



PLANNING COMMITTEE

DATE:	Tuesday, 10 June 2025
TIME:	5.00 pm
VENUE:	Committee Room, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

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

Councillor Goldman
Councillor 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.

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DATE OF PUBLICATION: Monday, 2 June 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 - 24)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Tuesday, 13 May 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 Corporate Director (Planning & Community) - A.1 - 24/01922/VOC - Land to Rear of 135 and 137 Fronks Road, Dovercourt, CO12 4EF (Pages 25 - 38)

Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Approved Plans) of application 24/00254/FUL to increase the ground levels across the site.

6 Report of the Corporate Director (Planning & Community) - A.2 - 25/00337/FUL - Holland-on-Sea Bowls Club, Maderia Road, Holland-on-Sea, CO15 5HZ (Pages 39 - 48)

Erection of replacement timber shed.

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, 8 July 2025.

INFORMATION FOR VISITORS

PUBLIC ATTENDANCE AT PLANNING COMMITTEE MEETINGS

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

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

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

Rights of members of the public to film and record meetings

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

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

The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

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

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

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

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

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

current Municipal Year). The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in, the meeting.

Tendring **District Council**



PLANNING COMMITTEE MEETINGS PUBLIC SPEAKING SCHEME March 2021

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

TO WHICH MEETINGS DOES THIS SCHEME APPLY?

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

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

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

agreement of the Chairman. Permission for District Councillors to speak is subject to the Council's Code of Conduct and the declarations of interest provisions will apply. A maximum of 5 minutes to speak is allowed;

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

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

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

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

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

WHICH MATTERS ARE COVERED BY THIS SCHEME?

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

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

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

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

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

HOW DO I ARRANGE TO SPEAK AT THE MEETING?

You can:-

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

Email: democraticservices@tendringdc.gov.uk.

OR

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

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

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

WHAT WILL HAPPEN WHEN THE MATTER CONCERNED IS CONSIDERED?

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

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

WHAT SHOULD I SAY AT THE MEETING?

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

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

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

WHO DO I CONTACT FOR MORE INFORMATION?

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

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

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

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

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 13TH MAY, 2025 AT 5.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Fowler (Chairman), White (Vice-Chairman) (except item 5), Alexander, Everett, Goldman, Scott and Smith
Also Present:	Councillor Bush (items 1 – 4 (part) only)
In Attendance:	Gary Guiver (Corporate Director (Planning & Community)), John Pateman-Gee (Head of Planning & Building Control), Joanne Fisher (Planning Solicitor), Amy Lang (Senior Planning Officer) (except items 6 - 8), Michael Pingram (Senior Planning Officer) (except items 7 & 8), Bethany Jones (Democratic Services Officer) and Katie Koppenaal (Democratic Services Officer)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Wiggins (with Councillor Scott substituting).

2. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the special meeting of the Committee, held on Wednesday 19 March 2025, be approved as a correct record and be signed by the Chairman.

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

RESOLVED that the minutes of the meeting of the Committee, held on Tuesday 1 April 2025, be approved as a correct record and be signed by the Chairman.

3. DECLARATIONS OF INTEREST

Councillor Scott declared for the public record in relation to Planning Application **25/00451/FUL – 3 Orchard View, Wivenhoe Road, Alresford, CO7 8BD** that he was one of the local Ward Members. Councillor Scott stated that he was not predetermined on this application, and he therefore would remain in the meeting and take part in the deliberations and decision making on that application.

Councillor White declared for the public record in relation to Planning Application **25/00029/FUL – Oaklands Holiday Village, Colchester Road, St Osyth, CO16 8HW** that he was one of the local Ward Members as well as the caller-in and that he intended to speak on the application in that capacity. He therefore would not participate in the Committee's deliberations and decision making for that application and that he would also leave the room at that juncture.

Councillor Bush, present in the public gallery, declared an interest in relation to Planning Application **24/00280/FUL – Red House, High Street, Great Oakley, Harwich, CO12 5AQ** that he was the local Ward Member and also a member of the Great Oakley Community Hub.

Later on in the meeting, as reported in Minute 7 below, Councillor Scott declared for the public record in relation to Planning Application **25/00451/FUL – 3 Orchard View, Wivenhoe Road, Alresford, CO7 8BD** that he was also a Parish Councillor for Alresford Parish Council. Councillor Scott again stated that he was not predetermined, and that he therefore would remain in the meeting and take part in the deliberations and decision making on that application.

Later on in the meeting, as reported in Minute 8 below, Councillor Smith declared for the public record in relation to Planning Application **25/00324/FULHH – 61 Colchester Road, Holland-on-Sea, CO15 5DG** that he was one of the local Ward Members. Councillor Smith stated that he was not predetermined, and he therefore would remain in the meeting and take part in the deliberations and decision making on that application.

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

5. REPORT OF THE DIRECTOR (PLANNING & COMMUNITY) - A.1 - 25-00029-FUL – OAKLANDS HOLIDAY VILLAGE, COLCHESTER ROAD, ST OSYTH, CO16 8HW

Earlier on in the meeting as detailed in Minute 3 above, Councillor White had declared for the public record that he was one of the local Ward Members. Councillor White stated that he was pre-determined on this application, and he therefore would not remain in the meeting and not take part in the deliberations and decision making. Councillor White had also stated that he would be speaking on this application as the Caller-in and Ward Member.

Members were told that the application was before the Committee at the request of Councillor White due to his concerns with highway safety.

The Committee was informed that the application related 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.

Officers told Members that the application now before them sought temporary planning permission for up to 5 years, for a new construction access from Colchester Road to facilitate the approved holiday park extension.

Members heard that the proposed access could provide the necessary visibility splays in both directions and that Essex County Council Highway Authority had raised no objections, subject to conditions.

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

At the meeting, an oral presentation was made by the Council's 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:-

- *“Essex County Council Place Services Ecology comments received 13.05.2025. Comments provided in full below:*

Holding objection due to insufficient ecological information on protected species (out of date report)

Summary

We have assessed the Preliminary Ecological Appraisal (The Ecology Consultancy, February 2021), submitted by the applicant, relating to the likely impacts of development on designated sites, protected and Priority species & habitats.

