



## PLANNING COMMITTEE

<b>DATE:</b>	<b>Tuesday, 13 May 2025</b>
<b>TIME:</b>	<b>5.00 pm</b>
<b>VENUE:</b>	<b>Committee Room, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE</b>

### MEMBERSHIP:

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

**Councillor Goldman**  
**Councillor Smith**  
**Councillor Wiggins**

AGENDA

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.

If you have any queries regarding webcasting or the recording of meetings by the public, please contact Democratic Services on [democraticservices@tendringdc.gov.uk](mailto:democraticservices@tendringdc.gov.uk).

DATE OF PUBLICATION: Friday, 2 May 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 9 - 22)**

To confirm and sign as a correct record, the minutes of the meetings of the Committee, held on Wednesday, 19 March 2025 and Tuesday, 1 April 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 & Community) - A.1 - 25-00029-FUL – Oaklands Holiday Village, Colchester Road, St Osyth, CO16 8HW (Pages 23 - 42)**

Temporary construction access (up to 5 years) to facilitate the construction of the Holiday Park extension.

### **6 Report of the Director (Planning & Community) - A.2 - 24-00280-FUL – Red House High Street, Great Oakley, Harwich, CO12 5AQ (Pages 43 - 66)**

Demolition of Red House to allow construction of two conventional arrangement dwellings comprising one 2-bedroom dwelling and one 3-bedroom dwelling, and an infill extension between Red House and The Maybush Inn to form a further one bedroom flat incorporating a multi use community facility to the Public House at ground level.

### **7 Report of the Director (Planning & Community) - A.3 - 25-00451-FUL - 3 Orchard View, Wivenhoe Road, Alresford, CO7 8BD (Pages 67 - 78)**

Change of use of land to garden.

### **8 Report of the Director (Planning & Community) - A.4 - 25-00324-FULHH – 61 Colchester Road, Holland-on-Sea, CO15 5DG (Pages 79 - 86)**

Rear extension with flat roof.

### **Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Planning Committee is to be held in the Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 5.00 pm on Tuesday, 10 June 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](mailto: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](mailto:planningservices@tendringdc.gov.uk) Web: [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk)

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

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



**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON WEDNESDAY, 19TH MARCH, 2025 AT 5.00 PM  
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors Fowler (Chairman), White (Vice-Chairman) (except item 70), Everett, Goldman, Smith, Sudra and Wiggins
<b>Also Present:</b>	Councillors Harris and Scott
<b>In Attendance:</b>	Gary Guiver (Corporate Director (Planning & Community)), Keith Simmons (Assistant Director (Corporate Policy & Support) & Deputy Monitoring Officer), John Pateman-Gee (Head of Planning & Building Control), Joanne Fisher (Planning Solicitor), Amy Lang (Senior Planning Officer), Oliver Ashford (Planning Officer), Christopher Bailey (Elections and Leadership Support Officer) and Katie Koppenaal (Committee Services Officer)

**64. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Alexander (with no substitution).

**65. MINUTES OF THE LAST MEETING**

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

**RESOLVED** that the minutes of the meeting of the Committee, held on Tuesday 4 March 2025, be approved as a correct record and be signed by the Chairman.

**66. DECLARATIONS OF INTEREST**

In relation to Agenda Item 7 (report A.3 – Planning Application 24/01910/FUL – Rear of 140 Point Clear Road, St Osyth), Councillor White declared an interest and informed the Committee that he would withdraw from the meeting and leave the room whilst the Committee deliberated on this application and reached its decision.

In relation to Agenda item 5 (report A.1 – Planning Application 24/01507/FUL- Land adjacent to 55 Church Road, Elmstead Market), Councillor Wiggins declared for the public record that she was one of the local Ward Members. Councillor Wiggins stated that she was not pre-determined on this application, and that she therefore would remain in the meeting and take part in the deliberations and decision making.

**67. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

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

**68. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.1 - 24/01507/FUL - LAND ADJACENT TO 55 CHURCH ROAD, ELMSTEAD, CO7 7AW**

Earlier on in the meeting as detailed in Minute 66 above, Councillor Wiggins had declared for the public record that she was one of the local Ward Members. Councillor

Wiggins had stated that she was not pre-determined on this application, and she therefore remained in the meeting and took part in the deliberations and decision making.

Members were told that this application was before the Planning Committee at the request of Councillor Scott.

Officers made Members aware that the site lay directly adjacent to the defined Settlement Development Boundary of Elmstead and met the requirements of adopted Local Plan LP7 for Self-Build dwellings. The scale, layout and appearance of the proposed dwellings were considered by Officer to be acceptable and would not result in any overriding harm to visual amenity, landscape character or the overall character of the area having regard to the context of the site directly adjacent to existing dwellings and the recent development at Pavillion View opposite.

The Committee was informed that the application had been assessed against the policies contained within the adopted Elmstead Market Neighbourhood Plan and was not considered by Officers to result in any material conflict that warranted refusal of planning permission in that regard.

Members were told that subject to an acceptable reptile survey and the securing of any necessary mitigation measures, the application was recommended by Officers for approval subject to conditions (including RAMS).

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 subject to conditions.

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

An Officer Update Sheet had been circulated to Members before the meeting which was as follows:-

*"Planning Application – The erection of six self-build bungalows and associated infrastructure.*

- *Correction to Section 10.2 Conditions and Informatives, Condition 5 Hard and Soft Landscaping Scheme, approved plan drawing number. Condition now reads:*

#### **5. FURTHER APPROVAL: HARD AND SOFT LANDSCAPING SCHEME**

*CONDITION: Prior to the commencement of any above ground works, a scheme of hard and soft landscaping for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels, accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with the agreed measures for their protection set out within the AIA and in compliance with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction". The scheme shall be in general*

conformity with the indicative landscape details shown on the **approved drawing no. MAS/761/1 C Proposed Site Layout Plan** subject to any new boundary planting being planted a minimum of 1 metre back from the highway boundary and any visibility splay and retained free of obstruction above 600mm at all times.

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

Beth Deacon-Bates, the agent for the applicant spoke in favour of the application.

Councillor Scott, the caller-in and Ward Councillor spoke in relation to the application.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer's response thereto:-</b>
<i>Would this application have been brought to Committee if Councillor Scott had not called it in?</i>	<i>No, it would not.</i>
<i>If the development was not self-build, would the matter have been approved?</i>	<i>The self-build policy of the District engages in lieu of the neighbourhood policy. If this wasn't self build, the policy allows development adjacent to settlement boundary so it would be allowed. It would then be delegated to officers to decide.</i>
<i>What does self-build mean and what are the ramifications?</i>	<p><i>The self-build definition within the Self-Build act is defined as:</i></p> <p><i>(A1) In this Act "self-build and custom housebuilding" means the building or completion by—</i></p> <p><i>(a) individuals,</i></p> <p><i>(b) associations of individuals, or</i></p> <p><i>(c) persons working with or for individuals or associations of individuals,</i></p> <p><i>of houses to be occupied as homes by those individuals.</i></p> <p><i>(A2) But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.</i></p>
<i>When we walked around the site, we found that there is a working ditch across the entrance, continuation from outside 55. Is it the proposal that the ditch will be continued through?</i>	<i>Yes. The scale of the development is minor, so a surface water drainage strategy is not required.</i>
<i>On 20 January 2025, Essex County Council Place Services Ecology put in a</i>	<i>There are currently no objections from other statutory consultees. Place</i>

<i>holding objection. Is this still the case?</i>	<i>Services includes archaeology, and there are no objections from them subject to conditions. The recommendation is made subject to conditions of an acceptable reptile survey. Therefore, the objection mentioned does still remain, however, it allows a 12-month period for the reptile survey to be undertaken and submitted. Liaison with Place Services would then take place to ensure that any further mitigation measures are secured.</i>
<i>To clarify in their objection, Essex County Council Place Services Ecology said; "the results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06 2005 highlights that it is essential that presence or otherwise protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed when making the decision" "this will enable the LPA to demonstrate compliance with its statutory duties including its biodiversity duty under Section 40 of the NERC Act 2006 as amended, prevent wildlife crime under Section 17 Crime and Disorder Act 1998". So are we acting ultra vires if we go ahead with a prior determination, given the circumstances with the condition?</i>	<i>Permission is granted at the point of a decision being issued. If the matter is not resolved, permission is not granted. If this is the case it will either be refused or come back to Committee. Members are asked to make a resolution for Officers to follow.</i>
<i>So does that require a condition to allow that to be able to happen?</i>	<i>No, we are asking for a survey to be carried out before we grant permission.</i>
<i>If the self-build is approved, is it going to be a non-standing construction?</i>	<i>There is a condition to secure the properties as self-build and building regulations are included in the conditions.</i>

It was moved by Councillor Sudra, seconded by Councillor Smith and:-

**RESOLVED** that:-

- (1) the Head of Planning and Building Control be authorised to grant full planning permission subject (2) below and the submission and assessment of an acceptable reptile survey setting out sufficient mitigation measures, and receipt of 'no objection' from Essex County Council Place Services Ecology;

- (2) the conditions as stated at paragraph 10.2 of the Officer report (A.1) and subject to the variation to the wording of Condition 5 (as detailed in the Update Sheet) (including any additional conditions recommended as part of the consultation with Essex County Council Place Services Ecology following consultation on the reptile survey) or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained;
- (3) the sending of any informative notes to the applicant as may be deemed necessary; and
- (4) in the event of the requirements referred to in Resolution (1) above not being secured within 12 months of the date of the Committee's decision, that the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion.

**69. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.2 - 24/01915/VOC - LAND AT CONNAUGHT ROAD, WEELEY, CO16 9EL**

Members were told that the application was before Members at the request of Councillor Harris.

Officers made Members aware that the application site was located on the eastern side of Weeley Road/Clacton Road, to the north of the existing Connaught Road, within the Parish of Weeley. Development of 7 bungalows was currently under construction (allowed on appeal – planning ref. 21/02024/FUL and appeal ref. APP/P1560/W/22/3291996).

The Committee was informed that the application sought to vary the approved plans of application 21/02014/FUL to enable changes to the floor plans and elevations, including insertion of 4 no. high level rooflights to facilitate the creation of two additional rooms and a central storage area within the roof space.

Members were made aware that the proposed variations would not materially alter the overall appearance of the development or result in any visual harm or harm to the character of the area.

The Committee was also told that the revised development met parking requirements and would not result in any material harm to residential amenities.

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

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

An Officer Update Sheet had been circulated to Members before the meeting which was as follows:-

*“Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Approved Plans) of application 21/02014/FUL, approved at appeal*

*APP/P1560/W/22/3291996, to enable changes to the floor plans and roof elevations.*

- *Amendment to Section 10.2 Conditions and Informatives, Condition 1 Approved Plans and Documents:*

*Amended plans received correcting the site layout plan to include the new roof arrangement to Plot 1 and rooflight positions on all plots. Condition now reads:*

**1. COMPLIANCE: APPROVED PLANS & DOCUMENTS**

*CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed before 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.*

- *1763 P07B Ordnance Survey (1:1250 Location Plan)*
- *2402-TP-01-C Amended Plot 1 - Proposed Floor Plans and Elevations (including materials details)*
- *2402-TP-02-C Amended Plots 2, 4 and 6 - Proposed Floor Plans and Elevations (including materials details)*
- *2402-TP-03-C Amended Plots 3, 5 and 7 - Proposed Floor Plans And Elevations (including materials details)*
- *1763 P04B Garage Elevations*

*REASON: For the avoidance of doubt and in the interests of proper planning."*

Robert Pomery, the agent for the applicant spoke in support of the application.

Parish Councillor Christine Hamilton, representing Weeley Parish Council, spoke against the application.

Councillor Harris, the caller-in and the Ward Councillor, spoke against the application.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer's response thereto:-</b>
<i>Would this application have come to Committee if Councillor Harris hadn't called it in?</i>	<i>It is unlikely.</i>
<i>With regard to parking spaces, you inferred that there were sufficient parking spaces to accommodate each house. Is that correct?</i>	<i>Each property has a garage as well as long driveways. 4 spaces per property which is why it has been concluded that the parking spaces are sufficient.</i>

It was moved by Councillor White, seconded by Councillor Smith 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.2) and subject to the variation of Condition 1 (as detailed in the Update Sheet), or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as reference is retained; and

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

**70. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.3 - 24/01910/FUL - REAR OF 140 POINT CLEAR ROAD, ST OSYTH, CO16 8JA**

Earlier on in the meeting, as detailed under Minute 66 above, Councillor White had declared an interest and had informed the Committee that he would withdraw from the meeting and leave the room whilst the Committee deliberated on this application and reached its decision, Councillor White thereupon left the room.

The Committee heard that the application was before Members as the proposed development represented a departure from the Local Plan, proposing new residential development outside of the St Osyth Settlement Development Boundary (SDB) as defined within the adopted Tendring District Local Plan 2013 to 2033 and Beyond. This application was also before Members as the extent of information was sufficient for Members consideration.

Members were told that the proposed development was concluded by Officers to represent sustainable development. The specific merits of the application and site would not set a harmful precedent for further development outside the defined settlement boundary and would not prejudice the overall spatial strategy of the District with further considerations outlined in the Officer report.

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

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

There were no updates circulated to Members for this item.

Peter Le Grys, the applicant's Agent, spoke in support of the application.

<b>Matters raised by the Committee:-</b>	<b>Officer's response thereto:-</b>
<i>Outside number 172, what happened with that?</i>	<i>This has been referenced in the report (paragraph 8.15) and it has been recognised as part of the previous appeal decision.</i>
<i>Is it exactly the same as what was submitted?</i>	<i>The scheme that is before you is similar to what was submitted as part of the appeal decision. The applicant has followed the Inspector's advice in terms of what they submitted.</i>
<i>Also relating to number 172, is that the</i>	<i>There were two appeals, so two</i>

<i>same per two dwellings or single?</i>	<i>separate dwellings.</i>
<i>Are we doing the right thing in relation to archaeological terms?</i>	<p><i>There isn't any overriding concern in terms of archaeological standards, and this is reflected in the conditions and recommendations. We will be ensuring those works are carried out as necessary.</i></p> <p><i>(John Pateman-Gee) The development proposal is contrary to the development plan which is why it has been brought to Committee. The requirement in terms of the town and planning act is that the decision must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise. We feel there are material considerations in terms of the site, which is why we have placed the relevant conditions but is also why we are recommending approval.</i></p>

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

**RESOLVED** that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions 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 as may be deemed necessary.

**71. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.4 - 25/00061/FUL - CLACTON RUGBY CLUB VALLEY ROAD, CLACTON-ON-SEA, CO15 6NA**

Members were told that the application was before the Planning Committee as the application site was owned by Tendring District Council.

The Committee heard that the proposed development was not considered by Officers to be harmful to the character and appearance of the area and would not result in any significant impact to neighbouring amenities.

