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Tendring District Council

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AGENDA

PLANNING COMMITTEE

DATE:	**Thursday, 19 February 2026**
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 Bray
Councillor Codling
Councillor Goldman
Councillor Sudra
Councillor Wiggins

Chief Executive
Ian Davidson

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Minicom: 01255 475566

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DATE OF PUBLICATION: Wednesday, 11 February 2026

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 - 14)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Tuesday, 20 January 2026.

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 - 25 00869 FUL - 54 Connaught Avenue, Frinton-on-Sea, CO13 9PR (Pages 15 - 30)

Change of commercial use from Class E to hot food takeaway (sui generis).

6 Report of the Corporate Director (Planning & Community) - A.2 - 25 01557 FUL - Land Adj 117A Dumont Avenue, St Osyth, CO16 8JS (Pages 31 - 50)

Erection of a detached self-build bungalow.

7 Report of the Corporate Director (Planning & Community) - A.3 - 25 00613 OUT - Burnt Ash Farm, Colchester Road, Wix, CO11 2PD (Pages 51 - 76)

Conversion of existing barns into a residential dwelling.

8 Report of the Corporate Director (Planning & Community) - A.4 - 25 01703 OUT - Land off Bradfield Road, Wix, CO11 2PU (Pages 77 - 96)

Erection of three self build dwellings.

9 Report of the Corporate Director (Planning & Community) - A.5 - 25 01779 FUL - Walton Playzone, Hall Lane, Walton-on-the-Naze, CO14 8QA (Pages 97 - 114)

Construction of a floodlit Football Foundation Playzone.

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, 17 March 2026.

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, 20TH JANUARY, 2026 AT 5.00 PM IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE

Present:	Councillors Fowler (Chairman), White (Vice-Chairman), Alexander, Codling, Goldman, Sudra and Wiggins
In Attendance:	Gary Guiver (Corporate Director (Planning & Community)), John Pateman-Gee (Head of Planning & Building Control), Joanne Fisher (Planning Solicitor & Acting Legal Services Manager), Amy Lang (Senior Planning Officer), Bethany Jones (Democratic Services Officer) and Katie Koppenaal (Democratic Services Officer)
Also in Attendance:	Nina Warren (Trainee Legal Executive)

52. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor Bray (with no substitution).

53. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the last meeting of the Committee, held on Thursday 27 November 2025, be approved as a correct record and be signed by the Chairman.

54. DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

55. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No questions on notice pursuant to Council Procedure Rule 38 had been submitted for this meeting.

56. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.1 - 25/01081/FUL - LAND SOUTH OF MAIN ROAD, FRATING, CO7 7DJ

Members were informed that this application was before the Planning Committee as it represented a technical departure from the Local Plan being new residential development located outside the defined Settlement Development Boundary (SDB) with an Officer recommendation of approval. Although the site lies directly adjacent to the SDB which is supported by policies for new housing, Frating is one of the lower scoring settlements. As a precautionary approach, this is regarded as a departure to avoid risk of challenge and presented to committee on this basis.

It was reported that the proposal for full planning permission was considered by Officers to be an appropriate scale of growth for Frating, integrated well with the local context, and raised no material visual, design or amenity concerns. Highway, drainage,

landscaping, and biodiversity matters could be addressed through conditions and obligations.

Members were advised that the report recommended that it be delegated to Officers to issue an approval or refusal, subject to Essex County Council's Ecology section confirming that they had no objection or otherwise following their review of an amended ecological assessment/addendum.

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 prior to the meeting which informed the Committee as follows:-

Correction to Condition 18 of item A.1 - 25/01081/FUL – Main Road, Frating

18. *FURTHER APPROVAL: HIGHWAY WORKS PRIOR TO OCCUPATION*

CONDITION: Notwithstanding the submitted details and prior to any above slab level works, a scheme of highway improvements shall be submitted in writing to the local planning authority for written approval that shall comprise of the following and include a timetable for implementation:

- *Where possible within land under the control of the applicant and/or extent of highway and prior to occupation of the development, the existing footway to the east shall be extended across the ~~entire~~ site frontage ~~of the proposal site~~ connecting to the new pedestrian link to the front of Plot 7 as shown on Drawing no. 24253 - WA – 002 Revision E and shall be provided at a maximum width of 2 metres.*

The improvements as may be agreed shall be implemented as approved in accordance with the timetable provided and completed in their entirety prior to first occupation.

REASON: To make adequate provision and connectivity within the highway for the additional pedestrian traffic generated by the proposed development, in the interests of highway safety.

NOTE/S FOR CONDITION

Highways Approval:

- *Prior to any works taking place in the highway the developer should enter into a S278 agreement with the Highway Authority under the Highways Act 1980 or Minor Works Authorisation to regulate the construction of the highway works.*
- *All highway related details should be agreed with the Highway Authority.*
- *The proposed junction layout, carriageway widening, and footway proposals will require an initial Stage 1 Road Safety Audit.*

Discharge of Condition Application:

- *This condition will require a formal discharge of condition application to be submitted and approved by the local planning authority in consultation with the Highway Authority. All necessary highway agreements should be in place prior to the submission of any related discharge of condition application. Failure to submit a discharge of condition application with evidence of the necessary highways permits in place, may result in a refusal of the discharge application."*

There were no speakers on this application.

Matters raised by Members of the Committee:-	**Officer's response thereto:-**
Connecting to the link in front of Plot 7, can Officers confirm that it will connect with the footpath that runs to Frating Cross or is it just in front of the 7 properties?	*The layout plan shows the connection to be provided through the landscaped area of the development itself to the front of Plot 7. Beyond that, there will be a requirement to extend the footway from the new pedestrian connection to the existing footway that fronts the development directly adjacent. This is ~~which~~ secured by the condition in terms of the details and timing of delivery. The footpath will not connect across the full frontage of the site; it will only be from the new pedestrian point within the development across to connect the existing footway.*
Can Officers explain if surveys are required for ecology protection?	*In page 21 of the agenda, ~~it~~ this is standard text used by the ecology advisors ~~will~~ considering birds, barn owls within one requirement in terms of any mitigation or licensing. Because there was an error in the original ecology report which did not completely cover the consideration of birds, the advisors have covered themselves essentially in their feedback to say that if there is a further requirement in terms of birds then there may be some further requirements in terms of barn owls as well, which is a standard response. However, the ecology report does state there are no further surveys required for either breeding birds or barn owls, so that point has been covered which will hopefully lead to a no objection response from ecology once they have reviewed the amended survey.*
So, there could be another survey required?	*What has happened is that in the original ecology report that was provided there was an error in that ecology report which triggered the response from ECC Ecology at ECC Place Services which says it is not clear, there could be a potential for future surveys that are needed; however, Officers have now had that corrected and confirmed by the applicant and the agent that no further surveys are required which is a holding response comment and when the new comments come back from ECC Ecology, once they have had the opportunity to review the corrected ecology report, those comments should agree with the*