We are not satisfied that there is sufficient ecological information on protected species available for determination. This is because the Preliminary Ecological Appraisal (The Ecology Consultancy, February 2021) is out of date to support this application, in line with CIEEM Guidance¹

1 CIEEM (2019) Advice note on the Lifespan of Ecological Reports and Surveys - <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf> and paragraph 6.2.1 of British Standard (BS) BS42020 ‘Biodiversity – Code of practice for planning and development 2013’. This is because the initial site walkover was undertaken in 2020.

As a result, we recommend that the applicant’s ecologist provides an ecological addendum or an updated ecological report to support this application, which should require an additional site visit and may require updated desk study information. The ecologist will be required to provide appropriate justification, on:

- *The validity of the initial report;*
- *Which, if any, of the surveys need to be updated; and*
- *The appropriate scope, timing and methods for the update survey(s).*

If additional impacts to protected species are identified as a result of the additional ecological assessment, then any necessary further surveys for protected species should also be provided prior to determination. This is necessary as the Government Circular 06/2005 identifies that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted.

Therefore, this further information is required to provide the LPA with certainty of impacts on protected and priority species and enable it to demonstrate compliance with its statutory duties, as well as its biodiversity duty under s.40 NERC Act 2006 (as amended).

Biodiversity Net Gain

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

Additional comments – bespoke species enhancements:

We also support the proposed reasonable biodiversity enhancements for protected and Priority species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

We look forward to working with the LPA and the applicant to receive the additional information required to overcome our holding objection.

- Amended recommendation to allow for the submission of an addendum to the ecology report, and receipt of no objection from Essex County Council Place Services Ecology:*

Recommendation: Approval

- 1) That the Head of Planning and Building Control be authorised to grant full planning permission subject to the submission and assessment of an acceptable addendum to the Ecology Report following a 'walk-over site survey', and receipt of 'no objection' from Essex County Council Place Services Ecology;*
- 2) 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 following consultation on the ecology report addendum) or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,*
- 3) The informative notes as may be deemed necessary.*

Or: -

- 4) That in the event of the requirements referred to in Resolution (1) above not being secured within 12 months of the date of the committee, that the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion.*
- Amended Post Construction Access Arrangement Revision A received showing an increased length of hedge reinstatement / new planting, fully closing off the access and former field access.*
 - Amended Condition 2 to account for the Post Construction Access Arrangement Revision A plan received:*

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 A 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 & Arboricultural Method Statement (including appendices) 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.

- Correction to Condition 3 relating to the temporary nature of the permission:

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 application, **or within 5 years from the date of this permission, whichever is sooner**, 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.

- *Addition of tree related conditions (in addition to the approved plans and documents condition), for completeness and the avoidance of doubt:*

11. COMPLIANCE: IN ACCORDANCE WITH AIA

CONDITION: The development shall be carried out in accordance with the approved Arboricultural Impact Assessment & Arboricultural Method Statement (including appendices) CA Ref: CA19/085-12 dated 20.11.2024. This shall include tree works being undertaken by a professional and specialist Arboricultural contractor, who carries the appropriate experience, qualifications and insurance cover. In order to protect retained trees from root damage caused by storage of materials, vehicular movement or construction parking, the approved protection barriers set out within Appendix 2: Tree Protection Plan drawing no. 19/085/011 shall be erected to exclude trees from the construction site. Once installed the Barriers will form a construction exclusion zone (CEZ) to be maintained and observed until completion of the development.

No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

REASON: To ensure existing trees, shrubs and hedges that are identified as being retained are not removed and are protected appropriately during the development, as they are considered essential to maintain the character, in the interests of visual amenity.

12. COMPLIANCE: TREE WORKS HAND EXCAVATION ONLY

CONDITION: All hard surface areas or development within the root protection area of the retained trees, as identified within the approved Arboricultural Impact Assessment shall be carried out in accordance with the tree protection methods, construction techniques and working practices set out within the approved Arboricultural Method Statement CA Ref: CA19/085-12 dated 20.11.2024. Where approved excavation/re-grading is required within the RPA of any retained tree this will be completed under the supervision of the project Arboriculturalist. Where it is safe to do so the excavation will be completed by hand digging or airspade to the required depth of excavation.

No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

REASON: To ensure the longevity of the retained and protected trees, in the interests of visual amenity."

Doug Moulton, the agent for the applicant, spoke in favour of the application.

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

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Has this application only come to the Planning Committee because Councillor White called the application in?</i>	<i>That is correct.</i>
<i>Is the only turning being from North to South?</i>	<i>In terms of the proposed access, you would be able to turn into it from either direction.</i>
<i>Are you allowed to cross over a double white line to turn into a place?</i>	<i>The applicants would have to go through the Section 278 process in any event to alter the existing road. That would be a second phase that the applicant would have to deal with, that would be with Highways directly.</i>
<i>Are there going to be lorries turning right into that site going over double white lines?</i>	<i>No, because they would not be allowed to do that unless they get approval from the Highways Authority as a second phase.</i>
<i>So, the rule of the road means that the lorries are only allowed to come from North to South to access the site from the proposed access?</i>	<i>The rules of the road would apply; Members are only dealing with the application. Officers do not deal with other permissions. Highways Authority is responsible for the highway and those rules.</i>
<i>Because of the law of the land, the vehicles would not be able to turn right into this proposed access, would it be an idea to put that as an advisory on the planning to point that out?</i>	<i>Officers do put advisories on the planning applications to say that the applicant would need to seek advice and possible permissions from the Highways Authority. If the applicant is unable to get past the Highways Authority, then that is their risk.</i>
<i>Would Officers say it was a reasonable view that it is possible that lorries would illegally turn right into the proposed access site?</i>	<i>Yes, a lorry could go North, and it needs to cross the road and to wait for cars coming the other way and this could allow for traffic to build up. This is the same situation as the current access.</i>
<i>With the possible tailbacks, is that going to cause a Highways safety concern?</i>	<i>That would be down for debate.</i>
<i>Could Officers expand on the possible extension of the speed limit on Page 28 of the Officer report?</i>	<i>That was additional information that Officers were offered from the Highways Authority during the course of the application with concerns from the Parish Council and Councillor White, Essex County Council Highways have clarified their view and stance and to make sure that Officers had all the information required which includes this additional information section in the Officer report. It lets Officers and Members know that there are plans in the pipeline for the whole stretch of that road to be a 40mph limit but there are no efficient details that can be shared at the moment.</i>
<i>Is the speed reduction a matter of debate between Essex County Council Highways and the applicant?</i>	<i>Yes, Essex County Council Highways can answer that as it would be down to their determination to make a decision. That does not fall under this application form.</i>