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

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



An Officer Update Sheet had been circulated to Members before the meeting which was as follows:-

*“Planning Application - Proposed extension and alterations to provide changing area toilets and showers for female and youth teams.*

- *Revised Drawing Nos. 5000 25 2 Rev B. & 5000 25 3 Rev B received 14.03.25. Condition 2 to be revised in the event of approval.”*

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 planning permission subject to the conditions as stated at paragraph 10.2 of the Officer report (A.4) and subject to the variation of Condition 2 (as detailed in the Update Sheet), or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including 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 6.59 pm

**Chairman**

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

<b>Present:</b>	Councillors Fowler (Chairman), White (Vice-Chairman), Bray, Everett, Goldman, Sudra and Wiggins
<b>In Attendance:</b>	Gary Guiver (Corporate Director (Planning & Community)), John Pateman-Gee (Head of Planning & Building Control), Joanne Fisher (Planning Solicitor), Michael Pingram (Senior Planning Officer), Bethany Jones (Committee Services Officer) and Katie Koppenaal (Committee Services Officer)
<b>Also in Attendance:</b>	Lee Heley (Corporate Director (Place and Wellbeing) & Deputy Chief Executive) and James Dwan (Communication Officer)

**72. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Alexander (with no substitution) and Councillor Smith (with Councillor Sudra substituting).

**73. DECLARATIONS OF INTEREST**

Though he was not present at the meeting, Councillor Alexander had, prior to the commencement of the meeting, informed Officers that he wished to declare an Interest in Planning Application 24/01911/FUL – Land Adjacent Victoria Street, Dovercourt, CO12 3AR. Though Councillor Alexander had not considered himself pre-determined on this application, he was a current member of the Levelling Up Fund and Capital Regeneration Projects Portfolio Holder Working Party which he believed could bring him into direct conflict with the planning procedure.

**74. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

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

**75. REPORT OF THE DIRECTOR (PLANNING & COMMUNITIES) - A.1 - 24/01911/FUL - LAND ADJACENT VICTORIA STREET, DOVERCOURT, CO12 3AR**

Members were told that the application was before the Planning Committee as Tendring District Council was the applicant and owner of the sites in question. The proposal sought permission for the erection of a four storey residential block to provide for eight apartments, following the demolition of Number 20 Victoria Street, as well as conversion of a site into an ancillary car park to provide for eight spaces. Given that the sites fell within the Settlement Development Boundary for Dovercourt and an area prioritised for regeneration, the principle of development was accepted.

The Committee was informed that Officers considered that the design, scale and layout was of an acceptable nature in-keeping with the area's existing character, and whilst it was noted that ECC Heritage had raised a low level of less than substantial harm, the public benefits of the proposal far outweighed that harm. There was not considered to be significant harm to the amenities of neighbouring residents, and all of the apartments would meet the National Space Standards. Essex Highways Authority had raised no

objections, and whilst the parking provisions fell just below the Essex Parking Standards, Officers noted that it was just a minor shortfall and the site was within a highly sustainable location in good walking distance to a range of services and facilities.

Officers told Members that the site fell within a high-risk flood zone, however the Environment Agency had raised no objections. Further, the applicant had undertaken a Sequential Test to identify whether there were alternative sites available within a lower flooding risk, however it had concluded that there were none.

Members heard that taking all of the above into consideration, Officers had concluded that whilst there were some minor harms from the proposal, namely the low level of less than substantial harm to the Dovercourt Conservation Area and slight shortfall of parking provision, they were significantly outweighed by the benefits of the scheme.

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

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

An Officer Update Sheet had been circulated to Members prior to the meeting which covered the following matters:-

*"Paragraph 8.19 states that the suggested alterations would result in the loss of two units, but for full clarity it would mean that two of the units would fail to meet the nationally described space standards.*

*Paragraph 8.28 incorrectly states that all units are either one or two bedrooms; two of the units are to be served by three bedrooms. However, the Officers assessment within this paragraph remains unchanged.*

*The wording of Condition 12 is proposed to be to include reference to details of the railings, and to read as follows:*

*CONDITION: No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of external facing, roofing and railing 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."*

Lee Heley, on behalf of the applicant, spoke in support of the application.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer's response thereto:-</b>
<i>Do you feel that with the property being at the bottom of the hill that the height of the building is mitigated?</i>	<i>It is taller, the design has had to factor in flood levels and everything else in that regard and also to try and maintain and mirror what was there before.</i>

	<i>There will also be a separation distance here and that had been considered in terms of the design by reducing the height and pitching of the roof. There is not going to be significant harm to neighbours.</i>
<i>Will any windows be overlooking into the gardens?</i>	<i>At the moment there is an existing building that is attached to that so Officers would be surprised if there is a window but until it is fully demolished Officers cannot say for certain. It has been designed to make sure that the windows are not overlooking.</i>
<i>What sort of protection is put on the car park?</i>	<i>There is an entrance and exit to the north part of the site. The boundary is not fenced and is going to be bounded by soft landscaping with raingarden planting, hedges and trees. In terms of other people using the spaces rather than residents this is beyond the scope of planning and Officers could not guarantee that no one other than residents will use the car park which Officers believe the applicant would look into.</i>
<i>Does 'residents only' mean only the occupants of the building?</i>	<i>This is something that Officers cannot guarantee would be stopped in regard to other people using the car park. Officers do not know if there are going to be any signs put up around the car park saying that it is for residents only.</i>
<i>The blue part of the building seems slightly forward, is that normal?</i>	<i>It is set forward, yes. It was following the existing line that was already there from the previous building. This is similar to the other side of the terrace and the same approach was taken.</i>
<i>Is there a measure that is going to be put in such as a gate to stop people other than residents accessing the car park?</i>	<i>The Council currently does not have a planning condition to safeguard these spaces for the residents only. Officers have on occasion imposed a planning condition along the lines of that the parking area should only be for the residents in order to safeguard traffic and parking issues of the locality. If Members feel that is appropriate to impose on this development that this parking should only be for the residents of the building, then Members can impose a condition.</i>
<i>If Members were to impose a condition around parking is only for residents only, would that be too heavy handed?</i>	<i>Even from a parking point of view, Officers would not be getting into how the issuing of fines would be organised. It would be that the occupiers only would have parking provisions. It would make it difficult for other guests.</i>
<i>Does the building have to be red brick?</i>	<i>That is what is before Members, that is what is being proposed by the applicant. Officers are happy with the red brick.</i>

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

**RESOLVED** that the Head of Planning and Building Control be authorised to issue the grant of planning permission subject to:

- 1) notice first being given to Historic England of this resolution and either:-
  - (a) no comment being received from Historic England within 21 days from the date of notice; or
  - (b) comments being received from Historic England at any time within the 21-day period raising no objection (if a negative response is received the application will be referred back to the Planning Committee for consideration)
- 2) the conditions as stated at paragraph 10.2 of the Officer report (A.1), subject to the amendment to Condition 12 as set out on the Update Sheet, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and
- 3) the sending of the informative notes to the applicant as may be deemed necessary.

The meeting was declared closed at 5.40 pm

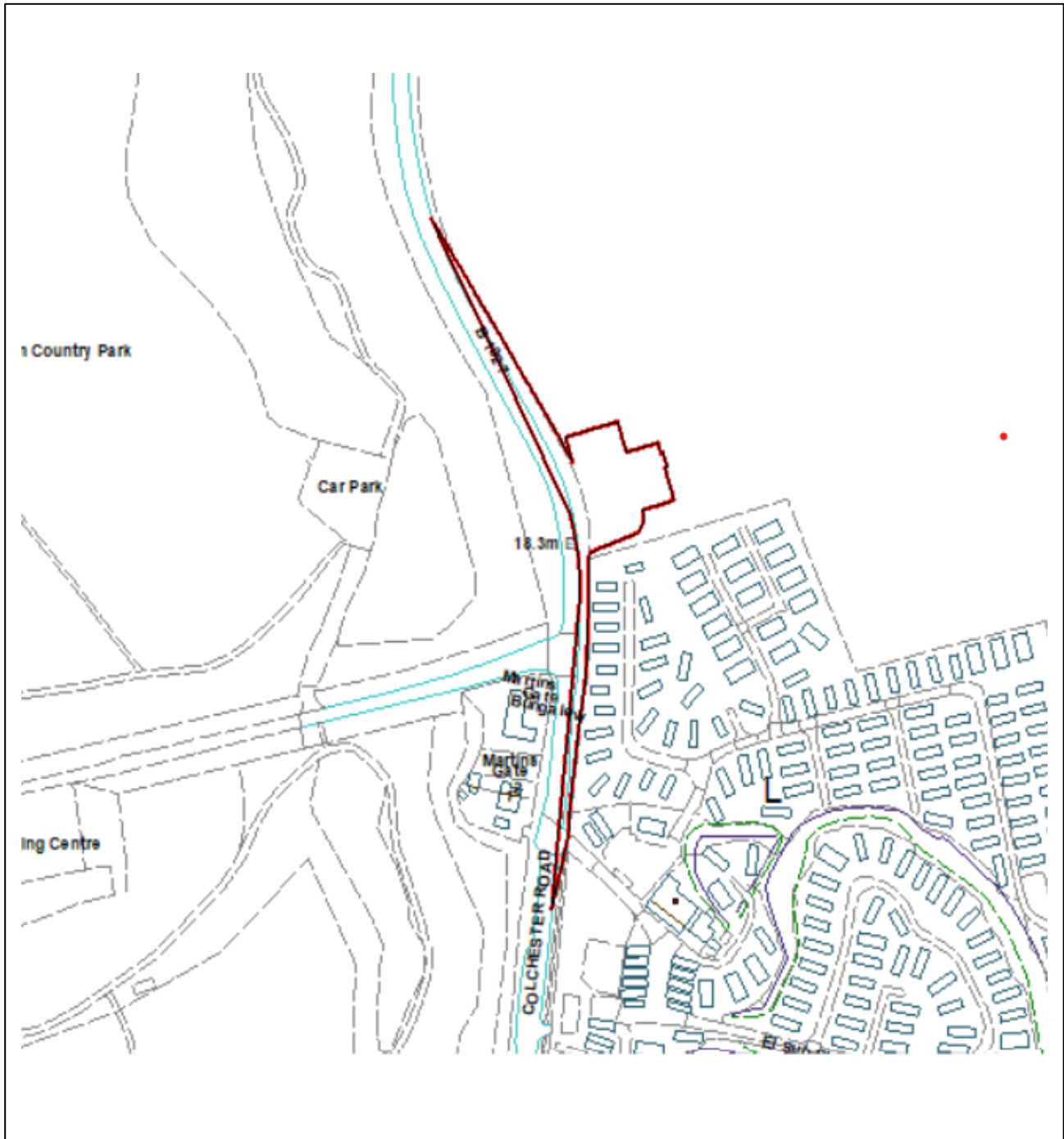
**Chairman**

## PLANNING COMMITTEE

13 MAY 2025

### REPORT OF THE DIRECTOR OF PLANNING

#### A.1. PLANNING APPLICATION – 25/00029/FUL – OAKLANDS HOLIDAY VILLAGE COLCHESTER ROAD ST OSYTH CO16 8HW



DO NOT SCALE

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<b>Application:</b>	25/00029/FUL	<b>Decision Target Date:</b>	16 May 2025
<b>Case Officer:</b>	Amy Lang		
<b>Town/ Parish:</b>	St Osyth Parish Council		
<b>Applicant:</b>	Mr Matt Purdom - Park Holidays UK Limited		
<b>Address:</b>	Oaklands Holiday Village Colchester Road St Osyth Essex CO16 8HW		
<b>Development:</b>	Planning Application - Temporary construction access (up to 5 years) to facilitate the construction of the Holiday Park extension.		

## 1. Executive Summary

- 1.1 The application is before Members at the request of Councillor White due to concerns with highway safety.
- 1.2 The application relates to the Oaklands Holiday Village, Colchester Road, St Osyth, specifically the planned expansion for 138 static holiday caravan and lodge pitches, and recreational space approved under planning application reference 21/02129/FUL.
- 1.3 The application seeks temporary planning permission for up to 5 years, for a new construction access from Colchester Road to facilitate the approved holiday park extension.
- 1.4 The proposed access can provide the necessary visibility splays in both directions and Essex County Council Highway Authority raise no objections, subject to conditions.
- 1.5 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 (including any additional conditions recommended as part of the consultation with Essex County Council Place Services Ecology), or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 2) The informative notes as may be deemed necessary.

## 2. Status of the Local Plan

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



### 3. **Neighbourhood Plans**

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

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

### 4. **Planning Policy**

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

#### **National:**

National Planning Policy Framework 2025 ([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)

SP 1 Presumption in Favour of Sustainable Development

SP 6 Infrastructure & Connectivity

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

SPL1 Managing Growth

SPL3 Sustainable Design

PP8 Tourism

PP11 Holiday Parks

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

DI1 Infrastructure Delivery and Impact Mitigation

### 5. **Relevant Planning History**

Existing adjoining Oaklands Holiday Village site:

91/00322/FUL	Change of use of agricultural land to allow planting and screening to the existing caravan park	Approved	28.01.1992
93/01336/FUL	A relaxation of Cond. 4 of TEN/277/50, Cond. 9 of TEN/317/54, Cond. 3 of TEN/22/57, Cond. 4 of TEN/285/57, Cond. 4 of TEN/325/58 to allow occupation between 1 March and 31 October in any year, weekends between	Approved	11.01.1994
96/00006/TELCOM	Telephone kiosk	Determination	18.03.1996

03/02027/FUL	Variation of condition 02 of consent TEN/93/1336 dated 11/01/94 - to allow two caravans to be occupied residentially by park wardens employed in connection with the management of the park	Approved	18.12.2003
04/01826/FUL	Variation of Condition 2 of consent reference TEN/93/1336, dated 11 January 1994, to allow caravans to be occupied between 1st March and 7th January	Approved	11.11.2004
07/01503/FUL	Single storey extension to rear of existing clubhouse building to form new male, female and disabled toilets.	Approved	14.11.2007
12/01122/FUL	Proposed new outdoor swimming pool, adjoining single storey combined plant room & changing room building with pitched roof.	Approved	30.11.2012
12/01212/FUL	Variation of condition 2 of 04/01826/FUL to allow caravans to be used for human habitation between 1st March and 31st January in the following year.	Approved	25.07.2013
13/01327/DISCON	Discharge of condition 03 of planning permission 12/01122/FUL - Contaminated Land Assessment.	Approved	09.12.2013
14/01096/FUL	Variation of Condition 2 of 04/01826/FUL to allow caravans to be occupied between 1st March and 14th February in the following year.	Approved	29.09.2015
20/01755/FUL	Variation of condition 1 of 14/01096/FUL - In any year, caravans shall only be occupied during the period 1st March to 14th February in the following year (inclusive) and between 15th February and the end of February 2021.	Withdrawn	02.03.2021

Expansion site / current application site:

21/02129/FUL	Proposed use of land for the stationing of static holiday caravans and lodges and associated works.	Approved	13.10.2023
23/01749/DISCON	Discharge of condition 19 (Written Scheme of Investigation) of approved application 21/02129/FUL.	Approved	17.01.2024
24/00202/DISCON	Discharge of Conditions application for 21/02129/FUL - Condition 9 (Renewable Energy Generation Plan); Condition 16 (CEMP Biodiversity); Condition 17	Approved	14.03.2024

(Biodiversity Enhancement Strategy);  
Condition 18 (Lighting Strategy).