	contents of the ecology report which confirms that no further surveys are required and then ECC Ecology should be able to recommend approval subject to conditions.
Do the houses need to be 4/5 bedrooms and why?	*Officers and Members have to consider what is before them as that is what is being proposed. On a larger scheme the Council's housing mix policy would kick in but for a development of this scale there is no such requirement, and it is fairly in keeping with the existing development to the west and other properties developing around the area.*
Will these houses be taller than the other houses on the road?	*The proposed dwellings will be set back slightly further which will help how they are seen from the street. Officers are comfortable that the houses will not look bulky or taller than the properties on either side.*
Will there be any solar panels?	*The recommendation includes a condition to secure details of sustainable construction and energy efficiency measures which includes solar panels. The plans that Officers have got say that there will be EV charging points at each dwelling which aligns with the policy in part, but full details are required by condition.*
If Frating had a neighbourhood plan, would they be able to ask for speed reductions in the area?	*It would be unlikely for a development of this scale unless it was something that would have been agreed as a strategic approach with Essex County Council Highways. Officers cannot speculate as to what is included in a neighbourhood plan but because the speed limit throughout Main Road is 40mph, to require a speed limit reduction for this section of development would be unreasonable.*
Do you know if the developer has contacted the Essex Police?	*Officers would not have any information on that at this stage as they are not a statutory consultee for this application, they are only an advisory. Their comments can be added as informatives to the decision notice to make the developer aware of Secured By Design principles.*
Did Officers say that Anglian Water have found a way through this and has been solved?	*For this scale of development, Anglian Water and the Local Lead Flood Authority (LLFA) are not ~~standard~~ statutory consultees, so in this instance they have commented but because they have raised an objection regarding surface water drainage which is not a consideration for a development of under 10 units, Officers cannot insist on a water surface drainage strategy; however, Officers have dealt with that issue by adding a condition to ensure that any new hard surfacing development is either permeable or drains to a permeable area within the development site.*
Is it correct to say that the rest of the trees apart from one will remain on the development site?	*Yes, that is correct. It is only one dead hawthorn tree to the front of the site that is being removed but the rest will remain and will be protected by fencing in construction as set out in the tree report.*
Are the Parish Council happy with	*Yes, that was a correction to a condition. In the report,*

the condition on the update sheet?	*Officers have explained that having the footway extended across the full site frontage would be unreasonable in this instance because it is not necessarily connecting it to anything so that is why Officers have secured the pedestrian link at the far end of the site closest to the existing footway that allows the developer to provide a reasonable stretch of footway connection.*

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

RESOLVED that:-

1) the Head of Planning and Building Control be authorised to grant full planning permission subject to the receipt of a 'no objection' from Essex County Council Place Services Ecology or to refuse permission on terms at their discretion and further subject to;

2) the conditions as stated at paragraph 10.2 of the Officer report (A.1) (including any additional conditions recommended as part of the consultation with Essex County Council Place Services Ecology following re-consultation on the amended PEA), the corrected condition 18 of the Officer Update Sheet or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and

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

The meeting was declared closed at 5.33 pm

Chairman

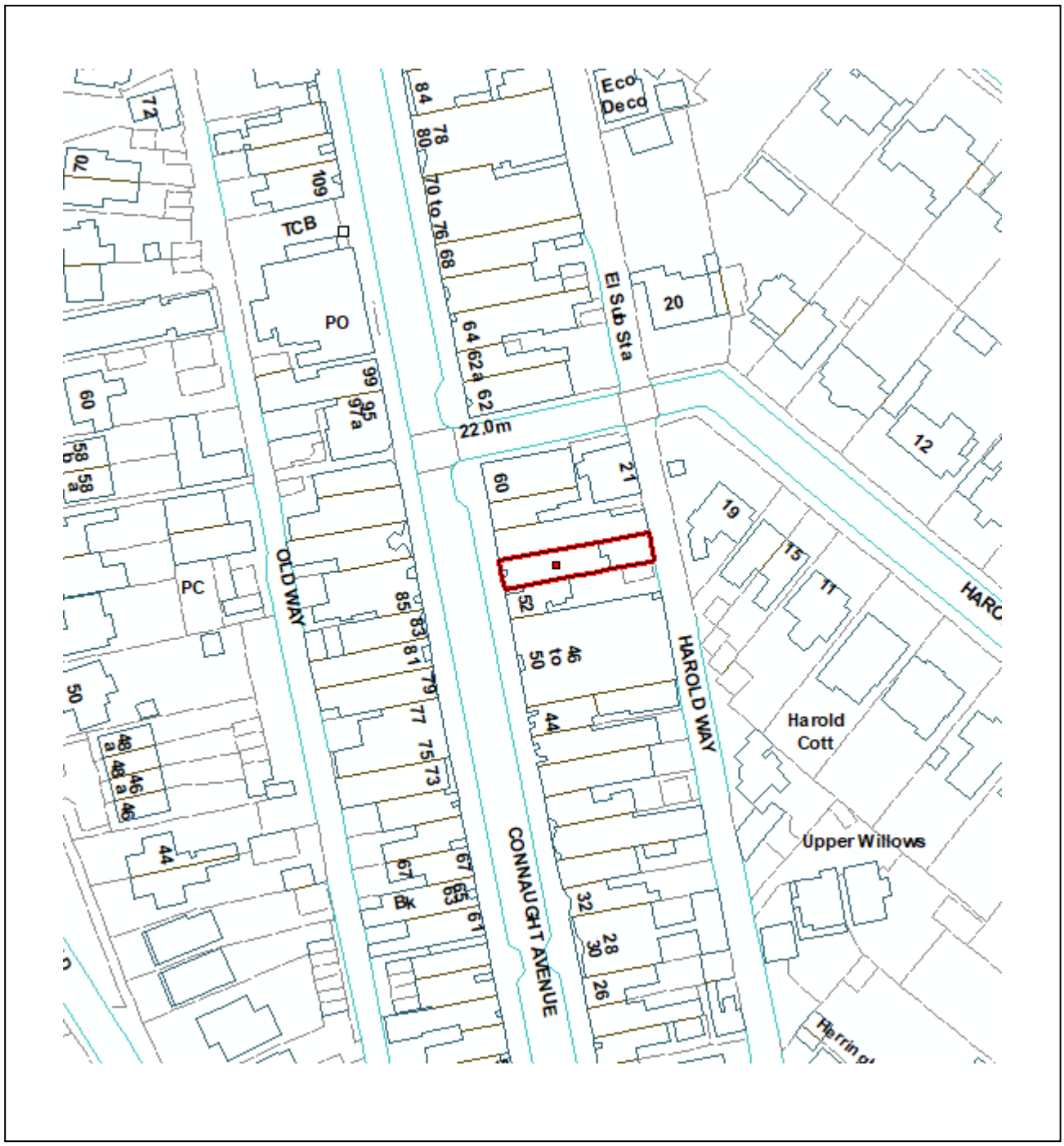
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PLANNING COMMITTEE

