL	Expiry Date:	30 th December 2024
Case Officer:	Oliver Ashford	EOT Date:	7 th March 2025
Town/ Parish:	Clacton Non Parished		
Applicant:	Mr Andrew White - Tendring District Council		
Address:	Upper Promenade Off Marine Parade West Clacton-on-Sea		
Development:	Planning Application - Installation of 2 no. CCTV columns, cameras and ancillary equipment as part of Clacton on Sea Safer Streets Scheme.		

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 2 no. CCTV and supporting columns on the back edge of the public footway, along Upper Promenade Off Marine Parade West, Clacton.
- 1.3 The application proposes two 9-metre-high column poles, which includes the 1-metre-high swan neck adaptor and dome camera fitted to the top providing a 360-degree view along Marine Parade West and into Alton Road and the second positioning to look down Penfold Road. Both are supplemented by a proposed fixed camera giving a 180 degree view up Alton Road from its Junction with Marine Parade West and Penfold Road and its junction with Marine Parade West.
- 1.4 The proposed columns are of a similar height and appearance as existing street light columns and will be viewed in the context of the existing tall lighting columns. The development will not appear prominent, out of character or visually harmful within the street scene.
- 1.5 Furthermore, the CCTV columns, as identified by the Council's heritage consultants, will have some harm in terms of 'less than substantial' harm upon the significance and setting of the historic lampposts, however, the public benefit for the installation of the CCTV cameras to provide security in public areas is considered to outweigh this level of harm and the proposals are 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/>.

Built Heritage Advice pertaining to a Full Planning Application for the installation of three CCTV columns at locations T, W and Y, with cameras and ancillary equipment as part of Clacton on Sea Safer Streets Scheme.

These comments follow on from and should be read with those dated to the 20th of November 2024.

The previous response identified that the proposed Locations W and Y for the installation of the new CCTV columns have the potential to effect:

- The Clacton Seafront Conservation Area through impacts to features that contribute positively to its character and appearance, namely the Promenade Shelters and esplanade Street Lights.
- The significance of the Grade II listed row of 16 Street Lights that are situated on the south side of the esplanade between Beach Road and West Road (List Entry No. 1111519), through changes to their setting.

Previously it was identified that the proposal fails to preserve the setting and significance of the Grade II listed row of 16 Street Lights and fails to preserve or enhance the character and appearance of the Conservation Area. The proposed locations W and Y for the new CCTV columns were considered to give rise to harmful impacts to the significance of the designated heritage assets.

This opinion has not changed upon review of the submitted Heritage Statement prepared by the agent Hestur Limited. The Heritage Statement presents that the new CCTV columns will not have any visual impact upon the row of 16 Street Lights, because there are existing CCTV columns of same design already located along the promenade, and the new columns that are proposed would be situated out of alignment with the row of 16 Street Lights.

Although the new CCTV columns may be adjacent to the cliff top railings of the Upper Promenade, and out of direct alignment with the historic lampposts, they would be positioned just 6m away and will be much taller than the historic lampposts standing 8m high. Therefore, the new CCTV columns will have an impact upon the way the Victorian lampposts are experienced and appreciated as a group. Furthermore, the new CCTV columns would impact the positive contribution they make as a group to the character and appearance of the Conservation Area.

Specifically, the new column at Location W impacts Key View No. 5 (from the Registered Park and Garden towards the Pier) identified by the Conservation Area Character Appraisal and Management Plan, and the new CCTV columns located adjacent to the clifftop railings would have a visual impact upon the views within the Conservation Area of the historic lampposts from the beach, pier, and Lower Promenade below. When viewed from these locations, the positioning of the new CCTV columns will appear to be more prominent than the historic lampposts, and so compete visually with them disrupting and detracting from their rhythm in the wide views of the seafront. This will have a detrimental impact upon the experience and appreciation of the Victorian street furniture as a group and diminishing their positive contribution to the character and appearance of the Conservation Area.

The Heritage Statement also suggests that the harm to the heritage assets arising from the installation of the new CCTV columns is justified as they would provide surveillance of the public realm that will be of direct benefit to the heritage assets by discouraging vandalism of the historic pavilions and gardens. No evidence has been provided of the threat of vandalism (Police reports or crime reference numbers for example) to the heritage assets. The Local Planning Authority

should consider whether the additional surveillance is a public benefit but is unlikely to be considered a heritage benefit.