24/00464/DISCON	Discharge of conditions application for 21/02129/FUL - Condition 22 (water drainage details); Condition 23 (water drainage details for construction); Condition 24 (water drainage maintenance).	Approved	15.08.2024
24/01280/DISCON	Discharge of conditions application for 21/02129/FUL - Condition 8 (Construction Management) and Condition 25 (Site Waste Management Plan).	Refused	07.11.2024
24/01302/VOC	Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Plans and Drawings); Condition 6 (Holiday Occupation); Condition 12 (Highway Works Completion); Condition 13 (Highways Provision of Parking and Turning) of application 21/02129/FUL to amend the restrictive holiday occupation period, and to amend the Phasing Plan to reflect the proposed new construction access to be utilised.	Current	
24/01066/DISCON	Discharge of conditions application for 21/02129/FUL - Condition 20 (Archaeology Evaluation).	Current	

## 6. Consultations

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

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/>.

<b><u>Environmental Protection</u></b> <b>22.01.2025</b>	<b>NO OBJECTION</b>
The Environmental Protection team have reviewed the application and raise no objection subject to conditions securing: <ul style="list-style-type: none"><li>• Compliance with the accompanying Construction Management Plan.</li><li>• Further approval of any proposed external lighting.</li><li>• A contaminated land watching brief (due to known historic contaminated land use (historic landfill sites nearby the site)).</li></ul>	

<b><u>Tree &amp; Landscape Officer</u></b> <b>16.01.2025</b>	<b>NO OBJECTION</b>
The Council's Tree and Landscape Officer raises no objection subject to conditions:	

- Compliance with accompanying Arboricultural Impact Assessment (AIA) - any works close to the retained tree shall be hand excavation only.
- Compliance with accompanying Arboricultural Method Statement (AMS) - Root Protection Areas (RPA) to have protective fencing erected to physically protect tree roots.

**ECC Highways Dept**  
**10.02.2025**

## **NO OBJECTION**

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

1. Road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 4.5 metres by 160 metres in both directions.
2. Approval of vehicular turning facility - indicated on drawing no. E5097-3PD-001.
3. Access layout shall be provided in accordance with drawing no. E5097-4PD-102 Rev. A. General Arrangement drawing.
4. No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.
5. Upon completion of the development, the temporary construction vehicular access shall be suitably and permanently closed as indicated on drawing no. E5097-3PD-002.
6. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway at all times.
7. Prior to commencement – updated Construction Management Plan shall be provided incorporating a Traffic Management Plan including all HGV movements, deliveries avoiding AM and PM peak periods, and deliveries strategy/ schedule to avoid deliveries overlapping.

### Notes:

- 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.
- Supporting information will need to include a Stage 1 RSA for the proposed access 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](mailto:roadsafety.audit@essexhighways.org)

**ECC Highways Dept**  
**26.03.2025**

## **ADDITIONAL INFORMATION**

I have obtained the collision data for the area, there is nothing in the vicinity of the proposed temporary construction access, which is proposed just north of Martins Gate Bungalow. The two fatalities occurred in 2020 and 2022 either side of Frowick Lane junction with the B1027.

Proposals underway to formally advertise a proposal to extend the 40-mph speed limit southwards from Flag Hill to include the junction of Frowick Lane within the speed limit.

I have discussed the proposed temporary access with the Development Management team, they have confirmed, given that the visibility splays (4.5m x 160m in both directions) can be achieved with vegetation clearance, they don't think any other measures are necessary (albeit standard temporary signage on each approach). As with any application and prior to the applicant carrying out any works within the highway they will be required to enter into an agreement with the Highway Authority under Section 278 of the Highway Act or Minor works Authorisation. At this time, the developer will submit detailed design drawings to the Highway Authority for further review and road safety audit, prior to technical approval being considered.

## **ECC Place Services Ecology**

AWAITING COMMENTS – to form part of the Update Papers.

### **7. Representations**

#### **7.1 St Osyth Parish Council Comments (in full)**

The Parish Council strongly object to this application on the grounds that the proposed entrance is to be situated on a stretch of road, along which there have been 4 fatalities over the 9 years.

The decision of the Highways Authority to deem this application as being acceptable is appalling. Once again, the Parish Council would question as to whether Essex Highways are looking at the bigger picture when making such decisions, or are, as it would seem, looking at applications in isolation.

The lowering of the speed limit no more than 400 metres from the proposed entrance has already resulted in the intervention of the County Coroner, whose investigation into the most recent fatality, in 2022, has delayed the works further so as to take into consideration whether the reduction of the speed limit should in fact be extended.

With regard to access to the site approved by way of planning application 21/02129/FUL, the Parish Council would suggest that this be by way of Frowick Lane or by utilising the Highways layby, the centre of which is pinpointed using what3words as being cosmetic.grumbling.upwardly.

Whilst it is appreciated that both of these suggestions would require the cooperation of the landowner or Essex Highways respectively, both would be in an area where, prior to any recommendation of the Coroner being implemented, the speed limit along the B1027 is already set to be reduced to 40 mph.

Furthermore, and albeit, that it would impact on the traffic entering or exiting the holiday park, there is also no reason whatsoever, other than the aesthetic setting of the entrance itself and inconvenience to 'guests' why the construction traffic could not use the existing entrance to the holiday park.

#### **7.2 Committee Referral – Cllr White Comments (in full)**

The application is referred to Planning Committee by Councillor White due to the highways impact and/or other traffic issues.

The speed limit on this road varies constantly between 30-40-& 60 within the last mile. But at the suggested entrance it is 60 mph.

If the entrance were approved, it would be the third entrance within 100 yds. The first one to the East being the original camp entrance for its cars and caravans. The second opposite to the Country Park and Wellwick Sand & Gravel pit with its heavy-duty sand & gravel lorries entering & leaving the site all day long. If approved the third one would be the entrance for all the heavy construction site vehicles.

Finally, we have the terrible safety record of the road between the Creek (ex Flag) inn to Lamb Farm, 1 fatality in 2022, 2 fatalities, in 2020, then numerous accidents further down the road. Actual list can be obtained on <https://www.crashmap.co.uk.co.uk/search>

#### **7.3 Neighbour / Local Representations**

No third-party representations or objections received.

## **8. Assessment**

### **Site Context**

- 8.1 The application relates to Oaklands Holiday Park (Oaklands) located on the eastern side of the B1027 Colchester Road, between St Osyth and Great Bentley. The existing Oaklands site currently extends approximately 7.16 hectares in size and is an established caravan park of 295 pitches containing a range of static holiday caravans and ancillary facilities.
- 8.2 Oaklands lies within the Parish of St. Osyth but lies outside of the Settlement Development Boundary as defined within the adopted Tendring District Local Plan 2013-2033 and Beyond (TDLP). The TDLP also defines the existing Oaklands Holiday Village as a Safeguarded Holiday Park.
- 8.3 The land to the north benefits from full planning permission (application reference 21/02129/FUL) for the change of use of the land to facilitate the extension of the existing holiday village site northwards to accommodate 138 static holiday caravan and lodge pitches (a mix of lodge style static holiday caravans along with traditional static holiday caravans) and associated recreational space.
- 8.4 The current application site comprises a small parcel of the expansion site to the north and a section of the boundary vegetation and highway verge in both directions, measuring approximately 0.67 hectares in size (inclusive of the land required to deliver access visibility splays).

### **Planning History & Related Current Applications**

- 8.5 As explained above, the application relates to the existing Oaklands Holiday Park and the approved expansion to the north.
- 8.6 Application 21/02129/FUL was approved subject to several conditions and a legal agreement securing the RAMS contribution and £10,000 (index linked) toward highway improvements (including footpath extensions, crossing and bus stop improvements to the front of the site). All pre-commencement conditions have been discharged, except for Condition 8 Construction Management Plan and Condition 25 Waste Management Plan. The consented scheme planned to access the site, including construction traffic, through the existing site access for the Holiday Park from Colchester Road.
- 8.7 There is a live S73 variation application relating to the original permission (current application reference 24/01302/VOC) seeking to vary Condition 6 in relation to the duration of holiday occupancy onsite, and Conditions 12 and 13 in relation to the construction phasing plan. The determination of this application is on hold whilst the planning obligations are settled.

### **Proposal**

- 8.8 The application seeks temporary planning permission for up to 5 years, for a new access from Colchester Road to be used for all construction traffic, deliveries and construction staff to facilitate the approved holiday park extension.
- 8.9 The access and site will provide the construction compound area serving the development of the approved park extension, accommodating contractor parking spaces, materials storage, a site office, refuelling area and wheel washing facilities (all forming part of the accompanying Construction Management Plan and Waste Audit Statement).
- 8.10 The physical works to facilitate the access will include (as shown on drawing number E5097-3PD-002):

- Removal of approximately 7.5 metres of existing hedgerow to the northern side of the access point;
- Removal of approximately 12 metres x 10 metres (122m<sup>2</sup>) of greenery to the site frontage; and,
- Installation of 12 metres x 10 metres (122m<sup>2</sup>) hard surfacing to create the bell mouth of the access.

8.11 All physical alterations will be fully reinstated at the end of the temporary permission or once construction works have been completed, whichever is sooner.

#### Visual Impact and Landscaping

8.12 TDLP1 Policy SP7 seeks high standards of urban and architectural design which respond positively to local character and context. TDLP2 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.

8.13 Paragraph 136 of the NPPF 2025 sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible.

8.14 The proposed development requires temporary physical alterations to the site. These works will materially alter the appearance of this section of Colchester Road from the removal of approximately 7.5 metres of existing hedgerow to the northern side of the access point, from the loss of vegetation on the existing highway verge and the installation of approximately 122m<sup>2</sup> of hard surfacing to create the bell mouth of the access leading to the construction road and compounds.

8.15 However, these changes to the visual appearance of the site are temporary. The hardstanding will be removed and the vegetation and hedgerow reinstated. Due to BNG requirements (covered in more detail below), the planting will be increased in line with the 10% net gain required.

8.16 The temporary access sought will alter the appearance of the site and the immediate locality for approximately 5 years. However, these changes will be seen in association with the park expansion as it progresses and will not appear as an isolated, or harmful change to the landscape or semi-rural character of the area.

#### Highway Safety and Accessibility

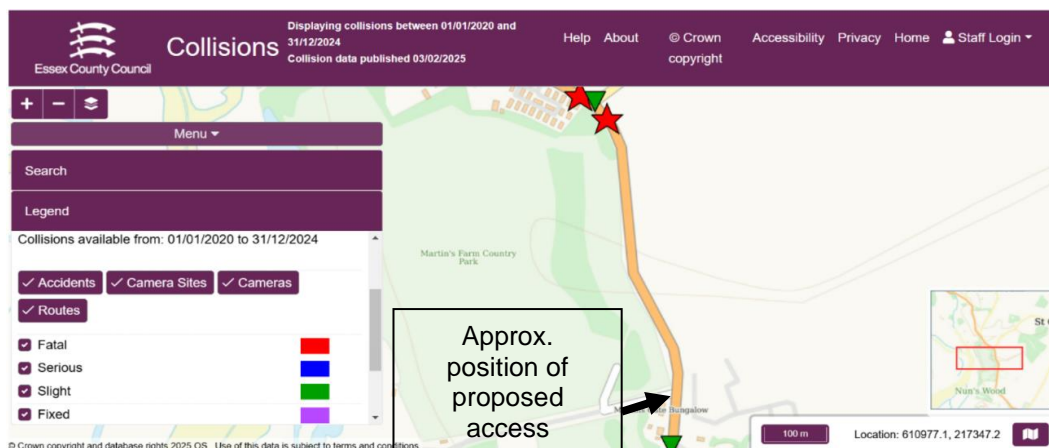
8.17 Paragraph 115 of the NPPF 2025 requires Councils to ensure safe and suitable access to a site can be achieved for all users and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be effectively mitigated to an acceptable degree.

8.18 Paragraph 116 goes on to say, 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, following mitigation, would be severe, taking into account all reasonable future scenarios.

8.19 TDLP Section 2 Policy CP2 (Improving the Transport Network) states that proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

8.20 TDLP Section 2 Policy SPL3 (Sustainable Design Part B: Practical Requirements) states that new development (including changes of use) must meet practical requirements. Access to the site must be practicable and the highway network must, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to severe traffic impact.

- 8.21 The proposed access is to be located approximately 135 metres to the north of the existing park access. The proposed access and construction road will be formed at 6 metres in width and provided with 4.5 metres x 160 metres visibility splays in both directions, facilitated by the removal of 7.5 metres of boundary hedgerow and highway verge greenery.
- 8.22 The proposed access is broadly in the same position as an existing field access. This has become overgrown and appears to be unused. Nevertheless, the proposed access will significantly alter the existing field access in terms of width, engineering and the removal of vegetation to facilitate the required bell mouth and visibility splays. As such, regardless of the current state or status of the existing access, the presence of an existing access has only been given very limited weight in the assessment of the application.
- 8.23 As explained above, the applicant planned to construct the consented scheme via the existing site access. However, the applicant now seeks permission for a separate access to allow for construction traffic, associated deliveries and construction staff to be kept separate from the visitors using the main park access to avoid potential conflict between construction traffic and visitors.
- 8.24 The access can be re-constructed and provided with appropriate visibility splays in accordance with highway standards. Essex County Council Highway Authority raise no objection subject to conditions as summarised above. Such conditions include the submission and approval of an updated Construction Management Plan incorporating a Traffic Management Plan. The Traffic Management Plan will be required to include a strategy and schedule for all HGV movements and deliveries to avoid peak AM and PM periods and to avoid any delivery overlaps. The agreed schedule will also mitigate any potential conflicts with the access road opposite.
- 8.25 Furthermore, prior to any works taking place in the highway, the developer will be required to enter into an S278 agreement with the Highway Authority under the Highways Act 1980 or a Minor Works Authorisation, as appropriate, to regulate the construction of the highway works. The submission of a Stage 1 Road Safety Audit will be an essential supporting document for the highway works application.
- 8.26 Strong objections have been raised in relation to highway safety concerns, especially due to fatal collisions in the locality.
- 8.27 Officers have engaged further with the Highway Authority to substantiate the collision data and reaffirm their position.
- 8.28 As demonstrated by the Highways Information Map extract below, there have been no serious or fatal incidents in the immediate vicinity of the proposed temporary construction access. The two fatalities highlighted within representations occurred in 2020 and 2022 either side of Frowick Lane junction with the B1027.