<i>Would the double yellow lines also be part of a consultation with ECC Highways?</i>	<i>The double yellow lines would be subject of a change to the road layout. That would be picked up within the required application under Section 278, that the developer would need to apply and deal with the Highway Authority if they implemented this permission.</i>
<i>At this moment in time, the road is remaining a 60mph limit, the double white lines are staying, and this could come up in the future, is that correct?</i>	<i>Officers do not have a direct answer to that question. The planning merits are the proposal.</i>
<i>Has the applicant looked at the layby before looking at this proposed access site?</i>	<i>Officers believe they had, there is no issue in terms of access, but one issue would be that it would reduce the size of the layby and not as much available space; however, that is not before Members in this application.</i>
<i>Have Officers and the applicant discussed the reference to the location being moved?</i>	<i>No, this proposed access site is a better application.</i>
<i>In reference to the tree, what would happen with the roots of the tree?</i>	<i>The Officer report includes the tree report and the method that would be used as well, and the protection measures would be hand excavation only around the roots.</i>
<i>What clarity could Members have around where the accidents occurred, when they were and whether they are on this stretch of road?</i>	<i>Officers do have a 'crash map' but there are other sources as well to get that information. It goes back around 23 years and every accident, whether minor or severe is recorded. There are a number of accidents on this road as it is a main road.</i>
<i>Is this stretch of road more dangerous than the rest of the road?</i>	<i>Officers cannot answer that question.</i>
<i>Are Officers saying that if Members do not like what is in front of them then Members should refuse the application or is there a way that Members could defer this application for ECC Highways to take another look into the application?</i>	<i>Highway safety is a planning consideration. As part of the Officer assessment of Highway Safety, Officers ask their experts – that being ECC Highways – to take these applications into consideration. This item is before Members to make their own judgement. NPPF paragraph 116 does state for the purpose of the local planning authority, that developments should only be prevented or refused on highway grounds if there would be unacceptable impact on the highway safety.</i>
<i>Is there any way that Members could approve this application as it is now but with an advisory to speak to ECC Highways about the road issues and then come back to Members with a solution?</i>	<i>Officers cannot ask the applicant to guarantee a speed limit as that is beyond their control. The merit of this proposal is before Members and that is down for Members as decision makers to decide. Members can ask for Officers to do that, but Members run the risk of the same application coming back to Committee with no changes.</i>
<i>Am I correct in saying that it is an Essex County Council decision that would progress with the road safety issues?</i>	<i>It is an ECC decision in terms of the road speed limit. It would be an ECC decision on whether they would allow access themselves as a separate regime, but it would be unfair and</i>

	<i>unreasonable to unnecessarily delay this application subject to a third party making those decisions that they may not make. Officers and Members would then run the risk of an appeal of non-determination.</i>
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It was moved by Councillor Everett and seconded by Councillor Scott that consideration of this application be deferred on the basis of:

- relocation of the proposed access site;
- speed limit reduction consideration from ECC; and
- the junction of the right turn into the proposed access site not being double white lines.

After being put to the vote that motion was declared **LOST**.

It was then moved by Councillor Alexander, seconded by Councillor Smith and:-

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant full planning permission subject to the submission and assessment of an acceptable addendum to the Ecology Report following a 'walk-over site survey', 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 2 and Condition 3 and the addition of Condition 11 and Condition 12 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 ecology report addendum), or varied as is necessary to ensure that 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 as may be deemed necessary; and
- 4) that in the event of the requirements referred to in Resolution (1) above not being secured within 12 months of the date of the Committee, that the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion.

6. REPORT OF THE DIRECTOR (PLANNING & COMMUNITY) - A.2 - 24-00280-FUL – RED HOUSE HIGH STREET, GREAT OAKLEY, HARWICH, CO12 5AQ

Earlier on in the meeting as detailed in Minute 3 above, Councillor Bush had declared an interest in that he was the local Ward Member and also a member of the Great Oakley Community Hub.

Members were told that the application was before the Planning Committee following a call-in request from Councillor Bush in the event the application was recommended for refusal. The application sought 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.

The Committee was informed that the site fell within the Settlement Development Boundary for Great Oakley and that the enhanced community facilities were in accordance with Policy HP2, and therefore the principle of the development was acceptable. In addition, Officers had considered that there was sufficient private amenity space and the impact to neighbours was not significantly harmful.

Officers told Members that the Red House was a non-designated heritage asset that made a positive contribution to the area despite its condition and some previous inappropriate alterations, and its demolition would result in a level of less than substantial harm to the Great Oakley Conservation Area. Following the submission of a Structural Engineering Inspection Report, that had confirmed that the building could be retained and repaired, albeit with extensive works, there was 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.

Members heard that despite some amendments/improvements to the design, the proposed replacement building would not preserve or enhance the character of the area, lacking the authenticity and inherent historic interest of the existing building. On this occasion Officers had considered that the public benefits of the scheme, including the proposed multi-use community area and extension to the garden area, did not outweigh that identified level of less than substantial harm to the Conservation Area.

The Committee was also told that ECC Highways had also raised an objection due to insufficient parking provision and the impacts that would generate to the highway network. Officers had acknowledged the proposal presented an enhancement to the District's community facilities, that there was no parking for the existing building and the site was within a sustainable location, however on balance they had concluded that the harm through insufficient parking provision was such that it justified a recommendation of refusal.

Officers made Members aware that under the NPPF in paragraph 212, Members were obligated to give great weight to the assets within a conservation area.

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

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

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

- *"Update to the second paragraph of refusal reason one to make reference to Paragraph 216 of the NPPF, and to read as follows:*

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. **Paragraph 216 adds that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.***

- Update paragraph 8.42 to read as follows:

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 is for a replacement building and infill extension to provide for three flats and a multi-use community facility. Whilst the existing building would be demolished, the site is within a heavily urbanised location with no connectivity to bat foraging routes, and the building itself is of solid construction, and it is therefore considered that the proposal is unlikely to adversely impact upon protected species or habitats."

Terry Richmond, Chairman of the Great Oakley Community Hub and applicant, spoke in support of the application.

Patrick Wooding, a member of the public, spoke in favour of the application.

Councillor Bush, caller-in and the local Ward Councillor, spoke in favour of the application.