19 February 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.1 PLANNING APPLICATION – 25/00869/FUL – 54 CONNAUGHT AVENUE FRINTON ON SEA CO13 9PR



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Application:	25/00869/FUL	**Expiry Date:**	28th November 2025
Case Officer:	Charlotte Cooper		
Town/ Parish:	Frinton & Walton Town Council		
Applicant:	M & M Realty Limited		
Address:	54 Connaught Avenue Frinton On Sea CO13 9PR		
Development:	Planning Application - Change of commercial use from Class E to hot food takeaway (sui generis).		
Referral Reason:	Cllr. Davis Call in		
Recommendation:	Approval subject to conditions		

1. Executive Summary

1.1 This application seeks change of use from Class E to hot food takeaway (sui generis) with no external alterations. The unit is currently vacant and the proposal would return it to active use, contributing positively to the vitality of the town centre.

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 There is no draft or adopted Neighbourhood Plan covering this area.

4. Planning Policy

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

National:
National Planning Policy Framework 2024 (NPPF)

National Planning Practice Guidance (NPPG)

Local:
Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)
SP 1 Presumption in Favour of Sustainable Development
SP 3 Spatial Strategy for North Essex
SP 5 Employment
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
HP1 Health and Wellbeing
PP5 Town Centre Uses
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL8 Conservation Areas
CP2 Improving the Transport Network

Supplementary Planning Documents
Essex Design Guide
Frinton and Walton Conservation Area Character Appraisal and Management Plan 2024

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

5. Relevant Planning History

07/01826/CON	Demolition of garage and sheds and partial demolition to rear of No. 54 Connaught Avenue.	Approved	17.01.2008
09/00831/FUL	Single storey rear extension to restaurant (following demolition of existing single storey rear extension, shed and garage). Removal of second floor pitched roof and erection of second floor extensions. Convert existing two flats and second floor extensions to form six one bedroom flats to the first and second floors.	Refused	13.10.2009
09/01145/FUL	Alterations and extensions to form 6 no. one bedroom flats to the first and second floors.	Approved	22.12.2009
00/01329/FUL	Change of use of A1 shop on ground floor of 52 Connaught Avenue to restaurant use to be used in connection with the adjoining A3 restaurant at Number 54 Connaught Avenue (ground floor only)	Approved	06.12.2000
15/01033/FUL	Alterations and extensions to form 6 No. one bedroom flats to first and second floors.	Approved	17.08.2015

16/00385/FUL	Proposed extension to restaurant and alteration/extension of first and second floors to form 4 one bedroom flats.	Approved	25.05.2016
17/00139/FUL	Proposed extension to restaurant, alter and extend first and second floors to form 4 x 2 bed flats.	Approved	03.04.2017
17/01640/FUL	Variation of Conditions 2 and 7 of application 17/00139/FUL - To change the condition wording to; Condition 2 - Prior to occupation of any of the hereby approved flats the car parking spaces and delivery bays, as shown on drawing no. 1767-09 Revision A, shall be provided and thereafter retained for the sole purpose of vehicle parking and deliveries; and Condition 7 - The development hereby permitted shall be carried out in accordance with the following approved plans 1767-09 Rev A, 1767-10, 1767-11, 1767-04, 1767-12, 1767-06, 1767-07, 1767-13 Rev A.	Approved	20.11.2017

6. Consultations

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

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

ECC Highways Dept **28.01.2026**

The additional information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material, google maps and consultation with the North Essex Parking Partnership. It is noted that the area is covered by extensive parking restrictions that includes a large, limited waiting area at the front of this building there is sufficient capacity not to cause an issue, based on the parking survey undertaken, while parking to the rear of the building for staff is being provided, considering these factors:

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

1. Prior to occupation, each vehicular parking space to the rear of the building shall have minimum dimensions of 2.9 metres x 5.5 metres.
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety

2. Prior to occupation, the Cycle / Powered two-wheeler parking shall be provided to the rear of the building in accordance with the EPOA Parking Standards. The approved facility shall be

secure, convenient, covered and provided prior to occupation and retained at all times.
Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity

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

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

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

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

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

Environmental Protection **15.10.2025**

Have no adverse comment to make at this stage.

7. Representations

7.1 Town Council

Frinton and Walton Town Council recommends this application for refusal due to insufficient information provided regarding the proposed sui generis use.

Officer comment: Since the submission of these comments additional information has been provided in relation to the proposed use, opening hours and parking arrangements. This additional information has allowed for a full assessment of the potential impacts of the proposal, as set out in the below report.

7.2 Neighbour / Local Representations

Two letters of objection have been received from members of the public. These objections were raised on the grounds that the change of use for hot food takeaway is for a Dominoes franchise, which they believe would contravene the Conservation Area covenants that are in place for trading units along Connaught Avenue. Furthermore, it was stated the proposal was not a suitable business for Connaught Avenue for reasons such as traffic, noise and the environment and should therefore be refused.

Officer response – The full impact of the proposal has been assessed in the below report. As stated,

the unit is currently vacant, the proposed hot food takeaway would return it to active use, supporting the town centre's vitality and local economy. The inclusion of an internal seating area would retain an element of eat-in provision comparable to the former restaurant use, helping to maintain activity on Connaught Avenue. On balance, these benefits outweigh the limited harm associated with the loss of a Class E use. The specific hot food takeaway operator is not considered relevant and if approved any hot food takeaway could operate from the premises. However, a pizza takeaway franchise is not considered likely to result in any additional impacts to other takeaway operators and would be comparable to other franchises commonly found in town centres and therefore any harm caused cannot be said to be so significant as to justify refusing planning permission.