- 8.29 By providing a separate temporary construction access, potential conflict between construction traffic and large vehicles with visitors to Oaklands can be avoided. The access can be provided with appropriate visibility splays in both directions. An amended Construction Management Plan and Traffic Management Plan will secure an appropriate schedule and strategy for use of the access.
- 8.30 Proposals are underway to formally advertise a proposal to extend the 40-mph speed limit southwards from Flag Hill to include the junction of Frowick Lane within the speed limit, thus being an extended version than that currently proposed.

#### Impact on Residential Amenities

- 8.31 Paragraph 135 of the NPPF 2025 includes that planning decisions should ensure developments create places that are safe with a high standard of amenity for existing and future users.
- 8.32 Section 1 Policy SP7 of the Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 Part C states that new development (including changes of use) should be compatible with surrounding uses and minimise any adverse environmental impacts. The development shall not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties, including unacceptable noise disturbance or nuisance.
- 8.33 In this instance, the only neighbouring dwellings in the locality of the application site are the existing houses opposite the existing main park entrance. The proposed temporary access would be positioned over 130 metres to the north of the existing park access, being approximately 60 metres from the closest neighbouring dwelling. The creation of a temporary access provides the opportunity to lessen the impact on neighbouring amenities, by moving construction traffic and any associated noise and disturbance away from the existing main park access. Any impacts are temporary with the use of the access restricted to 5 years, or upon completion of the park extension, whichever is sooner.
- 8.34 For these reasons, there would be no material harm to neighbouring amenities from the proposed temporary access.

#### Habitats, Protected Species and Biodiversity Enhancement

##### **Ecology and Biodiversity**

- 8.35 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**

- 8.36 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.
- 8.37 This development is subject to the general duty outlined above. The following features underscore how the proposal positively impacts biodiversity, offsetting requirements necessary for the development to take place.

## **Biodiversity net gain**

- 8.38 Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals, excluding applications which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sqm of habitat, or 5 metres of linear habitats such as hedgerow.
- 8.39 The statutory framework for BNG applies to this development as the development requires the removal of approximately 7.5 metres of linear habitat (more than the 5-metre threshold set out within the BNG exemptions). This requires 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.
- 8.40 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.

## **Protected Species**

- 8.41 Local Plan Policy PPL4 requires that sites designated for their international, European and national importance to nature conservation will be protected from development likely to have an adverse effect on their integrity. The policy states that as a minimum there should be no significant impacts upon any protected species. The preamble to Policy PPL4 states that where a development might harm biodiversity, an ecological appraisal will be required to be undertaken, and the potential for harm should be considered and addressed in any application.
- 8.42 Policy SPL3, Part A criterion d), requires that the design and layout of development maintains or enhances site features, including ecological value.
- 8.43 In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species.
- 8.44 The original planning application under reference 21/02129/FUL was accompanied by a Preliminary Ecological Appraisal (The Ecology Consultancy, February 2021) (PEA) and a Wintering Bird Survey Report 2021/2022 draft v.4 (BiOME, April 2022). These reports encompass this application site and the affected vegetation. The reports accurately reflect the habitats present, their biodiversity values and the potential of the site to support protected, notable and invasive species and have been provided as part of this current application for the avoidance of doubt.
- 8.45 As concluded within the PEA, none of the habitats on site are of significant value in their own right owing largely to the prescriptive management often associated with agricultural land (original use prior to the granting of planning application reference 21/02129/FUL). The boundary features retain a degree of value which is emphasised by the presence of BoCC red listed birds and nationally scarce and protected mammals in and around these habitats.
- 8.46 Any vegetation removal must be carried out outside of the main breeding season (March to September inclusive). If this is not possible, then a suitably qualified ecologist should check any areas of vegetation to be removed within 24 hours prior to removal. If any nests are found, they will be cordoned off with a suitable buffer zone until the young have fledged the nest.

- 8.47 The proposals require minimal de-vegetation works. Any habitats to be removed are to be reinstated (as shown on drawing number E5097-3PD-002). For these reasons, subject to conditions controlling the timing of vegetation clearance and securing a replacement landscaping scheme, it is considered that the proposal is unlikely to adversely impact upon protected species or habitats.
- 8.48 The consultation response from Essex County Council Place Services Ecology and any recommended conditions (in addition to those already included within the recommendation) will be reported to Members at the meeting as part of the Update Papers.

## **Conclusion**

- 8.49 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.

## **9. Conclusion**

- 9.1 The creation and use of a temporary access will avoid potential conflict between construction traffic and deliveries with visitors to Oaklands and lessen the impact upon the residential amenities of the occupants of the houses located opposite the existing park access.
- 9.2 The access can be provided with appropriate visibility splays in both directions and ECC Highways raise no objection.
- 9.3 Subject to appropriate conditions, the comings and goings of construction deliveries and traffic can be carefully managed to minimise highway impacts and related noise and disturbance to neighbouring amenities and the tourists staying at Oaklands.
- 9.4 The application demonstrates that the proposed works will not adversely affect the character or appearance of the local landscape and that no important trees or other significant vegetation will be adversely affected by the proposed development.
- 9.5 Once the construction access is no longer needed, or the 5 years temporary permission expires, whichever is the earliest, the hardstanding will be removed and all vegetation and boundary planting will be reinstated, in full, including 10% BNG requirements.

## **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: TIME LIMIT FOR COMMENCEMENT**

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: PLANS AND SUPPORTING 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.

- SHF201254-ENZ-XX-XX-DR-T-0001 P01 Site Plan
- SHF201254-ENZ-XX-XX-DR-T-0002 P01 Block Plan
- E5097-3PD-001 Construction Compound (in relation to vehicular turning facility only)
- E5097-3PD-002 Post-Construction Access Arrangement
- E5097-4PD-101 A Proposed Construction Access Visibility
- E5097-4PD-102 A Proposed Construction Access General Arrangement
- E5097-4PD-108 A Proposed Construction Access Standard Details
- Arboricultural Impact Assessment & Method Statement CA Ref: CA19/085-12 dated 20.11.2024

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.

## 3. COMPLIANCE: TIME LIMIT OF TEMPORARY PERMISSION

CONDITION: Prior to first occupation of Phase 3 of the development approved under planning application reference 21/02129/FUL and any subsequent s73 and s96A applications, the temporary construction access hereby approved shall be suitably and permanently closed as

indicated on drawing no. E5097-3PD-002 Post-Construction Access Arrangement and in accordance with planting details approved under Condition 4 of this planning permission, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To remove unnecessary points of vehicular access, in the interests of visual amenity and highway safety.

4. FURTHER APPROVAL: REPLANTING SCHEDULE & IMPLEMENTATION

CONDITION: Following the closure of the temporary access, as required by Condition 3, the planting as indicated on approved drawing no. E5097-3PD-002 Post-Construction Access Arrangement, shall be carried out in full during the first planting and seeding season (October - March inclusive) in accordance with species and spacing details which have been previously approved in writing with the Local Planning Authority.

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 5 years of being planted, or in the case of existing planting within a period of 5 years following the closure of the temporary access, 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 replacement landscaping scheme is implemented and has sufficient time to establish, in the interests of visual amenity and biodiversity, as insufficient information is provided with the application.

5. COMPLIANCE: TIMING OF VEGETATION REMOVAL

CONDITION: Any vegetation removal must be carried out outside of the main breeding season (March to September inclusive). If this is not possible, then a suitably qualified ecologist must check any areas of vegetation to be removed within 24 hours prior to removal. If any nests are found, they shall be cordoned off with a suitable buffer zone until the young have fledged the nest.

REASON: In the interests of ecology and biodiversity.

6. FURTHER APPROVAL: CONSTRUCTION MANAGEMENT & TRAFFIC MANAGEMENT PLAN

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

- a. Details of how construction and worker traffic and parking shall be managed.
- b. Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c. Storage of plant and materials used in the construction of the development.
- d. Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- e. Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site
- f. Traffic Management Plan to include HGV movements and deliveries avoiding AM and PM peak periods, and a deliveries strategy/schedule to avoid deliveries overlapping.

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

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

NOTE/S FOR CONDITION:

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

7. COMPLIANCE: HIGHWAYS PROVISION OF VISIBILITY SPLAYS

CONDITION: Before the temporary construction access hereby approved is first brought into use, the road junction / access at its centre line shall be provided with clear to ground visibility splays with dimensions of 4.5 metres by 160 metres in both directions, in accordance with approved drawing no. E5097-4PD-101 A Proposed Construction Access Visibility. The approved visibility shall be maintained in that area for the duration of the use of access.

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 using 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 to take avoiding action.

NOTE/S FOR CONDITION:

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

8. COMPLIANCE: HIGHWAYS PROVISION OF TURNING AREA

CONDITION: Before the temporary construction access hereby approved is first brought into use, the vehicular turning facility shown on approved drawing no. E5097-3PD-001 shall be provided and made functionally available. The area shall then be retained and remain free of obstruction thereafter until permanent closure of the temporary access, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety, to ensure the provision of adequate on-site space for the manoeuvring of vehicles where on-street manoeuvring would otherwise be detrimental to highway safety.

9. COMPLIANCE: NO UNBOUND MATERIAL

CONDITION: No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

REASON: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

10. FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN

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

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

NOTE - CONTEXT AND APPLICATION:

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

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

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

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

For further details, please consult the officer report as needed. If you believe this condition does not apply, we strongly recommend contacting the Local Planning Authority (LPA) for clarification. Tendring District Council serves as the planning authority responsible for determining the approval of a Biodiversity Gain Plan in relation to this permission.

BIODIVERSITY GAIN PLAN REQUIREMENTS:

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

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

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

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

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

Ways to achieve 10% BNG may include:

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

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

#### CONDITIONS AND LEGAL AGREEMENT:

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

<https://www.tendringdc.gov.uk/content/discharging-the-biodiversity-net-gain-plan-condition-bng>

#### **Additional Conditions:**

And any other conditions recommended by Essex County Council Place Services Ecology within their consultation response.

### 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 Informatives



- Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway at all times.
- 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.
- Supporting information will need to include a Stage 1 RSA for the proposed access 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](mailto:roadsafety.audit@essexhighways.org)

## 11. **Additional Considerations**

### Equality Impact Assessment

- 11.1 In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic\* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic\* and those who do not, including tackling prejudice and promoting understanding.
- 11.2 It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.
- 11.3 In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic\* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

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

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

### Human Rights

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

### Finance Implications

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

## **12. Declaration of Interest**

- 12.1 Please refer to the minutes of this meeting, which are typically available on the Council's 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/>.



<b>Application:</b>	24/00280/FUL	<b>Expiry Date:</b>	24th April 2024
<b>Case Officer:</b>	Michael Pingram	<b>EOT Date:</b>	16th May 2025
<b>Town/ Parish:</b>	Great Oakley Parish Council		
<b>Applicant:</b>	Great Oakley Community Hub		
<b>Address:</b>	Red House High Street Great Oakley, Harwich Essex CO12 5AQ		
<b>Development:</b>	Demolition of Red House to allow construction of two conventional arrangement dwellings comprising one 2-bedroom dwelling and one 3-bedroom dwelling, and an infill extension between Red House and The Maybush Inn to form a further one bedroom flat incorporating a multi use community facility to the Public House at ground level.		

## 1. Executive Summary

- 1.1 This application is before the Planning Committee following a call-in request from Councillor Bush in the event the application was recommended for refusal, and seeks full planning permission for the demolition of Red House followed by the construction of a like-for-like replacement building and infill extension to create three flats and a multi-use community facility.
- 1.2 The site falls within the Settlement Development Boundary for Great Oakley and the enhanced community facilities are in accordance with Policy HP2, and therefore the principle of the development is acceptable. In addition, Officers consider there is sufficient private amenity space and the impact to neighbours is not significantly harmful.
- 1.3 That said, Red House is a non-designated heritage asset that makes a positive contribution to the area despite its condition and some previous inappropriate alterations, and its demolition results in a level of less than substantial harm to the Great Oakley Conservation Area. Following the submission of a Structural Engineering Inspection Report, this has confirmed the building can be retained and repaired, albeit with extensive works, and therefore there is not clear and convincing justification for the complete loss of the significance of the building and the consequential harm to the setting of the Great Oakley Conservation Area.
- 1.4 Furthermore, despite some amendments/improvements to the design, the proposed replacement building does not preserve or enhance the character of the area, lacking the authenticity and inherent historic interest of the existing building. On this occasion Officers consider that the public benefits of the scheme, including the proposed multi-use community area and extension to the garden area, do not outweigh this identified level of less than substantial harm.
- 1.5 ECC Highways have also raised an objection due to insufficient parking provision and the impacts that would generate to the highway network. Officers acknowledge the proposal represents an enhancement to the District's community facilities, there is no parking for the existing building and the site is within a sustainable location, however on balance conclude that the harm through insufficient parking provision is such that it justifies recommending a reason for refusal.

### **Recommendation:** Refusal

- 1) That the Head of Planning and Building Control be authorised to refuse planning permission subject to the reasons as stated at paragraph 10.2, or varied as is necessary to ensure the

wording is precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the reasons for refusal as referenced is retained; and,

- 2) The informative notes as may be deemed necessary.

## **2. Status of the Local Plan**

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

In relation to housing supply:

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

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

The adopted Local Plan meets these criteria.

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

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

## **3. Neighbourhood Plans**

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



## 4. Planning Policy

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

### **National Planning Policy Framework:**

National Planning Policy Framework (2025)

National Planning Policy Guidance (NPPG)

### **Local:**

Tendring District Local Plan 2013-2033 and Beyond Section 1:

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2:

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP2 Community Facilities

HP5 Open Space, Sports and Recreation Facilities

DI1 Infrastructure delivery and impact mitigation

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

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

### Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

## 5. Relevant Planning History

18/01046/FUL	Demolition of Red House to allow for proposed Community Hub Building incorporating restaurant/tea rooms with 3no. one bedroom flats above. Use of land as community car park.	Refused	03.09.2018
19/00090/FUL	Demolition of Red House to allow for proposed Community Hub Building incorporating cafe/tea rooms with community and social centre and 3no. one bedroom flats above.	Withdrawn	26.03.2019
21/00080/FUL	Proposed conversion of dwelling into two flats (Red House), infill extension between	Approved	06.10.2021

dwelling and The Maybush Public House to form further flat with multi-use community facilities extension to Public House at ground level. Proposed Change of Use of garden area behind public house from residential to use associated with Public House / Community Use and proposed external landscaping works.

22/01404/DISCON	Discharge of conditions 5 (Programme of historic building recording), 6 (Historic buildings report), and 7 (Programme of archaeological monitoring) of application 21/00080/FUL.	Approved	26.09.2022
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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/>.