Councillor Bush then left the room when the Committee went into their deliberations and decision-making process.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Has this application come to the Committee because Councillor Bush called it in?</i>	<i>Yes, it is from a call-in that this application is before Members, but it is also here for transparency.</i>
<i>If Members were to refuse this application, what happens to the building?</i>	<i>Officers cannot answer that question as it would be down to the owner of the building to decide.</i>
<i>Was there an infill between the two buildings in the same way as this building?</i>	<i>Yes, there was a similar scheme which was similar to this one.</i>
<i>Is there anything legally that would prevent the applicant from building a like-for-like building?</i>	<i>To replace the building, even like-for-like, it would need planning permission.</i>
<i>If it was just a replacement building being done, could it be done without planning permission?</i>	<i>Not lawfully in planning terms.</i>
<i>What about under normal circumstances?</i>	<i>It would depend on case-by-case, on this occasion it would not be as simple as that with the comments received by ECC Heritage. Like-for-like would not replicate what is historically there.</i>
<i>Essex County Council would rather this building fell down than be used?</i>	<i>That is not what they are saying. Their comments are that there is insufficient justification for the building to</i>

	<i>be removed. Officers had requested an additional survey to understand that the building is beyond repair. The survey has come back to say that it is possible to convert the building, but it would require extensive work. ECC comments are that works have not been justified given that the survey confirms it is possible to convert the building.</i>
<i>Would the applicants need planning permission to rebuild?</i>	<i>The applicants would need planning permission for demolition and planning permission for a new building.</i>
<i>Does the Council have policies relating to parking and could you explain what they are?</i>	<i>There is not a specific policy in the Local Plan, but TDC are abiding by the Essex Parking standards, and they require that a one bedroom property would need one parking space, two or more bedrooms would need two parking spaces, therefore on the basis of this proposal, it would require 5 parking spaces.</i>
<i>Is there room around the building for 5 parking spaces?</i>	<i>There is no parking. Essex County Council raised an objection on that basis.</i>
<i>If an application came to Officers for a two-bedroom and three-bedroom property with no parking, what weight would be given to that application?</i>	<i>The parking provision could be considered acceptable with less provision but with no parking it would have to be weighed up and to see if the Highways Authority would have an objection. It would be a similar recommendation to the one in front of Members.</i>
<i>What would Officers say would be on the list of balances for this application?</i>	<p><i>1. Loss of the Red House building results in less than substantial harm. The replacement like-for-like would not be as historical as the building that is there at the moment. The Community facility area is a public benefit, and three new properties are also, although the benefits of this are limited given the Council can currently demonstrate a five-year housing land supply. There could be more weight attached to this in the future following alterations to the NPPF and the impact that would have to the five-year housing supply, however that cannot be taken into consideration at this time.</i></p> <p><i>There are no parking spaces when the Parking Standards would require a total of five spaces for a scheme of this size. In some instances, Officers could accept reduced parking provision given the site is within a good, sustainable location, however a drop from five to zero spaces is significant. On a previous scheme, a lack of parking was, on balance, considered to be acceptable on the basis that the wider development provided strong public benefits as it retained the existing building. These benefits do not exist with this current application.</i></p>
<i>Is the Red House building a listed building?</i>	<i>It is not a listed building; it is a non-designated asset.</i>
<i>If the building was granted to be demolished and rebuilt, would that harm the conservation area and set a</i>	<i>For demolition and to rebuild, there would be a need for planning permission. It would result in some harm to the conservation area. Any development done; it is</i>

<i>precedent for other conservation areas?</i>	<i>done in a sympathetic manner. Every scheme needs to be considered on its own individual merits.</i>
<i>Has a viability study been done to help the Committee make its decision?</i>	<i>In the original submission a survey report was supplied to say that the structure was not able to be converted, but it was not undertaken by a conservation accredited engineer. This has since been undertaken and confirmed that it is possible to repair the building, but it would require extensive work to do so.</i>
<i>If the Committee refuse the application to demolish, then years down the line something happened to the building, would Officers ask the owners to do repairs work? Did ECC Heritage come down in person to look at the building?</i>	<i>ECC Heritage have come and visited the site previously, but Officers cannot guarantee that they have as part of this current application. Because the building is not a listed building, there is nothing to maintain it as a listed building. As a normal building, the owners would be obligated under the enforcement powers as an untidy site to clean the area.</i>
<i>If this building was rebuilt like-for-like, what is the impact on the neighbouring property?</i>	<i>The Maybush Inn is not listed. The question related to building control matters which is not for your consideration for this application.</i>

It was moved by Councillor White and seconded by Councillor Everett that the application be approved contrary to the Officer recommendation of refusal. On being put to the vote, that motion was declared **LOST** on the Chairman's casting vote.

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

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to refuse planning permission subject to the reasons as stated at paragraph 10.2 of the Officer report (A.2) and including the addition to the second paragraph of refusal reason one as detailed within the Officer Update Sheet, 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 sending of the informative notes to the applicant as may be deemed necessary.

7. REPORT OF THE DIRECTOR (PLANNING & COMMUNITY) - A.3 - 25-00451-FUL - 3 ORCHARD VIEW, WIVENHOE ROAD, ALRESFORD, CO7 8BD

Earlier on in the meeting as detailed in Minute 3 above, Councillor Scott had declared for the public record that he was one of the local Ward Members. Councillor Scott had stated that he was not predetermined on this application, and he therefore remained in the meeting and took part in the deliberations and decision making.

Members were told that the application was before the Planning Committee as the applicant was a member of staff for Tendring District Council. The proposal sought permission for the change of use of land to garden. The application site served a large parcel of land located towards the east of No. 3 Orchard View.

The Committee was informed that the boundary treatment consisted 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, and that it was not proposed to change the existing boundary treatment. The proposal was therefore deemed by Officers to have no significant effects on the visual amenities of the area and was deemed appropriate in that regard.

Officers told Members that the use of the site would become residential and therefore any noise levels emitted from the garden would be consistent with those expected of a residential use, raising no major concerns in terms of noise impacts. There were no neighbouring residential dwellings located immediately adjacent to the site. The proposal was therefore deemed by Officers to be acceptable in terms of 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 Head of Planning and Building Control (JP-G) in respect of the application.

There were no updates circulated to Members on this application.

There were no public speakers on this application.