8. Assessment

Site Context

8.1 The application site comprises No. 54 Connaught Avenue, Frinton On Sea. The ground floor currently falls within Class E use (previously a restaurant), while planning permission reference 17/00139/FUL has previously been granted for the creation of four two-bedroom flats across the first and second floors of 52-54 Connaught Avenue, with the principal outlook towards Harold Way at the rear.

8.2 The site is located within the settlement development boundary of Frinton, Walton and Kirby Cross, as defined in the adopted Tendring District Council Local Plan. The site is also within the Frinton and Walton Conservation Area and the Primary shopping Area of Frinton on Sea.

Planning History

8.3 Planning reference 00/01329/FUL granted full planning permission in December 2000 for the Change of use of A1 shop at no 52 Connaught Avenue to restaurant use, to be used in connection with the adjoining A3 Restaurant at number 54 Connaught Avenue (ground floor only).

8.4 Planning permission 17/00139/FUL granted approval for the extension to the restaurant, and alterations and extensions to first and second floors to form four 2-bedroom flats.

Proposal

8.5 This application seeks full planning permission for the change of use from Class E to hot food takeaway (sui generis).

8.6 There are no proposed external changes to the property.

Assessment

8.7 The main considerations are;

- Principle of Development
- Impact on Heritage Assets
- Residential Amenities
- Highway Safety; and,
- Representations

Principle of Development

8.8 No. 54 Connaught Avenue is a Class E use and was last trading as a restaurant, however the site is currently vacant. The proposal is located within the Primary Shopping Area of Frinton on Sea, as defined by the Tendring District Local Plan.

8.9 The NPPF states that local authorities should define areas within their town centres as primary

shopping areas. These areas comprise the parts of the town centre where retail development is concentrated. It is the primary shopping areas of the town centres which are the preferred location for new retail development.

8.10 Policy PP5 of the Tendring District Local Plan states that within Primary Shopping Areas the use of the ground floor shop units will be restricted to uses within Class E (commercial, business and service uses). However, this application is seeking permission to convert the existing Class E use to sui generis (hot food takeaway) and is therefore contrary to Policy PP5.

8.11 However, it is important to note that the unit is currently vacant, and appears to have been so for a few years. The introduction of a hot food takeaway would bring the premises back into active use, contributing positively to the vitality and viability of the town centre. The proposal would generate economic benefits through job creation and increased footfall, supporting the local economy. Furthermore, the proposed floor plan shows a dedicated seating area, accommodating around 11 covers. The inclusion of tables / seating within the premises would maintain an element of eat-in provision similar to the previous restaurant use, offering customers the opportunity to dine on the premises and thereby reducing any potential impact on the vitality and character of Connaught Avenue. Hot food takeaways are a common feature of town centres and can be compatible with neighbouring town centre uses increasing footfall and shared trips providing no material harm would result.

8.12 Local Plan Policy HP1 states that the Council will work to improve the health and wellbeing of residents in Tendring by working in collaboration with partners to avoid a concentration of fast food takeaways, where the number of outlets would be likely to harm public health objectives, particularly in deprived communities; local areas of poor health and near schools. NPPF Paragraph 97 states that Local Planning authorities should refuse applications for hot food takeaways and fast food outlets within walking distances of schools and other places where children and young people congregate, unless the location is within a designated town centre; or in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social behaviour.

8.13 The Index of Multiple Deprivation (IMD) shows that Frinton is not classified as a deprived area. The Lower Super Output Areas (LSOAs) covering Frinton fall within the mid to higher IMD deciles, indicating lower levels of deprivation compared to national averages. This means Frinton performs relatively well across indicators such as income, employment, health, education, crime and the living environment.

8.14 Given that Frinton is neither a deprived community nor an area identified as experiencing poor health outcomes, the proposed hot food takeaway does not conflict with the health-based restrictions set out in Policy HP1 or Paragraph 97 of the NPPF. The site is located within Frinton the main shopping street of Connaught Avenue. Officers note that the site is within 0.5 miles of a primary School, St Philomena's School, however, primary-aged children are significantly less likely to access takeaway premises independently. There is not an existing over-concentration of similar uses in this location, nor any indication that the proposal would give rise to adverse public health impacts. On this basis the health-related policy considerations do not weigh against the proposal.

8.15 The introduction of a hot food takeaway in this prime shopping location would bring a currently vacant unit back into use contributing positively to the vitality and viability of the town centre. The proposal would also generate economic benefits through job creation and increased footfall, supporting the local economy. The principle of development is therefore accepted subject to the detailed considerations below.

Design and Appearance (Including Heritage Impact)

8.16 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.

8.17 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.

8.18 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.19 Paragraph 212 of the NPPF (2024) confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

8.20 TDLP Policy PPL 8 states that new development within a designated Conservation Area will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area. where a proposal will cause harm to a conservation area the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused.

8.21 This application seeks full planning permission for the change of use from a restaurant (Class E) to hot food takeaway (Sui Generis). No external alterations are proposed, and therefore the visual impact on the streetscene and wider area is considered negligible.

8.22 Given the absence of physical changes, the proposal is considered to preserve the character and appearance of the Frinton and Walton Conservation Area. Consequently, the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is satisfied.

Residential Amenities

8.23 The NPPF, Paragraph 135, states that planning should always seek to secure a high standard of amenity for all existing and future occupants of land and buildings. In addition, Policy SP7 of the adopted local plan states that all development should protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022).

8.24 The application site is located within a town centre location, comprising of predominantly retail uses and some residential use to the upper floors. 17/00139/FUL approved four flats to the upper floors of the application site. As a town centre location, nighttime comings and goings can be expected and due to the other uses along the frontage such as restaurants, a pub, and a Sainsburys, which are all nighttime uses, the proposal is not considered likely to create a significant impact upon neighbouring amenities. The proposed opening hours are not considered excessive with closure at 11pm secured by condition.

8.25 With regard to the residential units located on the upper floors of the application site itself, the proposed use is not considered likely to result in a materially greater impact than the site's previous use as a restaurant. The nature of activity associated with a hot food takeaway—with limited eat-in use, short-stay customer visits, deliveries, and food preparation in this location is not considered likely to result in material harm in terms of noise, odour and general comings and goings. The

applicant's closing time of 23:00 aligns with typical town centre expectations and other neighbouring uses and is secured by condition. There is no objection from Environmental Protection.