### **Essex County Council Archaeology**

**08.04.2024**

The above application is for demolition of Red House to allow construction of two conventional arrangement dwellings comprising one 2-bedroom dwelling and one 3-bedroom dwelling, and an infill extension between Red House and The Maybush Inn to form a further one bedroom flat incorporating a multi use community facility to the Public House at ground level.

The building known as the Red House lies in a prominent position on the corner of what may have been a market square in the historic settlement of Great Oakley. The Chapman and Andre map of 1777 depict buildings in this location and historic maps show buildings in the location of the proposed new infill extension. A historic building record was requested to be carried out as part of the conditions on a previous application. A report was submitted which concluded that the building was likely constructed in the early 18th century. The building originated as two properties, the Tithe map of 1841 identifies the two buildings as a house and bake office and a house and shop. By the early 20th century the building was combined and extended into a single property known as the Red House. The report reveals that much of the original building survives despite later alterations.

The historic building report was carried out prior to the conversion of the building which would be considered a non-designated heritage asset and the previous application was for the retention of the historic building. Paragraph 205 of the NPPF affords great weight to the conservation of heritage assets and the above application would result in the total loss of a non-designated heritage asset.

The proposed development lies within a Historic Environment Characterisation (HEC) zone which is characterised by elements of early prehistoric activity as well as later prehistoric and Roman settlement. Within the immediate area there is the possibility of surviving below ground archaeological deposits of medieval date associated with the historic dispersed settlement pattern.

A programme of archaeological monitoring was requested on the previous application, this investigation has not been completed. A Written Scheme of Investigation (WSI) for this work was approved in 2022. The WSI will need to be updated and re-submitted with details pertinent to this application.

The following recommendations are made in line with the National Planning Policy Framework:

**RECOMMENDATION:** Archaeological monitoring.

(i) No development or preliminary ground works shall take place within the site until a Written Scheme of Investigation for a programme of archaeological work has been submitted to and approved in writing by the local planning authority.

(ii) During the groundworks associated with the development a programme of archaeological monitoring will be undertaken, in accordance with the approved Written Scheme of Investigation. A report detailing the results of the monitoring will subsequently be submitted for approval in writing by the local planning authority.

**Reason for recommendation**

The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with a surviving historic building and potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets.

#### **Essex County Council Heritage**

#### **03.04.2024 – Initial Comments**

The application is for the demolition of Red House to allow construction of two conventional arrangement dwellings comprising one 2-bedroom dwelling and one 3-bedroom dwelling, and an infill extension between Red House and The Maybush Inn to form a further one bedroom flat incorporating a multi use community facility to the Public House at ground level.

The site is located within the Great Oakley Conservation Area. As a prominent building of likely eighteenth century origin with nineteenth century alterations located in the historic core of the village. The building makes a positive contribution to the character and appearance of the Conservation Area. It has also been identified (in previous consultation responses) as a non-designated heritage asset due to its local historic and architectural interest.

Previous applications for the proposed demolition of the building have been refused (18/01046/FUL) and withdrawn (19/00090/FUL) due in part to the loss of a positive building within the Conservation Area and the lack of justification for its demolition. The Structural Inspection (Steven Heard Associates, October 2018) submitted with the withdrawn application (19/00090/FUL) was a high-level condition survey highlighting defects in the building, and this was not considered to be sufficient to justify the proposed demolition. Subsequently, an application for the retention and conversion of the building was approved (21/00080/FUL) with an infill extension between the Red House and the Maybush Inn. A Structural Report from Davies Burton Sweetlove Ltd. (January 2021) was submitted which considered the retention and repair of the building as 'Option 1'.

Pre-application advice (23/30173/PREAPP) was provided in a letter dated 28/09/2023. This letter reiterated that the proposed demolition and rebuilding would result in 'less than substantial' harm to the significance of the Conservation Area and the complete loss of a non-designated heritage asset. It was advised that 'at least' the original facades and central chimney should be retained in order to preserve the Conservation Area. The pre-application advice letter goes on to state that should this be assessed not to be structurally feasible or unsafe, then the like-for-like reconstruction of the building re-using historic materials would be considered



acceptable. The current application for the demolition and rebuilding of the Red House is accompanied by a Structural Inspection by Davies Burton Sweetlove Ltd. (January 2024). It details the defects of the building and considers the retention of the façades to Farm Road and High Street, concluding that such work would be hazardous and high risk, recommending the like-for-like rebuilding of the structure. It does not explore in detail the retention of the building and the works required to retain and repair the building.

The loss of the building would result in 'less than substantial' harm to the Conservation Area (as also concluded in the applicant's Heritage Statement). Paragraph 205 of the NPPF affords great weight to the conservation of heritage assets, and paragraph 206 requires clear and convincing justification for any harm to the significance of a designated heritage asset. The pre-application advice noted that only if the retention of the building (as per the approved scheme) were assessed not to be structurally feasible or unsafe would its rebuilding be acceptable. The submitted Structural Inspection does not provide this clear and convincing justification for the resulting harm as it does not adequately consider the retention of the building. To address the need for clear and convincing justification, it is recommended that a second opinion is sought, preferably from a Conservation Accredited (CARE) engineer<sup>1</sup> who, in receiving accreditation, will have demonstrated their particular skill in the conservation of historic structures.

It is acknowledged that in considering whether the proposal will preserve or enhance the character or appearance of the Conservation Area (as per S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990) the proposal as a whole must be considered. With this in mind, and notwithstanding the concerns regarding demolition, the proposed replacement building is not considered to preserve or enhance the area's character or appearance. It does not accurately replicate the traditional appearance of the building, introducing an unsympathetic crown roof and using modern materials which lack the quality of historic and traditional materials (concrete roof tiles and modern brown bricks), and does not preserve the architectural interest of the existing building. The proposed replica building also lacks the authenticity and inherent historic and archaeological interest of the existing building. The historic building stock makes a huge contribution to the character and appearance of the Conservation Area and the existing building has been identified as a building which makes a positive contribution, despite its condition and some inappropriate alterations. A replica building, particularly one with an unsympathetic roof form and modern materials, would not hold the same heritage interests as the existing building.

In conclusion, the clear and convincing justification (NPPF para. 206) for the demolition and replacement of the existing building, which has been found to make a positive contribution to the Conservation Area and is a non-designated heritage asset in its own right, is lacking. Notwithstanding the harm resulting from the demolition of the building, the proposed replacement building would result in the loss of heritage significance from the site due to its design which would not preserve the existing archaeological, architectural and historic interest. The proposal therefore does not preserve or enhance the character or appearance of the Conservation Area (as per S72(1) of the 1990 Act) and it would result in less than substantial harm to the area's significance (NPPF para. 208) and the total loss of significance of a non-designated heritage asset (NPPF para. 209). As per paragraph 212, the loss of the building which makes a positive contribution to the significance of the Conservation Area should be treated, in this case, as less than substantial harm. Consideration should also be given to paragraph 205 which affords great weight to the conservation of heritage assets.

The proposal to demolish and replace Red House is not supported.

#### **UU Open Spaces**

**08.04.2024**

Public Realm Assessment

Play Space - current deficit:

- Deficit of 0.76 hectares of equipped play in Great Oakley

Formal Play - current deficit:

- Adequate open space to cope with some development

Settlement provision:

- School Road Playground and open space 0.3 miles from the development

Officer Conclusions and Recommendations

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

- No contribution is being requested on this occasion.

Identified project\*:

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

- N/a

#### **ECC Highways Dept**

**14.03.2024**

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

The Highway Authority will protect the principal use of the highway as a right of free and safe passage of all highway users.

As far as can be determined from the submitted plans and similar to the previous application: 21/00080/FUL, the proposal fails to provide sufficient off-road parking facilities in accord with current Parking Standards. The proposal would lead to the introduction of two dwellings and one flat in place of the single dwelling, with no off-street parking being provided, with the likelihood of additional vehicles being left parked in the adjoining highway adding to the existing parking stress in this area and in the immediacy of Priority Junctions and link roads, causing conditions of congestion, and obstruction, contrary to the interests of highway safety.

The site is a corner plot part of which fronts the High Street which is a B' Road and Secondary Distributor in the County Council's Route Hierarchy, the function of which is to carry traffic safely and efficiently between substantial rural populations and on through routes in built up areas. Although the junction of Farm Road and High Street is covered by some existing waiting restrictions, the majority of houses in the vicinity of the proposal and in the surrounding side roads have little or no off-street parking as a result this proposal will add additional kerbside stress, obstruction, or congestion contrary to highway safety. In turn, impact on deliveries to The Maybush Public House.

Although the proposal is within an urban location and is close to some existing public transport facilities, it is a village location, as such the overall parking provision is considered to be inadequate for the density and size of the application. The proposal if permitted would set a precedent for future similar developments which would likely lead to inappropriate parking detrimental to the general safety of all highway users and undermine the principle of seeking to discourage or adding to on-street parking in the locality.

The proposal is therefore contrary policies DM1 and DM8 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

**Environmental Protection**

**07.03.2024**

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

**Demolition / Construction Method Statement:** In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Protection ask that the following is submitted prior to the commencement of any construction or demolition works - the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control. This should at minimum include the following where applicable.

**o Noise Control**

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

**o Emission Control**

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site.
- 3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

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

**REASON:** to protect the amenity of nearby residential dwellings.

This advice letter follows a previous letter dated 03/04/2024 and should be read in conjunction.

Revised drawings have been submitted showing an amended design which has removed the previously proposed crown roof, replacing it with a dual pitched roof. This has addressed one of the previous concerns regarding the non-traditional design of the roof of the replacement building.

However, previous concerns regarding the need for 'clear and convincing' justification for the harm caused to the heritage assets (as per NPPF para. 206) remain unaddressed. It was suggested previously that the opinion of a CARE (conservation accredited) engineer was sought. Without a relevant independent specialist scrutinising the information submitted and reassessing the potential of retaining the building, it is not considered that there is sufficient clear and convincing justification for the complete loss of the significance of the building and the resulting harm to the significance of the Conservation Area.

Whilst efforts have been made in regards to the proposed design and materiality of the replacement building, the previous advice remains. The proposed replacement building is not considered to preserve or enhance the area's character or appearance because it lacks the authenticity and inherent historic and archaeological interest of the existing building; these aspects of its significance will be completely lost. The historic building stock makes a huge contribution to the character and appearance of the Conservation Area and the existing building has been identified as a building which makes a positive contribution, despite its condition and some inappropriate alterations. A replica building would not hold the same inherent heritage interests or significance as the existing building.

It is noted that the revised Design and Access Statement lists 'white window frames' under materials (page 35) to reproduce the existing materiality on the site. Replicating the existing poor quality uPVC windows, which currently detract from the character and appearance of the Conservation Area, would not be a sympathetic approach.

In conclusion and as per previous advice, the clear and convincing justification (NPPF para. 206) for the demolition and replacement of the existing building, which has been found to make a positive contribution to the Conservation Area and is a non-designated heritage asset in its own right, is lacking as the submitted supporting information has not been adequately scrutinised (or supported) by a second relevant specialist as previously advised. Notwithstanding the harm resulting from the demolition of the building, the proposed replacement building would result in the loss of heritage significance from the site, and it would not preserve the existing archaeological, architectural and historic interest inherent in the building's surviving historic fabric. The proposal therefore does not preserve or enhance the character or appearance of the Conservation Area (as per S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990). It would result in less than substantial harm to the area's significance (NPPF para. 208) and the total loss of significance of a non-designated heritage asset (NPPF para. 209). As per paragraph 212, the loss of the building which makes a positive contribution to the significance of the Conservation Area should be treated, in this case, as less than substantial harm. Consideration should also be given to paragraph 205 which affords great weight to the conservation of heritage assets.

The proposal to demolish and replace Red House is not supported. However, if the application were to be approved, it is recommended that the following conditions are attached:

Building recording:

- No demolition or alteration shall commence until a programme of historic building recording has been secured in accordance with a written scheme of investigation (WSI) to be submitted by the applicant and approved in writing by the local planning authority.
- No demolition or alteration shall take place until the satisfactory completion of the recording in accordance with the WSI submitted.
- The applicant will submit to the local planning authority a report detailing the results of the recording programme and confirm the deposition of the archive to an appropriate depository as identified and agreed in the WSI.

Additional details:

- Notwithstanding the details included in the Design and Access Statement, details of the types, colours and manufacturer of all external materials shall be submitted to and approved in writing by the LPA prior to their first use on site.
- Detailed drawings of new windows, doors, cills, eaves, verges and fascias, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved in writing by the LPA prior to their first installation or construction on site.
- Details of the size, design and placement of the new solar panels shall be submitted to and approved in writing by the LPA prior to their first installation on site.
- Details of the design and placement of any new external signage, lighting, grills, vents, satellite dishes, meter boxes, alarm boxes or other external fixtures shall be submitted to and approved in writing by the LPA prior to their first installation on site.

**Essex County Council Heritage**

**14.04.2025 – additional comments**

**following submission of Structural Engineering Inspection Report**

This advice letter follows the submission of a Structural Engineering Inspection Report (January 2025) by CTP Consulting Engineers. Previous letters dated 03/04/2024 and 30/07/2024 raised concerns regarding the need for 'clear and convincing' justification (NPPF para. 213) for the harm arising to the significance of the Conservation Area and the loss of the non-designated heritage asset. The opinion of a CARE (conservation accredited) engineer has now been provided within the submitted Structural Engineering Inspection Report.

The report concludes that "...it is possible to reinstate this building through a programme of extensive structural repairs..." (para. 5.1.1) which are then detailed in Section 5 of the report. It is noted that further detailed investigations are required to determine the full scope of repairs. The report also advises that if the proposal to lower the floor levels was omitted from a scheme to convert the building, the extensive underpinning proposed would not be required (para. 4.2.10).

The report does not provide justification for the demolition of the building as it demonstrates that it can be retained and repaired, albeit with extensive repairs. No further information has been submitted to demonstrate that these repairs are not economically viable. Therefore, there remains insufficient clear and convincing justification for the complete loss of the significance of the building and the resulting harm to the significance of the Conservation Area.

Notwithstanding the concerns arising from the demolition of the building, in considering the proposal as a whole, the proposed replacement building is not considered to preserve or enhance the Conservation Area's character or appearance because it lacks the authenticity and inherent historic and archaeological interest of the existing building. These aspects of its significance will be completely lost. The historic building stock makes a huge contribution to the character and appearance of the Conservation Area and the existing building has been identified as a building which makes a positive contribution, despite its condition and some inappropriate alterations. A replica building would not hold the same inherent heritage interests or significance as the existing building.