Previous comments regarding the specific impact of the CCTV columns on the significance of the Conservation Area remain relevant.

With regards to the National Planning Policy Framework (NPPF), Paragraph 215 remains relevant and the level of harm to the significance of the Conservation Area and the listed group of 16 Street Lights is considered to be 'less than substantial'. Paragraphs 212, 213 and 219 also remain relevant considerations. As per previous comments, the proposal fails to preserve the setting and significance of the Grade II listed row of 16 Street Lights, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and fails to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the same Act.

ECC Highways Dept

19.02.2025

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. It is noted that the proposed two new columns will be well set back from the public highway and to the north of Public Footpath 29 and located within private land, as such the Highway Authority would not normally comment. The proposal forms part of a programme to install additional CCTV cameras as part of the Clacton on Sea, Safer Streets Programme

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 Alton Road and also opposite Penfold Road with railings behind.

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. The location is also close to the listed Seafront Gardens and historic lampposts which require heritage consideration.

Proposal

7.3 The application seeks full planning permission for the erection of 2 no. CCTV cameras and supporting column on the back edge of the public footway with existing railings behind.

7.4 The application proposes two 9-metre-high column poles, which includes the 1-metre-high swan neck adaptor and dome camera fitted to the top providing a 360-degree view along Marine Parade West and into Alton Road, and the second positioning to look down Penfold Road. Both are supplemented by a proposed fixed camera giving a 180 degree view up Alton Road from its Junction

with Marine Parade West and Penfold Road and its junction with Marine Parade West. The application proposes a black painted finish for the columns.

Principle of Development

- 7.5 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.
- 7.6 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.
- 7.7 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.
- 7.8 The development is considered acceptable in principle.

Appearance, Visual Impact & Impact Upon Heritage Assets

- 7.9 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.
- 7.10 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.
- 7.11 Paragraph 212 of the NPPF states 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.
- 7.12 Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.13 The proposal is of a similar siting, height and appearance as existing street light columns and other existing CCTV columns in the Town and along the Seafront. The columns will be viewed in combination with the existing street furniture and lighting columns.
- 7.14 The new CCTV columns will be viewed against the backdrop of the Seafront Gardens that characterise the open spaces forming the public realm along Marine Parade West. ECC Heritage have raised objections to the proposals, however officers consider that ensuring the columns are painted black will reduce the heritage impact and ensure they are in line with the historic black lampposts. Further, it is considered that the CCTV provides significant public benefits by way of public safety and this overrides and the perceived 'less than substantial' harm identified, in line with the provisions of NPPF paragraph 215 outlined above. Installed in this context, the new CCTV

columns will have no adverse impacts upon the significance and setting of the historic lampposts and are considered to preserve the character and appearance of the Clacton Seafront Conservation Area.

- 7.15 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.

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 offer no objection. It is noted that the proposed two new columns will be well set back from the public highway and to the north of Public Footpath 29 and located within private land, as such the Highway Authority would not normally comment. On this basis the proposals are considered acceptable from a highway safety viewpoint.

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 The cameras will be positioned almost at the top of the 8-metre-high columns at approximately 9-metres above ground level, and will not point directly at residential properties, thus reducing the perception of being overlooked.
- 7.20 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 cameras 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.
- 7.21 No letters of objection have been received.

Mandatory Biodiversity Net Gain

- 7.22 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.
- 7.23 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 proposals are of a similar height and appearance as existing street light columns and will be viewed in the context of the existing promenade. The development will not appear prominent, out of character or visually harmful within the street scene. Furthermore, the CCTV columns will have no adverse impacts upon the significance and setting of the historic lampposts and are 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 PLAN
- BLOCK PLAN FOR PROPOSED CCTV COLUMN LOCATION Y (1:500)
- TDC01/07/24/01/WY A CCTV DETAILS – LOCATION Y

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 black 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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By virtue of paragraph(s) 6a, 6b of Part 1 of Schedule 12A
of the Local Government Act 1972.

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