8.26 Whilst it is recognised there is an element of odour associated with hot food takeaway use this is not considered likely to be materially worse than the previous use as a restaurant. A condition is imposed to secure details of any extraction or ventilation equipment so the Council can ensure it would not result in material harm to neighbouring amenity in terms of noise or odour.

8.27 Due to the town centre location, with associated levels of public activity and noise, any impact on residential amenities from the proposed use cannot be considered significantly harmful to warrant refusal of planning permission on this basis subject to restricting opening and delivery times to 11pm, and approval of any extraction or ventilation equipment.

Highway Safety

8.28 The site is located within a highly sustainable town centre location in easy walking distance of residential properties and public transport. Prospective clientele collecting meals by car will be able to park in areas dependent upon existing on street parking restrictions as they would do visiting any other commercial premises in Connaught Avenue.

8.29 Parking provision for staff members, including delivery drivers, is located to the rear of the building, accessed via Harold Way and will therefore not contribute to congestion on Connaught Avenue.

8.30 Additional information was requested in the form of a Transport Note. This confirms on street layby parking on both sides of Connaught Avenue subject to parking restrictions Monday to Saturday 0900 to 1800 hours (maximum of 2 hours with no return within 60 minutes). Outside of these parking bays, parking is prohibited with double yellow markings located on Connaught Avenue and Harold Grove.

8.31 Car parking beat surveys were undertaken on Connaught Avenue within 80 metres of the site on Friday 5th December 2026 between 1500 hours and 2200 hours (given the peak trading time for this operator of 1800-2000). Zone A (north of the application site) has the highest level of demand, i.e. 12-13 parked vehicles during the busiest period. However, Zone B which includes the section of Connaught Avenue directly in front of the unit has much lower demand for parking, even between 1900 and 2000 hours (the busiest period), there is still ample spare capacity i.e. between 21 and 26 car parking spaces. The parking survey demonstrates that sufficient parking capacity is available at present in the study area. Given the pedestrian footways and public transport provision the site is highly accessible by non-car modes.

8.32 The Highway Authority note that the area is covered by extensive parking restrictions that include a large, limited waiting area at the front of this building and there is sufficient capacity not to cause an issue, based on the parking survey undertaken. Parking to the rear of the building is provided for staff members (including delivery drivers). The proposal is therefore acceptable to the highway authority subject to conditions relating to parking bay dimensions and cycle parking to the rear of the building. It has not been deemed necessary to include the condition relating to the proposed parking bay dimensions as the submitted plans show compliance.

Habitats, Protected Species and Biodiversity Enhancement

8.33 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.

8.34 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 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). As this proposal is for a change of use, with no external alterations or enlargements proposed, it impacts less than 25 sqm of habitat. This proposal is not therefore applicable for Biodiversity Net Gain.

8.35 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.

8.36 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

9.1 The proposal seeks planning permission for the change of use from a Class E restaurant to a hot food takeaway (sui generis), with no external alterations proposed. While the loss of a Class E use results in some harm to the retail function of the Primary Shopping Area, the unit is currently vacant, and the introduction of a hot food takeaway would return the premises to active use, increasing footfall and contributing positively to the vitality and viability of the town centre. The inclusion of an internal seating area would maintain an element of eat-in provision similar to the previous restaurant use, helping to sustain activity on Connaught Avenue. The impacts on the Conservation Area are negligible due to the absence of external changes, residential amenity is not significantly harmed given the town centre context and proposed opening hours, and no significant harm to highway safety would result. On balance, the benefits of bringing the unit back into active use outweigh the limited harm arising from the loss of a Class E use within the Primary Shopping Area, and the proposal is therefore recommended for approval.

10. Recommendation

10.1 Approval (no. S106 Requirements)

Recommendation: Approval

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,

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.

Site Plan – Received 04.08.2025
Block Plan – Received 04.08.2025
Proposed Floor Plan – Received 20.01.2026
Details of Opening Hours and Parking Arrangements – Received 03.10.2025
Transport Note – Received 22.12.2025

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

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action

3. ACTION REQUIRED CYCLE/POWERED TWO WHEELER PARKING

Prior to occupation, cycle and powered two-wheeler parking shall be provided to the rear of the building in accordance with the EPOA Parking Standards and in accordance with details to have been previously approved in writing by the Local Planning Authority. The approved facilities shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and encouraging sustainable transport.

4. ONGOING REQUIREMENT IMPOSED - RESTRICTION ON OPERATION TIMES

CONDITION: The hereby permitted use shall only operate between the hours of 11:00 and 23:00 Mondays to Sundays. There shall be no deliveries to or from the development arranged for outside of these approved hours.

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

NOTE/S FOR CONDITION:

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

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

5. DETAILS OF VENTILATION AND EXTRACTION EQUIPMENT

CONDITION: Prior to installation full details of any ventilation or extraction system shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed as approved and maintained in accordance with the manufacturer's guidance for the lifetime of the equipment unless otherwise agreed in writing by the Local Planning Authority. If the equipment is no longer operational/required it shall be removed from the site.

REASON: To ensure the equipment is in correct working order to minimise any potential adverse noise and odour impact to nearby residential properties. To ensure redundant

equipment is removed from the site in the interests of visual amenity and preserving the character and appearance of the conservation area.

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. Also, in determining this application the LPA have identified matters of concern within the application (as originally submitted) and negotiated, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the LPA has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Biodiversity 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 Informative:

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

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

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

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

11. Additional Considerations

Equality Impact Assessment

11.1 In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic*

and those who do not, including tackling prejudice and promoting understanding.

11.2 It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

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

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

Human Rights

11.4 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.

11.5 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).