In conclusion and as per previous advice, the clear and convincing justification (NPPF para. 213) for the demolition and replacement of the existing building, which has been found to make a positive contribution to the Conservation Area and is a non-designated heritage asset in its own right, is lacking. The submitted Structural Engineering Inspection Report (reviewed by a CARE engineer) demonstrates that the building is capable of retention and repair. Notwithstanding the harm resulting from the demolition of the building, the proposed replacement building would result in the loss of heritage significance from the site, and it would not preserve the existing archaeological, architectural and historic interest inherent in the building's surviving historic fabric. The proposal therefore does not preserve or enhance the character or appearance of the Conservation Area (as per S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990). It would result in less than substantial harm to the area's significance (NPPF para. 215) and the total loss of significance of a non-designated heritage asset (NPPF para. 216). As per paragraph 220, the loss of the building which makes a positive contribution to the significance of the Conservation Area should be treated, in this case, as less than substantial harm. Consideration should also be given to paragraph 212 which affords great weight to the conservation of heritage assets.

The proposal to demolish and replace Red House is not supported. However, if the application were to be approved, it is recommended that the following conditions are attached:

**Building recording:**

- No demolition or alteration shall commence until a programme of historic building recording has been secured in accordance with a written scheme of investigation (WSI) to be submitted by the applicant and approved in writing by the local planning authority.
- No demolition or alteration shall take place until the satisfactory completion of the recording in accordance with the WSI submitted.
- The applicant will submit to the local planning authority a report detailing the results of the recording programme and confirm the deposition of the archive to an appropriate depository as identified and agreed in the WSI.

**Additional details:**

- Notwithstanding the details included in the Design and Access Statement, details of the types, colours and manufacturer of all external materials shall be submitted to and approved in writing by the LPA prior to their first use on site.
- Detailed drawings of new windows, doors, cills, eaves, verges and fascias, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved in writing by the LPA prior to their first installation or construction on site.
- Details of the size, design and placement of the new solar panels shall be submitted to and approved in writing by the LPA prior to their first installation on site.
- Details of the design and placement of any new external signage, lighting, grills, vents, satellite dishes, meter boxes, alarm boxes or other external fixtures shall be submitted to and approved in writing by the LPA prior to their first installation on site.

## **7. Representations**

7.1 Great Oakley Parish Council have not provided any comments on the application.

7.2 The application has been called to be determined by the Planning Committee by Councillor Bush in the event that it be recommended for refusal, on the basis that the existing building is derelict and beyond economical repair, and that the proposal will recreate a dwelling that reflects the original form and features of the building, re-establishing a street scene within the Conservation Area.

7.3 There have been a total of three objections letters received, with the following points raised:

- Insufficient parking provision;
- Overdevelopment of a site in a Conservation Area;

- Harm to character and appearance of the Conservation Area;
- It would be possible to renovate the existing building instead; and
- Use of materials are not like-for-like.

7.4 In addition, there have been a total of 16 letters of support received, with a summary of the comments received below:

- Red House is now a derelict eyesore and is no longer of heritage significance;
- A visual improvement to the existing building;
- Current building is not safe to be left standing;
- Proposal would benefit the community;
- The design is in-keeping with the existing building;
- The state of the current building devalues neighbouring properties;
- Building does not make a positive contribution to the Conservation Area; and
- Benefits of the proposal include three social houses.

## **8. Assessment**

### Site Description

- 8.1 The application site is Red House, which is a two storey vacant building located in a prominent location on the corner of High Street Farm Road, within the parish of Great Oakley. The surrounding area is largely urban in nature, with predominantly residential properties to all sides. Adjacent to the south-east is the Maybush Inn, a public house, with a convenience store located approximately 50 metres to the north-east.
- 8.2 The site falls within the Settlement Development Boundary for Great Oakley within the adopted Local Plan 2013-2033, and is also within the Great Oakley Conservation Area. There are also numerous Grade II Listed Buildings located further out to the north, south-east, south-west and north-west of Red House.

### Planning History

- 8.3 Under reference 18/01046/FUL, planning permission was refused in August 2018 for the demolition of Red House, followed by the construction of a replacement building of a similar design to the current building, and which would have accommodated three flats at first floor level and a community hub at ground floor. In addition, additional parking provision was proposed via a 600sqm area of land situated to the south-eastern end of Farm Road.
- 8.4 The application was refused on the basis that the demolition of the building would cause substantial harm to the Conservation Area, and insufficient information accompanied the application to outline the significance of the building or to demonstrate through a building condition survey that the building was beyond economic repair. Furthermore, the detailed design of the replacement building was not considered to preserve or enhance the Conservation Area, and the proposed separate parking area was considered harmful to the character of the area, resulting in an unjustified intrusion into open countryside.
- 8.5 Under reference 21/00080/FUL planning permission was granted in October 2021 for the conversion of Red House into two flats, as well as an infill extension between Red House and Maybush Inn to form a further flat and multi-use community facilities. This permission remained extant until 6<sup>th</sup> October 2024. That notwithstanding, the supporting submission has identified that this approach has been investigated in detail and the technical delivery of the project due to soil condition and current state of the building could make the delivery of the refurbishment unviable and unsafe.

### Description of Proposal

- 8.6 This application seeks planning permission for the demolition of Red House and in its place the construction of a replacement building of the exact appearance of the current building that would accommodate two flats. In addition, an infill extension is proposed between Red House and Maybush Inn to form a further flat at first floor level and a multi-use community facility (Class F2) at ground floor level.
- 8.7 Furthermore, the works would also involve the change of use of the garden area behind Maybush Inn from residential use to a use associated with the Public House/Community Use.

#### Principle of Development

- 8.8 The site is located within the Settlement Development Boundary (SDB) for Great Oakley, as established in the Adopted Local Plan. 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. As such, at an overarching high level, the principle of residential development on the site is acceptable, subject to the detailed considerations below.
- 8.9 In addition, the works involve the change of use of the existing residential garden area so that it can be occupied in relation to the Public House use at Maybush Inn as well as in relation to the proposed community facility use. This is in accordance with Policy HP2, which states new development should support and enhance community facilities where appropriate by providing on site or contributing towards new or enhanced community facilities.

#### Heritage Impacts

- 8.10 Paragraph 212 of the National Planning Policy Framework (2025) 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 213 adds that any harm or loss to a heritage asset should require clear and convincing justification.
- 8.11 Paragraph 215 of the NPPF 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.
- 8.12 Adopted Local Plan 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.
- 8.13 The application site falls within the Great Oakley Conservation Area and is also within proximity to a number of Listed Buildings. As such ECC Place Services (Heritage) have been consulted and initially identified a level of less than substantial harm through the demolition of Red House, with the submitted Structural Inspection not providing the necessary clear and convincing justification for the resulting harm. In addition, ECC Heritage also considered that the replacement building did not conserve or enhance the character and appearance of the area, with specific concerns raised in relation to a unsympathetic crown roof and use of modern materials. Following a request from Officers, the agent for the application has provided amended drawings that replaced the crown roof with a dual-pitched roof.
- 8.14 Following the submission of amended plans, ECC Heritage were re-consulted and again confirmed the demolition of Red House, which is considered to be a non-designated heritage asset that makes



a position contribution to the area despite its condition and some previous inappropriate alterations, results in a level of less than substantial harm to the Great Oakley Conservation Area. Without the opinion of a Conservation Accredited engineer to confirm it would not be possible to retain the building, there was not clear and convincing justification for the complete loss of the significance of the non-designated heritage asset and the consequential harm to the setting of the Great Oakley Conservation Area. Furthermore, despite some amendments/improvements to the design, the proposed replacement building still did not preserve or enhance the character of the area, lacking the authenticity and inherent historic and archaeological interest of the existing building.

- 8.15 In order to address some of the concerns detailed above, a Structural Engineering Inspection Report has been prepared by CTP Consulting Engineers, which confirms a visual structural inspection was undertaken in January 2025. The building was vacant and considered to be in a poor state of repair, however it would be possible to retain the building through a programme of extensive structural repairs. Short terms preventative works would include replacement guttering, local repairs to the roof, and the remains of the partially collapsed chimney should be removed. Short to medium repair works would include replacing rotten built in bond timbers, installation of supplementary joists, replacement render, repointing of chimney and gable wall and repair/replace concrete slabs. It is, however, noted that a number of further detailed investigations are required to determine the full scope of repairs necessary.
- 8.16 Following the submission of this Report, ECC Heritage were again consulted, and have confirmed the following:

*“This advice letter follows the submission of a Structural Engineering Inspection Report (January 2025) by CTP Consulting Engineers. Previous letters dated 03/04/2024 and 30/07/2024 raised concerns regarding the need for ‘clear and convincing’ justification (NPPF para. 213) for the harm arising to the significance of the Conservation Area and the loss of the non-designated heritage asset. The opinion of a CARE (conservation accredited) engineer has now been provided within the submitted Structural Engineering Inspection Report.*

*The report concludes that “...it is possible to reinstate this building through a programme of extensive structural repairs...” (para. 5.1.1) which are then detailed in Section 5 of the report. It is noted that further detailed investigations are required to determine the full scope of repairs. The report also advises that if the proposal to lower the floor levels was omitted from a scheme to convert the building, the extensive underpinning proposed would not be required (para. 4.2.10).*

*The report does not provide justification for the demolition of the building as it demonstrates that it can be retained and repaired, albeit with extensive repairs. No further information has been submitted to demonstrate that these repairs are not economically viable. Therefore, there remains insufficient clear and convincing justification for the complete loss of the significance of the building and the resulting harm to the significance of the Conservation Area.*

*Notwithstanding the concerns arising from the demolition of the building, in considering the proposal as a whole, the proposed replacement building is not considered to preserve or enhance the Conservation Area’s character or appearance because it lacks the authenticity and inherent historic and archaeological interest of the existing building. These aspects of its significance will be completely lost. The historic building stock makes a huge contribution to the character and appearance of the Conservation Area and the existing building has been identified as a building which makes a positive contribution, despite its condition and some inappropriate alterations. A replica building would not hold the same inherent heritage interests or significance as the existing building.*

*In conclusion and as per previous advice, the clear and convincing justification (NPPF para. 213) for the demolition and replacement of the existing building, which has been found to make a positive contribution to the Conservation Area and is a non-designated heritage asset in its own right, is lacking. The submitted Structural Engineering Inspection Report (reviewed by a CARE engineer)*

*demonstrates that the building is capable of retention and repair. Notwithstanding the harm resulting from the demolition of the building, the proposed replacement building would result in the loss of heritage significance from the site, and it would not preserve the existing archaeological, architectural and historic interest inherent in the building's surviving historic fabric.*

*The proposal therefore does not preserve or enhance the character or appearance of the Conservation Area (as per S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990). It would result in less than substantial harm to the area's significance (NPPF para. 215) and the total loss of significance of a non-designated heritage asset (NPPF para. 216). As per paragraph 220, the loss of the building which makes a positive contribution to the significance of the Conservation Area should be treated, in this case, as less than substantial harm. Consideration should also be given to paragraph 212 which affords great weight to the conservation of heritage assets.*

*The proposal to demolish and replace Red House is not supported. However, if the application were to be approved, it is recommended that the following conditions are attached:*

*Building recording:*

- No demolition or alteration shall commence until a programme of historic building recording has been secured in accordance with a written scheme of investigation (WSI) to be submitted by the applicant and approved in writing by the local planning authority.*
- No demolition or alteration shall take place until the satisfactory completion of the recording in accordance with the WSI submitted.*
- The applicant will submit to the local planning authority a report detailing the results of the recording programme and confirm the deposition of the archive to an appropriate depository as identified and agreed in the WSI.*

*Additional details:*

- Notwithstanding the details included in the Design and Access Statement, details of the types, colours and manufacturer of all external materials shall be submitted to and approved in writing by the LPA prior to their first use on site.*
- Detailed drawings of new windows, doors, cills, eaves, verges and fascias, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved in writing by the LPA prior to their first installation or construction on site.*
- Details of the size, design and placement of the new solar panels shall be submitted to and approved in writing by the LPA prior to their first installation on site.*
- Details of the design and placement of any new external signage, lighting, grills, vents, satellite dishes, meter boxes, alarm boxes or other external fixtures shall be submitted to and approved in writing by the LPA prior to their first installation on site."*

8.17 Therefore, taking the above comments into consideration, the Structural Engineering Inspection Report has failed to provide the necessary justification that the building cannot be retained and repaired, albeit it does confirm that extensive works would be required. No further information has been provided to demonstrate whether it would be financially viable to undertake these works, and overall there remains insufficient clear and convincing justification for the complete loss of the significance of the non-designated heritage asset and the consequential harm to the setting of the Great Oakley Conservation Area. Furthermore, despite some amendments/improvements to the design, the proposed replacement building does not preserve or enhance the character of the area, lacking the authenticity and inherent historic interest of the existing building.

8.18 In line with the requirements of Paragraph 215 of the NPPF (2025), as a level of less than substantial harm has been identified, it is for Officers to weigh this harm against any public benefits the development would generate. On this occasion, Officers acknowledge a minor level of public benefits, through the proposed multi-use area that would connect to the Public House as well as an extension to the garden area, although would note that the communal area is part of the proposed infill extension so could be undertaken without the demolition of Red House. The introduction of three

market dwellings is an additional benefit, however given the Council can currently demonstrate a sufficient five year housing land supply, little weight is given to this. Overall, whilst the public benefits of the proposal are acknowledged, on this occasion it is considered that the identified less than substantial harm outweighs this.

### Scale, Layout and Appearance

- 8.19 Paragraph 135 of the National Planning Policy Framework (NPPF) (2025) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.
- 8.20 Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Adopted Policy SPL3 Part A (b) requires that development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials.
- 8.21 The proposed infill element is in-keeping with that approved under 21/00080/FUL. The height of the proposal is similar to the former building and connects to the existing roof profiles. The proposal will be two storeys and although visible to the street scene the scale is in keeping with the immediate area, and also aligns with the historic appearance of the location.
- 8.22 The change of use of the land behind the pub to a garden area to serve the public house and community facility will not cause any material harm and will not materially alter the appearance of the site.
- 8.23 Furthermore, the three proposed flats are to be served by a communal garden area measuring approximately 90sqm. Policy LP4 states that private amenity space should be of a size and configuration that will appropriately meet the needs and expectations of the future occupants and which is commensurate to the size of dwelling and the character of the area. Officers consider the provision shown meets these requirements.

### Impact to Neighbouring Amenities

- 8.24 Paragraph 135 of the National Planning Policy Framework (2025) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.25 Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 8.26 While the building is proposed to be demolished, it is to be replaced on a like-for-like basis with the same footprint as existing. Furthermore, the existing windows (number, size and position) would remain exactly the same. In this context, this element of the building will result in a neutral impact to neighbouring amenities. With regards to the proposed infill element, there are two first floor rear elevation windows which both serve bedrooms. While these windows would result in some small level of overlooking to the private garden area to the north, it is acknowledged there is good separation distance and this area already consists of numerous first floor windows that also overlook. Therefore, the increase to this would not be significant and it is therefore no objections are raised on this basis.

### Highway Safety

- 8.27 Paragraph 115 of the National Planning Policy Framework (2025) seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 116 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. Policy SPL3 (Part B) of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.