At this point in the proceedings, Councillor Scott declared for the public record that he was also a Parish Councillor for Alresford Parish Council. Councillor Scott again stated that he was not predetermined on this application, and he therefore remained in the meeting and took part in the deliberations and decision making.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>With the trees, are there going to be any alterations to them?</i>	<i>Not as part of this proposal. This proposal does not propose any works.</i>

It was moved by Councillor Alexander, 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 in 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 the informative notes to the applicant as may be deemed necessary.

8. **REPORT OF THE DIRECTOR (PLANNING & COMMUNITY) - A.4 - 25-00324-FULHH
- 61 COLCHESTER ROAD, HOLLAND-ON-SEA, CO15 5DG**

Members were told that the application had been brought to the Planning Committee as the property was owned by a staff member of Tendring District Council.

The Committee was informed that the application sought planning permission for the proposed flat roof rear extension.

Officers told Members that the extension would be sited to the rear of the property and was deemed by Officers to be of an acceptable size, scale and appearance with no significant adverse effects on the visual amenities of the area.

Members heard that the extension would be a single storey with a flat roof so it posed no significant threat of loss of light, privacy, outlook or amenity.

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

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

There were no updates circulated to Members for this item.

There were no public speakers for this item.

At this point in the proceedings, Councillor Smith declared for the public record that he was one of the local Ward Members. Councillor Smith stated that he was not predetermined on this application, and he therefore remained in the meeting and took part in the deliberations and decision making.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Was the roof slightly over permitted development rights?</i>	<i>Yes, that is correct.</i>

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

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 10.2 of the Officer report (A.4), or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and
- 2) the sending of the informative notes to the applicant as may be deemed necessary.

The meeting was declared closed at 7.49 pm

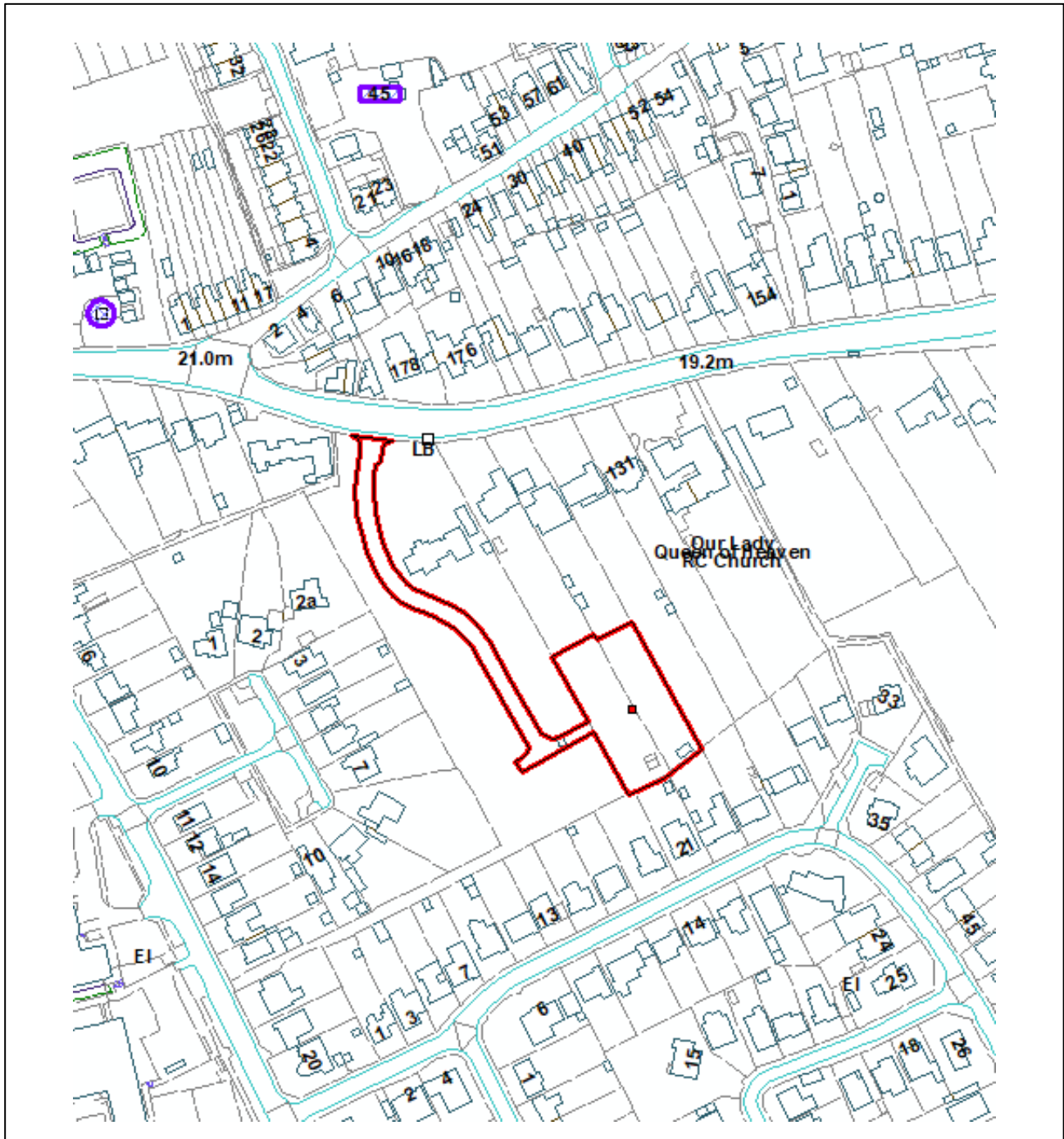
Chairman

PLANNING COMMITTEE

10 JUNE 2025

REPORT OF THE DIRECTOR OF PLANNING

A.1. PLANNING APPLICATION – 24/01922/VOC – LAND TO REAR OF 135 AND 137 FRONKS ROAD DOVERCOURT CO12 4EF



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Application:	24/01922/VOC	Expiry Date:	18th March 2025
Case Officer:	Michael Pingram		
Town/ Parish:	Harwich Town Council		
Applicant:	Mrs M Olushanu		
Address:	Land to rear of 135 and 137 Fronks Road, Dovercourt, CO12 4EF		
Development:	Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Approved Plans) of application 24/00254/FUL to increase the ground levels across the site		

1. Executive Summary

- 1.1 This application seeks planning permission for the variation of the approved plans within 24/00254/FUL, in order to facilitate alterations to the ground levels across the site in comparison to what was previously approved. The level changes range across the site between -0.6 metres (towards the northern section of the site by Plot A) and 1.5 metres (to the southern section of the site by Plot E). The design, scale and layout of the development otherwise remains unaltered. Officers consider that the changes will not result in a significantly detrimental impact to the street scene or character/appearance of the surrounding area, and on balance the harm to neighbouring amenities is not considered so significant that a refusal reason is justified. This has been called in Councillor Jo Henderson and the recommendation is for approval subject to conditions.