11.6 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

11.7 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

12. Declaration of Interest

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

13. Background Papers

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

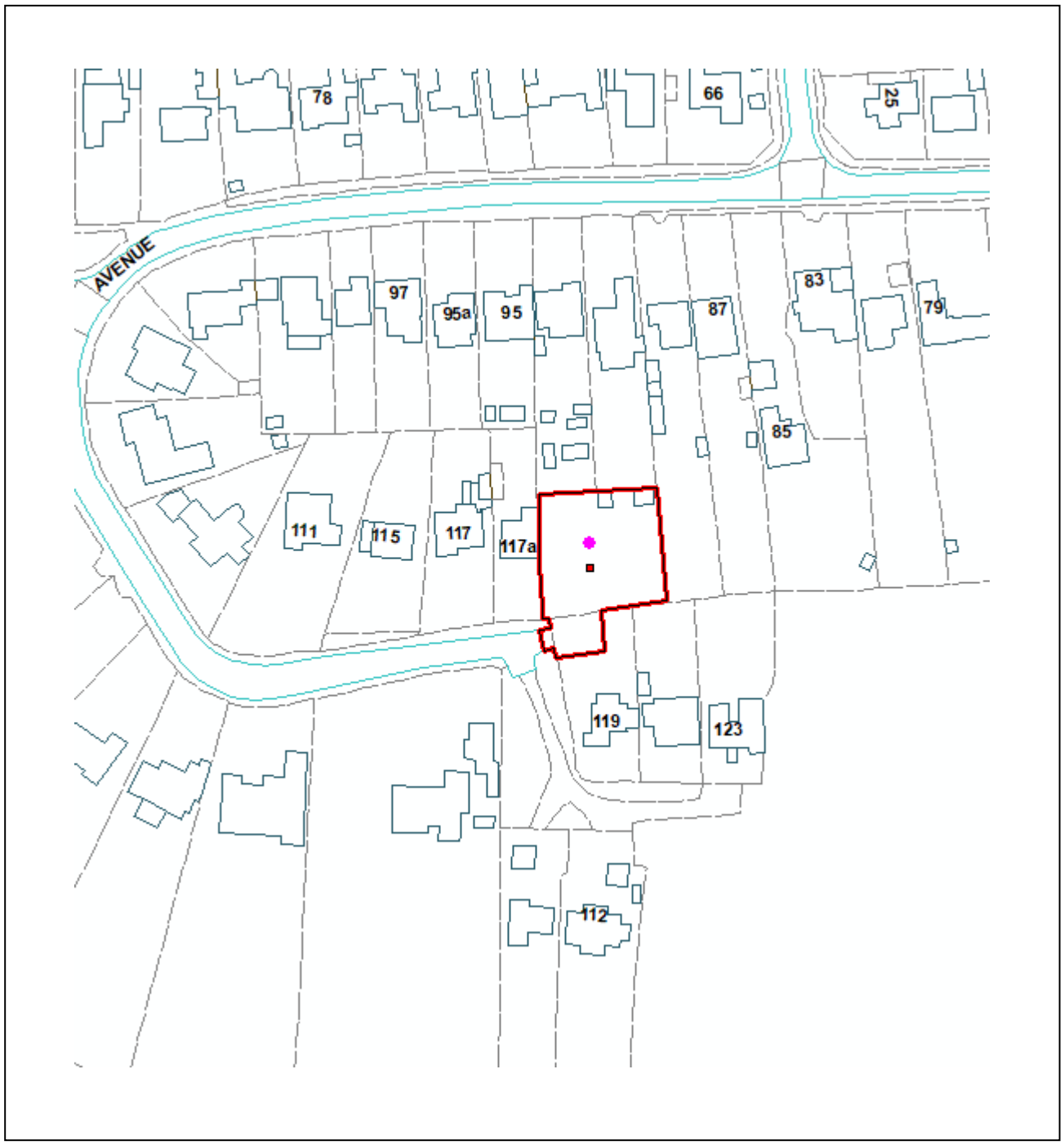
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PLANNING COMMITTEE

19th February 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.2 PLANNING APPLICATION – 25/01557/FUL – LAND ADJACENT 117A DUMONT AVENUE ST OSYTH CLACTON ON SEA CO16 8JS



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Application:	25/01557/FUL	**Expiry Date:**	21st January 2026
Case Officer:	Charlotte Cooper		
Town/ Parish:	St Osyth Parish Council		
Applicant:	Mr Burgoyne		
Address:	Land adjacent 117A Dumont Avenue St Osyth Clacton On Sea CO16 8JS		
Development:	Planning Application - Erection of a detached self-build bungalow.		
Referral Reason:	Departure from local plan		
Recommendation:	Approval, subject to conditions		

1. Executive Summary

1.1 Planning Permission is sought for a detached self-build bungalow. The site lies outside of any settlement development boundary, and does not comply with Policy LP7 (Self-Build and Custom-Built Homes) but is considered acceptable for the reasons set out below, subject to conditions.

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.

2.2 In relation to housing supply:

2.3 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. Section 1 of the Local Plan, which establishes the District's annual housing requirement, reached five years old on 26 January 2026.

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 December 2025.

2.5 From 26th January 2026, the Council is required to calculate its five-year land supply position against the local housing need determined using the Standard Method set out in Planning Practice Guidance.

The housing requirement for Tendring is 1,063 homes a year. The most recent SHLAA demonstrates a 3.22-year supply of deliverable housing sites. The SHLAA can be viewed on the Council's website: https://www.tendringdc.gov.uk/content/monitoring-and-shlaa

2.6 As a result, the 'titled balance' at paragraph 11 d) of the NPPF may apply to decisions relating to new housing development and needs to be assessed on an individual basis in respect of the proposal.

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 There is no adopted or draft Neighbourhood Plan for this area.

4. Planning Policy

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

National:
National Planning Policy Framework 2024 (NPPF)
National Planning Practice Guidance (NPPG)

Local:
Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)
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
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
LP7 Self-Build and Custom-Built Homes
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL10 Renewable Energy Generation and Energy efficiency Measures

Supplementary Planning Documents
Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
Essex Design Guide

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

5. Relevant Planning History

04/00933/FUL	New dwelling	Refused	08.07.2004

6. Consultations

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

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

ECC Highways Dept **05.12.2025**

The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and google earth image. From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority, subject to the following requirements:

1. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety

The development accords with the National Planning Policy Framework 2024 (NPPF) and the Highway Authority's Development Management Policies.