- 8.28 Essex Parking Standards state that for a residential dwelling with one bedroom there should be a provision of one parking space measuring 5.5m x 2.9m, and for a dwelling of two bedrooms or more there should be two spaces at the above measurements. On this occasion it is acknowledged that the proposal includes no parking provision.
- 8.29 Essex Highways Authority have confirmed that from a highway and transportation perspective the impact of the proposal is not acceptable on the grounds that there is insufficient parking provision, which would lead to additional vehicles being left parked in the adjoining highway adding to the existing parking stress in this area, and would also set a precedent for future similar developments which would likely lead to inappropriate parking detrimental to the general safety of all highway users. In addition, the site is a corner plot, part of which fronts the High Street which is a 'B' Road and Secondary Distributor in the County Council's Route Hierarchy, the function of which is to carry traffic safely and efficiently between substantial rural populations and on through routes in built up areas. Although the junction of Farm Road and High Street is covered by some existing waiting restrictions, the majority of houses in the vicinity of the proposal and in the surrounding side roads have little or no off-street parking, and as a result this proposal will add additional kerbside stress, obstruction, or congestion contrary to highway safety.
- 8.30 The above notwithstanding, within the determination of planning application 21/00080/FUL, Officers previously weighed up that despite no parking provision there were other benefits to the wider scheme in bringing back into active use a vacant property that is also an important heritage asset, as well as enhancing the community facilities. Therefore, on balance, the lack of parking was not considered so harmful that it justified a reason for refusal. However, the current application differs to 21/00080/FUL in that it would not retain the existing heritage asset and increases the overall number of proposed bedrooms from five to six, as well as the increase in the communal space. Therefore, whilst Officers acknowledge there would still be an enhancement to the community facilities, the existing use of the building provides no parking, the flats are of a relatively small size, and the site is within a sustainable location, on balance the identified harm through the lack of any parking provision is to such an extent that it warrants recommending a reason for refusal.

#### Renewable and Energy Conservation Measures

- 8.31 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.
- 8.32 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.
- 8.33 The proposal includes for a development that has the potential to incorporate renewable features, however it is equally noted that the building is in situ and the proposal is large just a change of use, with only minor external alterations. As such, on this occasion Officers do not consider that it would be reasonable or necessary to recommend a planning condition requiring the submission of further details.

#### Foul Drainage

- 8.34 Paragraph 187 of the Framework (2025) 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.
- 8.35 Policy PPL5 of Section 2 of the adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.
- 8.36 The agent for the application has confirmed on the application form that the development would be connected to the existing public foul sewer. This is in accordance with the above policy requirements and is therefore considered to be acceptable in the event of an approval.

#### Biodiversity and Geodiversity

- 8.37 Paragraph 193 of the NPPF states that, when making planning decisions local planning authorities need to assess whether significant harm to biodiversity could result from the development. The NPPF goes on to state the hierarchy that should be applied to mitigate any harm to ecology that is identified. Paragraph 187 of the NPPF requires that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value. TDLP Policy PPL4 states that proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.

#### **General duty on all authorities**

- 8.38 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.
- 8.39 This development is subject to the general duty outlined above. On this occasion, the proposal is for the demolition of the existing building and replacement building to serve three dwellings. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.
- 8.40 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**

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

#### **Protected Species**

- 8.42 In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. The proposal includes for a new commercial premises. The proposal is for the change of use of an existing building in a heavily urbanised location, and with limited external changes, and it is therefore considered that the proposal is unlikely to adversely impact upon protected species or habitats.
- 8.43 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.

#### Financial Contributions – RAMS

- 8.44 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.
- 8.45 The application scheme proposes a residential on a site that lies within the Zone of Influence (Zol) being approximately 1.7km away from Hamford Water RAMSAR and SAC. New housing development within the Zol 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.
- 8.46 A unilateral undertaking has been prepared to secure this legal obligation. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with 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.

### **9. Planning Balance and Conclusion**

- 9.1 This application seeks planning permission for the demolition of Red House followed by the construction of a like-for-like replacement building and infill extension to create three flats and a multi-use community facility. The site falls within the Settlement Development Boundary for Great Oakley and the enhanced community facilities are in accordance with Policy HP2; therefore the principle of the development is acceptable. In addition, Officers consider there is sufficient private amenity space and the impact to neighbours is not significantly harmful.
- 9.2 The above notwithstanding, Red House is a non-designated heritage asset that makes a positive contribution to the area despite its condition and some previous inappropriate alterations, and its demolition results in a level of less than substantial harm to the Great Oakley Conservation Area. Following the submission of a Structural Engineering Inspection Report, this has confirmed the building can be retained and repaired, albeit with extensive works, and therefore there is not clear and convincing justification for the complete loss of the significance of the building and the consequential harm to the setting of the Great Oakley Conservation Area.
- 9.3 Furthermore, despite some amendments/improvements to the design, the proposed replacement building does not preserve or enhance the character of the area, lacking the authenticity and inherent historic interest of the existing building. On this occasion Officers conclude that the public benefits of the scheme, including the proposed multi-use community area and extension to the garden area, do not outweigh this identified level of less than substantial harm, and the proposal is therefore contrary to local and national planning policies and is recommended for refusal.
- 9.4 ECC Highways have also raised an objection due to insufficient parking provision and the impacts that would generate to the highway network. Officers acknowledge the proposal represents an enhancement to the District's community facilities, there is no parking for the existing building and

the site is within a sustainable location, however on balance conclude that the harm through insufficient parking provision is such that it justifies recommending a reason for refusal.

## **10. Recommendation**

10.1 The Planning Committee is recommended to refuse planning permission.

### **10.2 Reasons for Refusal**

- 1 Paragraph 212 of the National Planning Policy Framework (2025) 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 206 adds that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

Paragraph 215 of the NNPF 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.

Adopted Local Plan 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.

The application site falls within the Great Oakley Conservation Area and is also within proximity to a number of Grade II Listed Buildings. The demolition of Red House, which is a non-designated heritage asset and makes a positive contribution to the area despite its condition and some previous inappropriate alterations, results in a level of less than substantial harm to the Great Oakley Conservation Area, with insufficient clear and convincing justification for the complete loss of the significance of the non-designated heritage asset and the consequential harm to the setting of the Great Oakley Conservation Area having been provided. Furthermore, the proposed replacement building does not preserve or enhance the character of the area, lacking the authenticity and inherent historic interest of the existing building.

On this occasion a minor level of public benefits have been identified, through the proposed multi-use area that would connect to the Public House as well as an extension to the garden area, and the introduction of three market dwellings. However, it is concluded that the identified less than substantial harm outweighs these public benefits, and the proposal is therefore contrary to the aforementioned local and national planning policies.

- 2 Paragraph 115 of the National Planning Policy Framework (2025) seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 116 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.

Policy SPL3 (Part B) of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.

Essex Parking Standards state that for a residential dwelling with one bedroom there should be one parking space measuring 5.5m x 2.9m, and for a dwelling of two bedrooms or more there should be two spaces at the above measurements.

From a highway and transportation perspective the impact of the proposal is not acceptable on the grounds that there is insufficient parking provision, which would lead to additional vehicles being left parked in the adjoining highway adding to the existing parking stress in this area, and would also set a precedent for future similar developments which would likely lead to inappropriate parking, detrimental to the general safety of all highway users.

In addition, the site is a corner plot, part of which fronts the High Street which is a 'B' Road and Secondary Distributor, the function of which is to carry traffic safely and efficiently between substantial rural populations and on through routes in built up areas. Although the junction of Farm Road and High Street is covered by some existing waiting restrictions, the majority of houses in the vicinity of the proposal and in the surrounding side roads have little or no off-street parking, and as a result this proposal will add additional kerbside stress, obstruction, or congestion. The proposal is therefore contrary to highway safety and does not align with the requirements of the aforementioned local and national planning policies.

### 10.3 Informatives

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

#### Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

Drawing Numbers 22-1238/01 Revision A, 22-1238/02 Revision A, 22-1238/03 Revision A, 22-1238/10 Revision A, 22-1238/11 Revision A, 22-1238/12, 22-1238/05, and the documents titled 'Design and Access Statement' received 15th July 2024, Heritage Statement received 22nd February 2024, the document titled 'Structural Engineering Inspection Report' and the letter prepared by Davies Burton Sweetlove Ltd dated 7th January 2024 and titled 'Structural Inspection of The Red House, Great Oakley, Essex CO12 5AQ'.

### 11. Additional Considerations

#### Equality Impact Assessment

- 11.1 In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic\* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic\* and those who do not, including tackling prejudice and promoting understanding.
- 11.2 It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions



including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

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

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

### Human Rights

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

### Finance Implications

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

## **12. Background Papers**

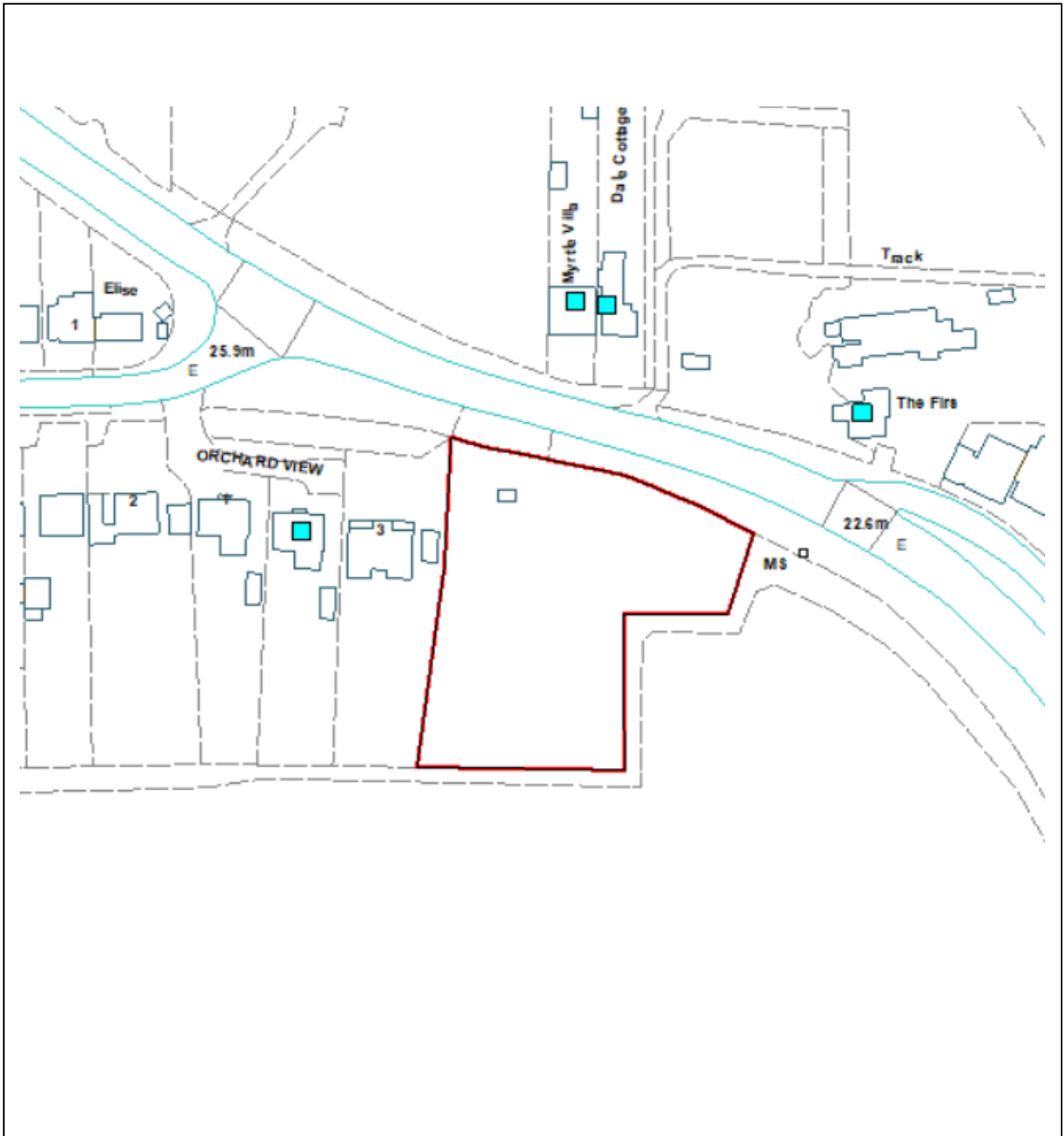
- 12.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report)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

## PLANNING COMMITTEE

13 MAY 2025

### REPORT OF THE DIRECTOR OF PLANNING

#### A.3. PLANNING APPLICATION – 25/00451/FUL – 3 ORCHARD VIEW WIVENHOE ROAD ALRESFORD COLCHESTER



DO NOT SCALE

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<b>Application:</b>	25/00451/FUL	<b>Expiry Date:</b>	12th May 2025
<b>Case Officer:</b>	Charlotte Cooper		
<b>Town/ Parish:</b>	Alresford Parish Council		
<b>Applicant:</b>	Mr & Mrs K Pope		
<b>Address:</b>	3 Orchard View Wivenhoe Road Alresford Colchester Essex CO7 8BD		
<b>Development:</b>	Planning Application - Change of use of land to garden.		

## 1. Executive Summary

- 1.1 This application is before the Planning Committee as the applicant is a member of staff for Tendring District Council. The proposal seeks permission for the change of use of land to garden. The application site serves a large parcel of land located towards the east of No. 3 Orchard View.
- 1.2 The boundary treatment consists of mature hedging and part wire fence to the front and timber field gate and 1.1 metre high post and rail fencing to the east, it is not proposed to change the existing boundary treatment. The proposal is therefore deemed to have no significant effects on the visual amenities of the area and is deemed appropriate in this regard.
- 1.3 The use of the site will become residential and therefore any noise levels emitted from the garden will be consistent with those expected of a residential use, raising no major concerns in terms of noise impacts. There are no neighbouring residential dwellings located immediately adjacent to the site. The proposal is therefore deemed acceptable in terms of residential amenities.
- 1.4 Taking the above into consideration, Officers conclude that the proposal is consistent with the national and local planning policies set out below. In the absence of material harm the proposal is recommended for approval.

### **Recommendation:** Approval

- 1) That the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 10.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 2) The informative notes as may be deemed necessary.

## 2. Status of the Local Plan

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

### 3. **Neighbourhood Plans**

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

The site is located within the Alresford Parish and therefore the adopted Alresford Neighbourhood Plan is of relevance, see below for all relevant policies.