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

- 2.1 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:

- 2.2 The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. Paragraph 78 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing

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

- 2.3 On 12th December 2024 the Government published the Housing Delivery Test: 2023 measurement. Against a requirement for 1,466 homes for 2020-2023, the total number of homes delivered was 2,343. The Council's HDT 2023 measurement was therefore 160%, and a buffer of 5% is to be used when calculating the Council's five year land supply position.
- 2.4 The Council demonstrates its supply of specific deliverable sites within the Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in July 2024, and demonstrates a 6.26-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer. The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>
- 2.5 As a result, the 'titled balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

3. Neighbourhood Plans

- 3.1 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.gov.uk/content/neighbourhood-plans>

4. Planning Policy

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

National:

National Planning Policy Framework 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 2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP 3 Spatial Strategy for North Essex

SP 4 Meeting Housing Needs

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

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
 LP8 Backland Residential Development
 PPL4 Biodiversity and Geodiversity
 PPL5 Water Conservation, Drainage and Sewerage
 PPL8 Conservation Areas
 PPL9 Listed Buildings
 PPL10 Renewable Energy Generation and Energy efficiency Measures
 CP1 Sustainable Transport and Accessibility
 CP2 Improving the Transport Network

Supplementary Planning Documents

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

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

[Essex Design Guide](#)

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

Local Planning Guidance

[Essex Parking Guidance](#) Part 1: Parking Standards Design and Good Practice 2024

[Essex Parking Guidance](#) Part 2: Garden Communities and Large Scale Developments 2024

5. Relevant Planning History

12/00013/FUL	Extensions, alterations and new detached garage. Alterations to front entrance, parking and turning. Raised rear patio area.	Approved	05.03.2012
23/01511/FUL	Proposed construction of five new bungalows together with parking, garaging, private drive and landscaping, with access on to Orchard Close (under construction).	Approved	08.12.2023
24/00254/FUL	Construction of five new bungalows together with parking, garaging, private drive and landscaping, with access on to Orchard Close (under construction).	Approved	10.05.2024
24/00805/DISCON	Discharge of conditions application for 24/00254/FUL - Condition 4 (Construction Methodology Statement)	Approved	15.07.2024

6. Consultations

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

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

<u>ECC Highways Dept</u>	24.01.2025
<p>It is noted that this application concerns variation of condition 2 of the original planning application 24/00254/FUL to increase the ground levels across the site. The proposal site is off a private drive and the changes don't impact on the off-street parking allocation or turning facility within the shared private driveway, considering these factors:</p> <p>The Highway Authority does not object to the proposals as submitted.</p>	
<u>Environmental Protection</u>	10.01.2025
<p>With reference to the above VOC application; I can advise the EP Team have no comments to make.</p>	
<u>Tree & Landscape Officer</u>	09.01.2025
<p>No comments.</p>	

7. **Representations**

- 7.1 Harwich Town Council have objected to the application on the grounds that, owing to the increased height difference in the grounds levels, there would be a negative impact on the existing neighbouring properties.
- 7.2 There have been a further seven letters of objection received, with the following concerns raised:
- Invasion of privacy to gardens to the rear of the site;
 - Overlooking concerns;
 - Development will appear intrusive and oppressive;
 - Is a breach of the earlier planning conditions; and
 - Boundary treatments are out of scale and character with the area.

8. **Assessment**

Site Context

- 8.1 The application site is land that is located to the rear of Numbers 135 and 137 Fronks Road, and immediately adjacent to the east of Orchard Close, a nine dwelling development granted planning permission (references 20/01153/FUL and 22/01227/VOC) and recently finished construction at the time of the Officer's site visit.
- 8.2 The character of the surrounding area is heavily urbanised, with residential and commercial development located to all sides and further beyond. The site falls within the Settlement Development Boundary for Dovercourt within the adopted Local Plan 2013-2033.

Planning History

- 8.3 Under reference 23/01511/FUL, planning permission was granted in December 2023 for five dwellings sited to the rear of 135 and 137 Fronks Road, in what is a very similar scheme to that currently being applied for. A further application, reference 24/00254/FUL, was then granted planning permission in May 2024 for the construction of five bungalows, with the main differences to the earlier permission being that the overall site area was slightly reduced, which in turn reduced the private amenity areas for Plots B (80sqm to 790sqm) and C (130sqm to 115sqm). Plots A, B and C were to be served by two bedrooms, with Plots D and E served by three bedrooms. This permission has

since been implemented, with construction nearing completion.

Description of Proposal

- 8.4 This application seeks planning permission for the variation of Condition 2 (approved plans) of 24/00254/FUL in order to facilitate alterations to the ground levels across the site in comparison to what was previously approved. The level changes range across the site between -0.6 metres (towards the northern section of the site by Plot A) and 1.5 metres (to the southern section of the site by Plot E). The design, layout and scale of the development remains as previously approved.
- 8.5 Officers and the agent for the application have discussed whether planning permission would be required, however on the basis that the increase in ground levels represents operational development, permission is required.

Principle of Development

- 8.6 The site is located within the Settlement Development Boundary (SDB) for Dovercourt, 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. Furthermore, Officers acknowledge that under reference 24/00254/FUL permission has previously been granted for five dwellings on this site, and this permission has since been implemented and will remain extant indefinitely. The principle of development is therefore accepted.

Scale, Layout & Appearance

- 8.7 Paragraph 135 of the National Planning Policy Framework 2025 (NPPF) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.
- 8.8 Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place.
- 8.9 The proposal involves the alteration of the ground levels across the site, which range from a reduction of 0.6 metres to the northern section through to an increase of approximately 1.5 metres to the southern section. The submitted drawings demonstrate that the larger ground level increases are to the rear of Plots D and E, with the front of these plots being only very slightly increased. Furthermore, the scale and design of the dwellings remains as approved. As such, the impact to the street scene will be minimal in comparison to that previously approved, and Officers therefore raise no objections in this regard.