Informative:

i. Any works relating to the relocation of the telegraph pole to be entirely at the developers expense.
ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

Environmental Protection **11.12.2025**

Construction Activities: We are satisfied with the submitted CMS and have no adverse comments to make

Tree and Landscape Officer **02.02.2026**

The application site currently forms part of the residential curtilage of 93 Dumont Avenue and a small part of 119 Dumont Avenue at the proposed point of access from the highway.
The site is set to grass and does not contain any important trees or other significant vegetation. The boundary with the highway, adjacent to the existing turning head, is demarcated by an established hedge comprising decorative shrubs and three small trees, a hedging conifer (Leylandii) an Elder (Sambucus nigra) and a Hawthorn (Crataegus monogyna).
Although as a group the vegetation has a pleasant softening impact on the appearance of the area none of the trees meet the criteria under which they are assessed to determine whether they merit protection by means of a tree preservation order. Therefore, they are not considered to be a significant constraint on the development potential of the land.
On the eastern boundary of 117A Dumont Avenue there is an established Oak that is also a positive feature in the public realm.
The tree is positioned in the boundary hedge and close to the area of the application site shown for use for parking and turning.
If the proposed hard surfacing were to be constructed using minimal dig techniques with a porous surface, then the installation and use of the driveway would not cause harm to or compromise the long-term viability of the tree.
Whilst it may not be necessary for the application to provide a detailed Arboricultural Impact Assessment (AIA). It will be necessary for them to provide information to show how the construction and use of the driveway will be carried out so as to not cause harm to the tree.
This information should be in accordance with BS5837:2012 Trees in relation to design, demolition and construction Recommendations.

7. Representations

7.1 Parish / Town Council

St Osyth Parish Council No objections

7.2 Neighbour / Local Representations

7.3 Two letters of objection have been received by members of the public. These letters have raised the following matters;

- Loss of privacy and overlooking. The proposed bungalow is located to the bottom of their garden and one of its windows would face directly into their property, allowing clear views into the upper-floor bedroom windows of their house. Despite the development being single-storey, the relationship between the two properties would result in unacceptable overlooking arising from the distance and angle between the window and this neighbouring property. The siting of the window fails to adequately protect privacy and would materially affect the enjoyment of their home.

- **Officer Response – the full impact of the proposal on residential amenities, including overlooking and loss of privacy to adjacent neighbouring dwellings, has been assessed in the report below. The proposal was deemed acceptable in this regard due to its single storey nature, boundary treatment and the fact that these windows will serve non-primary living areas. The proposal cannot be said to cause any harm that is so significant as to justify refusing planning permission.**

- Objection on highway safety. The proposed vehicular access is at the turning bay at the end of Dumont Avenue which is used continually by vehicles and needed for emergency vehicles. It would be unsafe to remove this area and difficult for vehicles to turn around.

- **Officer response – The Highway Authority have not raised any objections. It is also important to note that whilst the vehicular access will be gained from this point, there is actually no loss of road space, this specific area would still be available for use if needed. The proposals full impact on highway safety has been assessed above and deemed acceptable in this instance.**

7.4 One letter of support has been received. This letter states that the application is sensible, taking into consideration the surrounding area and neighbourhood and will make use of appropriate available land. The proposed application will be able to benefit and support the surrounding area and already in place services, such as road access, drainage, electricity, wifi, gas and council services available.

Officer response – the full impact of the proposal has been addressed in the above report. Officers agree the application is acceptable.

8. Assessment

Site Context

8.1 The application site is located towards the east of Dumont Avenue, approximately 2400 metres outside of the St Osyth Settlement Development Boundary, as defined within the Tendring District Local Plan.

8.2 The site currently forms part of the long rear garden to 93 Dumont Avenue. The site sits within a wholly residential area that curves around Dumont Avenue and forms part of the extensive residential development of Point Clear. The surrounding development is largely comprised of bungalows and chalet-style dwellings.

Relevant Planning History

8.3 Planning Application reference 04/00933/FUL was refused by the Council in 2004 for the development of one dwelling, a chalet style bungalow with living accommodation within the roofspace, at the site. This application was refused on the grounds that the proposal would represent an incongruous and cramped form of development, out of keeping with the character of the area, and would result in harm to visual amenity and loss of privacy to neighbouring properties, contrary to Local Plan Policies.

8.4 Planning application 22/00315/FUL at Land rear of 172 Point Clear Road, St Osyth (around 900 metres from the application site as the crow flies) was refused by the Local Planning Authority and subsequently allowed on appeal for a detached bungalow. The Inspector notes that "the Local Plan Settlement Hierarchy report, forming part of the Local Plan's evidence base, identifies Point Clear as falling within the second tier of settlements. Despite its position in the settlement hierarchy, Point Clear is not identified in the Local Plan as a location for development because of concerns associated with previous levels of growth and traffic. However, within walking distance of the appeal site there is a local convenience shop and bus stops providing an alternative mode of travel to a car for future occupiers. Further, the erection of a single dwelling at Point Clear would not be of a scale of development that would be disproportionate to the size of this settlement." The appeal was allowed.

Proposal

8.5 This application is seeking full planning permission for the erection of a detached self-build bungalow.

Principle of Development

8.6 The development plan comprises the Tendring District Local Plan 2013-2033, Section 1 which was adopted on 26 January 2021 and Section 2 of the Tendring District Local Plan 2013-2033 and

Beyond which was adopted on 25 January 2022.

8.7 TDLP1 Policy SP3 provides the spatial strategy for North Essex, including Tendring, whereby existing settlements will be the principal focus for additional growth within the plan period. It states that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role and beyond the main settlements ted versification of the rural economy and conservation and enhancement of the natural environment will be supported.

8.8 TDLP1 Policy SP3 relies on the TDLP2 to identify a hierarchy of Tendring settlements. New development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs. TDLP2 Policies SPL1 and SPL2 provide for this by establishing the Tendring settlement hierarchy and address development outside of settlement development boundaries.

8.9 Paragraph 110 of the National Planning Policy Framework states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, which can help to reduce congestion and emissions, and improve air quality and public health.

8.10 Policy SPL1 of the Tendring District Local Plan sets out the settlement hierarchy for the District. It states that St Osyth is categorised as a Rural Service Centre. The site lies approximately 2400 metres outside of the SDB for St Osyth so is contrary to the above plan led approach. However, the proposal is for a self-build dwelling and Policy LP7 is therefore relevant.

8.11 TDLP Policy LP7 states that the Council will consider, on their merits, proposals for small developments of new Self-Build and Custom-Built homes on land outside of, but within a reasonable proximity to, settlement development boundaries, where they will still support a sustainable pattern of growth in the District and are brought forward by individuals who will occupy these homes. All new dwellings on such developments must either:

a) Be safely accessible on foot within 600 metres of the edge of the settlement development boundary of one of the Districts ‘Strategic urban settlements’, or ‘smaller urban settlements’
b) Be safely accessible on foot within 400 metres of the edge of the settlement development boundary of one of the districts ‘rural service centres’; or
c) Involve the redevelopment of vacant or redundant previously development land that can be shown, with evidence, to be unviable for employment use.