### 4. **Planning Policy**

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

#### **National:**

National Planning Policy Framework 2025 ([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)

SP 1 Presumption in Favour of Sustainable Development

SP 7 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

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

#### **Neighbourhood Plan**

Alresford Neighbourhood Plan

ALRES1: Alresford Spatial Strategy

ALRES7: Provision for Wildlife in New Development

#### **Supplementary Planning Documents**

[Essex Design Guide](#)

### 5. **Relevant Planning History**

13/00833/OUT	Outline application for 5 new dwellings.	Refused
15/01686/FUL	Construction of a new single storey low impact sustainable dwelling. The proposal will incorporate the provision of a driveway and double garage.	Approved
18/01775/FUL	Proposed residential dwelling house and garage.	Approved

18/01381/FUL	Residential development of 3 dwelling houses.	Refused
19/01261/FUL	Residential development of 3no. dwelling houses.	Refused (allowed at appeal)
20/01409/FUL	Variation of condition 2 of application 19/01261/FUL (approved on appeal APP/P1560/W/19/3244048) for revisions to plot one and access road.	Approved
21/01490/VOC	Variation of condition 2 (Approved drawing numbers) of application 19/01261/FUL - to allow for design amendments to Plots 2 and 3 and Site Layout Plan.	Approved
21/01572/DISCON	Discharge of conditions 3, (Tree report/plan) 4, (Landscaping) and 8 (Construction method statement) of permission 19/01261/FUL.	Approved

## 6. Consultations

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

All consultation responses are available to view, in full (including all recommended conditions and informatives), on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

### **Tree & Landscape Officer**

**25.03.2025**

The application site is set to grass and currently forms part of the garden of the host property.

There are no trees or other significant in the main body of the land.

The proposed garden extension does not feature prominently in the landscape and is not overlooked from a public place, nevertheless the proposed change of use of the land from agriculture to garden would contribute to the gradual erosion of the countryside.

Should planning permission be likely to be granted then consideration should be given to the removal of permitted development rights to avoid the future erection of sheds, summerhouses or other outbuildings and so to retain, as far as possible, the semi-rural character of the area.

## 7. Representations

### 7.1 Parish Council

Alresford Parish Council voted to offer a neutral response, by majority decision with one abstention on any vote, and one vote to object to the proposal as submitted.

Council voted that the excellent recommendation by the Tendring District Council Tree Warden should be the basis of covenanting the land, so that no further development might occur, and the land should be utilised as a garden as proposed.

One Councillor asked for it to be minuted that caveats/covenants can be readily overturned and sought council to object to the application. They were over ruled by the majority decision.

*Officer Response – the impact of the proposal on the character / visual amenities of the area has been fully assessed in the below report. Officers agree a condition restricting the permitted development rights of the site is necessary on this occasion to protect the open nature of this semi-rural site and in the interests of visual amenities.*

## 7.2 Neighbour / Local Representations

One letter of representation has been received from a local resident stating the following;

The site is currently laid to grass with a number of young trees planted on the periphery as if it is garden. A similar application was approved with covenants for the garden extension of adjacent properties (2-24 Wivenhoe Road) where their gardens were extended rearwards in 2002. See extract below;

*“03 Notwithstanding the provisions of Article 3 of the Town and Country Planning General Permitted Development Order 1995, no garages, extensions, separate buildings, stables, swimming or other pool with the exception of a domestic outbuilding comprising a volume not exceeding 10 cubic metres, shall be erected within the area of the extended residential curtilage for each property subject of this permission without further express planning permission.”*

If approved this application should bear the same covenants to ensure the use of the land is appropriate to the locality and facility for which the approval is being granted. i.e. not a stepping stone towards the building of further homes.

*Officer Response – The impact of the proposal of the character of the area has been fully assessed in the below report. Officers agree a condition (updated version) restricting the permitted development rights of the site is necessary on this occasion to protect the open nature of this semi-rural site and in the interests of visual amenities*

## 8. Assessment

### Site Context

- 8.1 The application site serves a large parcel of land located to the east of no. 3 Orchard View. The site lies on the edge of the settlement development boundary of Alresford with the eastern part of the site falling outside of any defined settlement development boundary, and the western part of the site falling within the settlement development boundary of Alresford, as defined by the Tendring District Local Plan.
- 8.2 The site is accessed to the south of Wivenhoe Road. Residential development is located to the west of the site with the east and south being surrounded by large open fields. St Osyth road is located to the north of the site. It is worth noting a track located to the eastern and southern boundaries is not owned by the applicants and does not form a public right of way.

### Planning History

- 8.3 Full planning permission was sought for three residential dwellings (no. 1, 2 and 3 Orchard View) under planning application reference 19/01261/FUL. This application was originally refused by Tendring District Council and allowed at appeal (reference APP/P1560/W/19/3244048)

### Proposal

8.4 This application seeks full planning permission for the change of use of land to garden.

#### Design and Appearance

- 8.5 Paragraph 131 of the NPPF states: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 adds planning decisions should ensure that developments are visually attractive as a result of good architecture, and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 8.6 Local Plan 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 ensure all new development makes a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met: new alterations are well designed and maintain or enhance local character and distinctiveness; and the development relates well to its site and surroundings particularly in relation to its siting, height, scale, design and materials.
- 8.7 The land is largely shielded from the public views of St Osyth Road by the existing mature trees and shrubbery along the front boundary line. There are no proposed changes to the boundary treatment and therefore the public views will remain well shielded. The land can be viewed from Orchard View, however it is well kept with the traditional appearance of a large garden, in keeping with the residential nature of the area.
- 8.8 There are no proposed changes to the existing boundary treatment and therefore no changes to the design / visual amenities of the site. The proposal therefore cannot be said to have any significant harmful impacts on the visual amenities of the area to justify refusing planning permission.
- 8.9 The proposal is for a change of use to the land only, with no further buildings / development proposed. The parcel of land is currently well-maintained and is considered to visually represent a residential garden, rather than agricultural field. Therefore the change of use of land to garden will have minimal effects on the visual amenities of the area.
- 8.10 A condition will be implemented on any subsequent approval to ensure the permitted development rights for buildings, structures and enclosures will be removed for this site. This is due to the fact the site is located in a semi-rural location. Policy PPL 3 of the Tendring District Local Plan 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. This condition will allow the Council to maintain control over development and allow for the protection of the open character of this location, in the interests of visual amenities.

#### Impact on Residential Amenities

- 8.11 The NPPF, Paragraph 135, states that planning should always seek to secure a high standard of amenity for all existing and future occupants of land and buildings. In addition, Policy SP7 of the adopted local plan states that all development should protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022).
- 8.12 The proposed development is for a change of use of land to garden. The use of the land will therefore become residential in nature, any noise emitted from the site is thought to be consistent with that expected from a residential dwelling and therefore raises no cause for concern in terms of noise pollution / impact.



- 8.13 There are no immediate adjacent neighbouring dwellings to the site. The proposal is therefore considered acceptable in terms of its impact on residential amenities.

#### Heritage Assets

- 8.14 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.
- 8.15 Paragraph 212 of the NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance
- 8.16 Policy PPL 9 of the Tendring District Local Plan states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal will cause harm to a listed building the relevant paragraphs on the NPPF should be applied dependent on the level of harm caused.
- 8.17 The application site is within close proximity to a Grade II listed Milestone, located on the south verge approximately 100 metres east of the junction with Heath Road. The official list entry is as follows;
- 8.18 "ALRESFORD ST. OSYTH ROAD TM 02 SE  
3/19 Milestone on south verge approx. 100 metres east of junction with Heath Road
- II
  - Milestone. C19. Square plan tapering to cut off hipped top. The road face inscribed Parish of Alresford, left return inscribed 6 miles to Colchester, right return, 10 miles to Clacton on Sea. One of a series q.v. 3/15.
  - Listing NGR:TM0740021338
- 8.19 As this application is for the change of use of land to garden, and the land is currently well kept resembling that of a residential garden, with no proposed change to the boundary treatment and no proposed buildings / further development, the proposal is considered to have no impact on this heritage asset and its setting. Officers therefore deem the application acceptable in this regard.

#### Highway Safety

- 8.20 Paragraph 115 of the National Planning Policy Framework 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.
- 8.21 Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 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.
- 8.22 The proposed development does not alter or reduce the existing parking arrangements at the site, nor does it cause a need for additional parking. The vehicular access to the site remains unchanged. Officers therefore consider the site to be acceptable in terms of highway safety.

#### Biodiversity and Ecology

### General duty on all authorities

- 8.23 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.
- 8.24 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

- 8.25 Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This application is for the change of use of land to residential garden. The applicants have provided a statement justifying why biodiversity net gain is not applicable in this instance. The statement notes that certain types of development for which planning permission is required are exempt from biodiversity net gain requirements and planning conditions. The development proposals for this application meets the following exemption criterion from the Biodiversity Gain Requirements (Exemptions) Regulations 2024:
- 8.26 De minimis exemption:

*4.—(1) The biodiversity gain planning condition does not apply in relation to planning permission for development which meets the first and second conditions.  
(2) The first condition is that the development does not impact an onsite priority habitat.  
(3) The second condition is that the development impacts—  
(a) less than 25 square metres of onsite habitat that has biodiversity value greater than zero; and  
(b) less than 5 metres in length of onsite linear habitat.*

The biodiversity gain planning condition does not apply to this change of use application because the proposal does not impact an onsite priority habitat. The proposal is small scale, involving the change of use of land to residential garden and no habitats would be lost or degraded. The grass has been regularly mowed since 2018 when the wider plot was divided from the main field with post and rail fencing. Therefore, less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat will be affected by the proposal.

- 8.27 Officers agree that as this application is for a change of use, where minimal to no development / works are required. The proposal will have minimal to no effects on the biodiversity of the site and the de minimis exemption is applicable here.

### Protected Species

- 8.28 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.

### BNG and Ecology Conclusion

- 8.29 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.

#### Landscaping

- 8.30 Tendring District Council's Tree and Landscape Officer has been consulted on this application. their comments can be viewed in full above and have been summarised here. The Officer has stated the garden extension does not feature prominently in the landscape and is not overlooked from a public place, nevertheless the proposed change of use of the land from agriculture to garden would contribute to the gradual erosion of the countryside. Should planning permission be granted consideration should be given to the removal of permitted development rights to avoid the future erection of sheds, summerhouses or other buildings and so to retain, as far as possible, the semi-rural character of the area.
- 8.31 Officer response – the current application is for a change of use of land to garden, with no further proposed buildings / development to cause harm to the open rural character of the site and its locality. A condition will be implemented on any subsequent approval of the site removing the permitted development rights to further protect the open countryside.

### **9. Conclusion**

- 9.1 The proposed development is consistent with the above mentioned national and local planning policies. In the absence of material harm the proposal 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.

Block Plan - Received 17.03.2025

Site Plan - Received 17.03.2025

Boundary Treatment Plan - Received 23.04.2025

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 SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS BUILDINGS, STRUCTURES AND ENCLOSURES

CONDITION: Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):- no garage, car port or any other building shall be erected except pursuant to the grant of planning permission on an application made in that regard.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality and to safeguard local distinctiveness.

## 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>

### **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

13 MAY 2025

### REPORT OF THE DIRECTOR OF PLANNING

#### A.4. PLANNING APPLICATION – 25/00324/FULHH – 61 COLCHESTER ROAD HOLLAND ON SEA CO15 5DG



DO NOT SCALE

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<b>Application:</b>	25/00324/FULHH	<b>Expiry Date:</b>	7th May 2025
<b>Case Officer:</b>	Jaye Jacobs		
<b>Town/ Parish:</b>	Clacton Non Parished		
<b>Applicant:</b>	Miss Bonnie-May Smith		
<b>Address:</b>	61 Colchester Road Holland On Sea CO15 5DG		
<b>Development:</b>	Householder Planning Application - Rear extension with flat roof.		

## 1. Executive Summary

- 1.1 The application is brought to Planning Committee as the property is owned by a staff member of Tendring District Council.
- 1.2 The application seeks planning permission for the proposed flat roof rear extension.
- 1.3 The extension will be sited to the rear of the property and is deemed to be of an acceptable size, scale and appearance with no significant adverse effects on the visual amenities of the area.
- 1.4 The extension will be single storey with a flat roof so poses no significant threat of loss of light, privacy, outlook or amenity.

### **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

## 3. Neighbourhood Plans

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



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

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

#### **4. Planning Policy**

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

**NATIONAL:**

National Planning Policy Framework December 2025 (NPPF)

National Planning Practice Guidance (NPPG)

**LOCAL:**

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

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

Supplementary Planning Guidance:

Essex Design Guide

Local Planning Guidance

Essex Parking Guidance Part 1: Parking Standards Design and Good Practice 2024

#### **5. Relevant Planning History**

25/00324/FULHH Householder Planning Application - Rear Current extension with flat roof.

#### **6. Consultations**

6.1 No consultations are required to determine this application.

#### **7. Representations**

7.1 Holland on Sea is non-parished and therefore comments of this nature are not expected.

7.2 There have been no letters of representation received.

#### **8. Assessment**

##### **Application Site**

8.1 The application site comprises of a single storey detached bungalow located to the north west of Colchester Road. The site is within the Settlement Development Boundary.

##### **Proposal**

8.2 The application seeks planning permission for the proposed flat roof rear extension.

### Visual Impact

- 8.3 The proposed extension is located to the rear of the property and is unlikely to be seen from the street scene of Colchester Road. The site currently has a conservatory to the rear, this will be removed to enable the extension to be built. The extension will then extend off the original dwelling.
- 8.4 The host dwelling is finished with a cream coloured render, the proposal will use the same finish to ensure that the extension blends effortlessly with the existing property.
- 8.5 The extension will have a maximum height of 2.999 metres and a maximum depth of 4.4 metres using the whole width of the property. This will create a rear elevation that will be all in line.
- 8.6 The application site can comfortably accommodate for the extensions whilst retaining adequate private amenity space. It is therefore deemed to be of an acceptable size, scale and detailed design.
- 8.7 The proposed extension is considered a suitable enlargement of the bungalow which does not result in a harmful impact to the appearance or character of the host dwelling or street scene.

### Impact to Neighbours

- 8.8 The proposed extension is of a single storey nature located to the rear of the property. It does not have any openings to the side elevations so will not cause overlooking or loss of privacy to the neighbouring dwellings.
- 8.9 The extension includes a flat roof so will not cause a loss of light or amenity to the neighbouring properties.
- 8.10 The property features a low boundary fence to the east side of the rear garden, this will mean that the proposed extension will be more visible to the neighbouring dwelling on this side. The neighbouring property also features its own extension, the proposal does not extend beyond the neighbour's extension. The low fence can be changed for a 6ft garden fence under Permitted Development which would increase the privacy to the neighbours if required.

### Ecology and Biodiversity

#### **General duty on all authorities**

- 8.11 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.
- 8.12 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**

- 8.13 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 householders. This proposal is not therefore applicable for Biodiversity Net Gain.

### **Protected Species**

- 8.14 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.
- 8.15 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 above mentioned national and local planning policies. In the absence of material harm, the proposal is recommended for approval.

## **10. Recommendation**

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

### **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.

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

NOTE/S FOR CONDITION:

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.

### 10.3 Informatives

#### Ecology 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>

#### 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.

## 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/>.