Impact on Residential Amenities

- 8.10 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.
- 8.11 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.
- 8.12 There are a number of residential properties potentially impacted by the proposed amendments,

most notably the plot on the adjacent development to the west, and the properties to the rear (Numbers 19, 21 and 23 Gordon Road in particular).

- 8.13 In respect of the adjacent property to the west approved under reference 22/01227/VOC as part of a larger nine dwelling scheme, Officers raise some concerns that the increased height of Plot E has the potential to be harmful to the amenities of occupants. However, the neighbouring property is not currently occupied (and any future occupants would therefore be aware of the situation beforehand), there is an approximate 2 metres separation, two of the three impacted windows serve a kitchen door and en-suite (not main habitable rooms), and there is an existing hedgerow in between the two plots that will screen large elements of the development. Therefore, whilst the proposal will result in some level of oppression, for the reasons detailed above Officers consider the harm of this, on balance, is not sufficient to justify recommending a reason for refusal.
- 8.14 The neighbouring properties sited to the rear of the site, notably 19, 21 and 23 Gordon Road, also have the potential to be impacted by the increase in ground levels. Officers acknowledge that the three dwellings (and boundary fencing) to this southern boundary will be higher and therefore more prominent, and in this context there will inevitably be a degree of harm associated with this. However, it is also acknowledged that these neighbouring properties have long gardens (approximately 16 metres between the dwellings and rear boundaries). Furthermore, the separation distance between the dwellings themselves is greater still at approximately 27 metres, which exceeds the minimum 25 metre back-to-back distances recommended within the Essex Design Guide.
- 8.15 Upon undertaking a site visit, Officers do not consider that the increase in ground levels has resulted in the new dwellings overlooking into these private garden areas, with the boundary fencing preventing this. In addition, it is noted that under permitted development rights, it would be possible to erect fencing along this rear boundary up to 2 metres, and therefore whilst the 1.8 metre high fencing will appear oppressive to some extent, Officers are only able to assess the impacts of the additional height above 2 metres, which would be approximately 1.3 metres higher to what was previously approved (due to an increase in ground level of 1.5 metres at this section of the site). On this basis, given the separation distances, on balance the harm of this fencing being approximately 1.5 metres taller than what was previously approved is not so harmful that it justifies recommending a reason for refusal.

Highway Safety

- 8.16 Paragraph 114 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, whilst Paragraph 108 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. Paragraph 115 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.17 Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.
- 8.18 Essex Highways Authority have been consulted, and have confirmed that from a highway and transportation perspective the proposal is acceptable, and do not recommend any additional planning conditions.
- 8.19 The Essex Parking Standards (2024) state that for dwellings with two or more bedrooms, a minimum of two parking spaces are required. Parking spaces should measure 5.5m x 2.9m and garages, if being relied on to provide a parking space, should measure 7m x 3m internally. The submission does not seek to amend the previously approved design, and therefore the plans continue to show that

two properties have a garage and one additional space, with the other three dwellings (Plots A, B and C) having two parking spaces to the front of the site. These are in accordance with the above measurements, and therefore no objections are raised in this regard.

Ecology and Biodiversity

- 8.20 Paragraph 186 of the NPPF states that, when making planning decisions local planning authorities need to assess whether significant harm to biodiversity could result from the development. The NPPF goes on to state the hierarchy that should be applied to mitigate any harm to ecology that is identified. Paragraph 180 of the NPPF requires that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value. TDLP Policy PPL4 states that proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.
- 8.21 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

- 8.22 The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.
- 8.23 This development is subject to the general duty outlined above. The proposal is for five dwellings on a site with an extant permission for five dwellings under permissions 23/01511/FUL and 24/00254/FUL. On this occasion, following comments received from the Council's Tree and Landscape Officer, it is not considered necessary or reasonable to include a condition to secure soft landscaping details, however an informative recommending the applicant is strongly encouraged to improve the biodiversity of the site through appropriate additional planting and wildlife friendly features is included. In addition, to mirror the conditions imposed on 23/01511/FUL and 24/00254/FUL, it is recommended to include conditions to secure biodiversity mitigation/enhancement measures as well as the submission of a Biodiversity Enhancement Strategy.
- 8.24 Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

Biodiversity Net Gain

- 8.25 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

- 8.26 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 five dwellings on a site with an extant planning permission for five dwellings. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats

Conclusion

- 8.27 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.

Other Considerations

- 8.28 A unilateral undertaking was previously prepared to secure a legal obligation for RAMS within the earlier planning permission on the site for five dwellings (reference 23/01511/FUL). The financial contribution towards this has since been paid, and this current application does not represent an alteration in terms of the number of dwellings. Therefore, Officers do not consider that it is necessary to secure a legal agreement.

9. Conclusion

- 9.1 The proposal will result in an alteration to the ground levels following the earlier planning permission 24/00254/FUL, which will range between -0.6 metres and 1.5 metres. Given that the changes largely impact to the rear of the properties, the street scene remains relatively unaltered, whilst the design, scale and layout remain as approved. Whilst some degree of impact has been identified to the neighbouring properties to the south and west, on balance this harm is not considered to be to such an extent that it warrants recommending a reason for refusal. In addition, ECC Highways have raised no objections, and there continues to be sufficient parking provision. Accordingly, the application is considered to comply with local and national planning policies, and is therefore recommended for approval.

10. Recommendation

- 10.1 Approval (no S106 requirements)

Recommendation: Approval

- 3) 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,
- 4) The informative notes as may be deemed necessary.

10.2 Conditions and Reasons

- 1 **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.

24/00254/FUL:

Drawing Numbers 988/LOC C, 988/01 B, 988/02 A, 988/03 A, 988/04 A, 988/05 A, 988/06 A,

and the documents titled 'Arboricultural Impact Assessment and Method Statements', 'Energy Statement', and 'Preliminary Ecological Appraisal/Low Impact EcIA'.

24/01922/VOC:

Drawing Numbers PRI_0112_A_PLAN_100 Revision P1, PRI_0112_A_PLAN_001 Revision P2, 62743-SK01, 0010 Revision P2, and 0011 Revision P1.

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

- 2 **CONDITION:** If during construction/demolition works evidence of potential contamination is encountered, works shall cease, and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build, then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

REASON - To ensure that any risks from land contamination to the future users of the land and neighbouring land are minimised.

- 3 **CONDITION:** The details of the construction methodology and timetable shall be in full accordance with those approved under reference 24/00805/DISCON. This shall be implemented in its entirety and shall operate as may be approved at all times during construction.

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

- 4 **CONDITION:** All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

- 6 CONDITION: Any new boundary planting shall be planted a minimum of 1 metre back from the carriageway and any visibility splay and retained free of obstruction above 600mm at all times.

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

- 7 CONDITION: Prior to the first occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be retained thereafter and remain free of obstruction except for the purpose of loading/unloading/reception and storage of materials and manoeuvring and used for no other purpose. Any other area within the site outlined in red not identified shall not be used as loading/unloading/reception and storage of materials and manoeuvring areas.

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

- 8 CONDITION: Prior to the first occupation of the hereby approved development, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal/Low Impact EclA (Hybrid Ecology, July 2023) submitted within 24/00254/FUL.

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

- 9 CONDITION: Prior to first occupation of the hereby approved development, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

REASON: To enhance protected and Priority species and habitats.

10.3 Informatives

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Biodiversity Enhancements Informative:

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

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

Highways Informatives:

i) All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

ii) On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

iii) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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

11. Additional Considerations

Equality Impact Assessment

- 11.1 In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate

unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

- 11.2 It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.
- 11.3 In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

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

Human Rights

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

accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

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

12. Declaration of Interest

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

13. Background Papers

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

Application:	25/00337/FUL	Expiry Date:	21st May 2025
Case Officer:	Charlotte Cooper		
Town/ Parish:	Clacton Non Parished		
Applicant:	Mr Rodger Brooks		
Address:	Holland On Sea Bowls Club Madeira Road Holland On Sea CO15 5HZ		
Development:	Planning Application - Erection of replacement timber shed.		

1. Executive Summary

- 1.1 This application seeks full planning permission for the erection of a replacement timber shed. The shed is considered to be of a minor scale and traditional design with no significant harmful impacts on the visual or residential amenities of the area. This has been called in due to the site being owned by Tendring District Council and the recommendation is for approval subject to conditions.

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

- 2.1 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

- 3.1 A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>
- 3.2 At the time of writing, there is no neighbourhood plan for the area.

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

HP4 Safeguarded Open Space

Supplementary Planning Documents

[Essex Design Guide](#)

5. **Relevant Planning History**

93/00451/FUL	(Plot 13 adjoining Bowling Green, Madeira Road, Holland on Sea) Mens changing room for bowling club for summer use only (1 May to 30 September	Approved	25.05.1993
96/01609/FUL	(York Road Bowls Club, Madeira Road, Holland on Sea) Change of use of part of car park to provide extension of bowls club with temporary siting of portakabin for use as changing room	Approved	11.03.1997
98/01317/FUL	(Holland on Sea (York Road) Bowls Club, Madeira Road,) Extension to existing building and construction of additional gents changing room and bar store. Construct two 'All Weather' Bowling Rinks on section of car park	Approved	24.11.1998
23/00232/FUL	Retention of erected fence.	Approved	17.04.2023

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/>.

No consultations required on this occasion
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7. Representations

7.1 Parish / Town Council

Clacton is non-parished and therefore no consultation / comments are required.

7.2 Neighbour / Local Representations

No letters of representation have been received.

8. Assessment

Site Context

- 8.1 The application site comprises the Holland-on-Sea Bowls Club, situated towards the southern side of Madeira Road, within the defined settlement development boundary of Clacton-on-Sea. The site is largely unconstrained, lying outside any designated conservation areas and not in the vicinity of any listed buildings. Additionally, there are no Tree Preservation Orders (TPOs) affecting the site. The bowling green itself is identified as a Safeguarded Open Space under the policies of the Tendring District Local Plan.

Proposal

- 8.2 This application seeks full planning permission for the erection of a replacement timber shed.
- 8.3 The proposed shed is located towards the west of the site, outside of the bowling green / designated safeguarded open space area.
- 8.4 The shed will measure 2.4 metres in width by 3.6 metres in depth with an overall height of 2.5 metres. It is proposed to be constructed using timber feather-edge boarding and will feature a pitched roof finished in green mineral felt.

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 proposed shed would be positioned towards the front of the site, on its western side. The shed would be largely shielded from the public viewpoints of the area by the existing hedgerow located

along the front and western boundary. Furthermore, an existing hedge located to the east of the shed will further shield the structure from public views within the site. Owing to its modest scale and single-storey form, the shed is not considered to appear visually dominant or intrusive within the surrounding context

- 8.8 The design and appearance of the shed, featuring traditional timber material and a pitched roof, are considered appropriate and in keeping with the character of the site and its setting.

Safeguarded Open Space

- 8.9 Policy HP4 of the Tendring District Local Plan states that development that would result in the loss of the whole or part of areas designated as Safeguarded Open Space, as defined on the policies map and local maps will not be permitted unless certain criteria are met. The bowling green area is highlighted as a Safeguarded Open Space, however, the proposed shed is located towards the west of the site, away from the designated green area. It therefore has no significant harmful impact on the safeguarded open space and is compliant with Policy HP4.

Impacts on Neighbouring Amenities

- 8.10 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 regards 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.
- 8.11 The proposed shed would be located a significant enough distance from any residential dwelling as to have no impact on the loss of light. Furthermore, there are no proposed windows to either side or rear elevations of the shed, additionally it is of a single storey nature. Therefore the proposed shed does not give rise to any concerns regarding overlooking or loss of privacy.
- 8.12 Given its modest scale and single-storey form, the shed is not considered to appear overbearing within the site or in relation to surrounding properties. Additionally, the nature of the development is such that it would not result in any significant increase in noise levels or disturbance to neighbouring occupiers.

Highway Safety/Parking

- 8.13 The proposal has not impact on the highway safety of the site.

Habitats, Protected Species and Biodiversity Enhancement

- 8.14 General duty on all authorities

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

This development is subject to the general duty outlined above. 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.

8.15 Biodiversity net gain

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

8.16 Protected Species

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

8.17 BNG and Ecology Conclusion

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

9. **Conclusion**

The proposed shed is considered to comply 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 Approval

Recommendation: Approval

- 3) 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,
- 4) The informative notes as may be deemed necessary.

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.

Drawing No. 01 - Site Location Plan, Block Plan, Proposed Elevations and Proposed Floor Plan.

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

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/>.

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