The proposal shall have no significant material adverse impact on the landscape, residential amenity, highway safety, or the form and character of nearby settlements and shall be otherwise appropriate in scale and design for their location, having regard to other policies in this local plan.

8.12 The location of the site does not meet the above criteria for self-build development under TDLP Policy LP7. However, the provision of self-build and custom housebuilding development is a material consideration which represents modest benefit in the planning balance.

8.13 As the site is located outside of any defined settlement development boundary and does not meet the self build policy criteria, it represents a departure from the Local Plan, however from 26.01.2026 the housing policies are now out of date.

8.14 Paragraph 11 of the National Planning Policy Framework (NPPF) confirms decisions should apply a presumption in favour of sustainable development. Where the most important development plan policies for the proposal are out of date, as in this case, permission should be granted unless: Paragraph 11 d) i. the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; (not relevant in this case) or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard

to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

8.15 Paragraph 8 of the NPPF confirms: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) an economic objective, b) a social objective, and c) an environmental objective. The proposal is assessed below against these objectives (with further detail elsewhere within this report):

Economic Objective

8.16 It is considered that the proposal for one dwelling would contribute economically to the area by providing employment through the construction phase. Also from future occupiers using the facilities in the area. The proposal therefore meets the economic aims of sustainability.

Social Objective

8.17 The social aspects of new housing are embedded in the Framework, which states that "supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's need and support its health, social and cultural wellbeing."

8.18 The site is located within an established residential area. The surrounding highway network benefits from well-lit continuous footways, providing safe and convenient pedestrian access. In addition, bus stops are located approximately 650 metres from the site, offering regular services to both St Osyth and Clacton-on-Sea. Day-to-day facilities include a local shop and post office, available along Point Clear Road.

8.19 The provision of one additional dwelling at a time where the Council is unable to demonstrate a 5 year housing land supply would contribute to the District's overall housing stock, improve housing choice particularly given the self-build nature of the proposal, while also providing incremental population support for local services. The proposal therefore meets the social aims of sustainability.

Environmental Objective

8.20 The statement confirms that the new dwelling will be energy efficient with user friendly technologies and low running costs by incorporating; high levels of insulation, measures to minimise thermal bridging, natural ventilation, sufficient glazing to take advantage of passive solar gains, LED Lighting throughout, use of an external drying space, heating and hot water via an Air Source Heat Pump, locally sourced materials where possible, an electric vehicle charging point, and water consumption in compliance with Part G of the current Building Regulations, meeting the requirement of 110 litres per person per day. Solar panels will not be provided but the development allows for retrofitting of approximately 3.0kW of solar photovoltaic capacity.

8.21 The RAMS contribution would be secured to mitigate the impacts of the new residents on nearby habitats sites. Biodiversity enhancements will be secured by condition including the provision of a Woodstone Nest Box (or similar), Feeding House, and Insect House. The proposal therefore meets the environmental aims of sustainability.

8.22 To conclude on the principle of development, although the proposal would not meet the self build criteria under TDLP Policy LP7 it would be acceptable in terms of the three strands of sustainability given its proximity and accessibility to local services and public transport links, and environmental benefits in terms of energy efficiency and biodiversity enhancements. The proposal is not likely to

result in any adverse impacts to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The tilted balance is therefore engaged and the principle of development is accepted.

Scale, Layout & Appearance

8.23 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.

8.24 Local Plan Policy LP7 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 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 or distinctiveness; and the development relates well to its site and surroundings particularly in relation to its siting, height, scale, design and materials.

8.25 The proposal is for a detached bungalow, measuring a maximum of 11.6 metres deep by 14 metres wide. The proposed dwelling would feature facing brickwork with areas of hardiplank boarding to the front elevation. It has a pitched roof design with interlocking roof tiles. A double garage is proposed to the western side of the dwelling, this would be single storey in form and finished in matching brickwork and roof materials to the main dwelling. The proposed materials are considered to be appropriate and sympathetic to the surrounding built form and character and therefore acceptable in planning terms.

8.26 The site is an existing rear garden surrounded by residential development so would have no adverse landscape impact. The proposed dwelling will be located centrally within its plot, maintaining adequate separation between the site boundaries preventing the dwelling from appearing overly cramped within its plot. Whilst the proposed development would necessitate the partial removal of the existing hedgerow along the site frontage in order to facilitate the formation of a safe vehicular access, the majority of the hedgerow will be retained, ensuring that its contribution to the character of the site and surrounding area is largely maintained.

8.27 Overall, the proposed development is considered to be of an acceptable size, scale and design for its setting. It would not result in any significant harm to the character or visual amenities of the area, and is therefore considered acceptable in design terms.

Residential Amenities

8.28 The NPPF, Paragraph 135, states that planning should always seek to secure a high standard of amenity for all existing and future occupants of land and buildings. In addition, Policy SP7 of the adopted local plan states that all development should protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. These sentiments are carried forward in TDLP Policy SPL3.

8.29 Furthermore, TDLP Policy LP4 j. states that new development must provide for private amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of dwelling and the character of the area.

8.30 Due to the single-storey nature the dwelling poses no significant threat of overlooking or loss of privacy to the adjacent neighbouring dwellings. The modest scale and low ridge height of the building would ensure that it would not appear overbearing or visually intrusive when viewed from

neighbouring properties. As such, no significant harm would be caused to the outlook enjoyed by surrounding residents. Furthermore, the proposed bungalow is sited a sufficient distance from neighbouring dwellings to ensure that it would not result in any material loss of light.

8.31 It is acknowledged that the proposal includes two ground-floor windows facing onto no. 119 and no. 121 Dumont Avenue. However, as these windows are located at ground floor level they do not pose any significant loss of privacy to the adjacent neighbouring properties. Furthermore, the proposed block plan submitted with this application shows a hedgerow located along the shared neighbouring boundary to the south which will significantly intercept any views overlooking onto the neighbouring properties. Furthermore, these front facing windows will serve two bedrooms and a bathroom, these are not deemed to be primary living areas, therefore significantly reducing any harmful impact on the loss of privacy to these neighbouring dwellings. The proposal therefore cannot be said to have any harmful effect upon amenity which is so significant as to justify refusing planning permission. A condition is included to secure details of boundary treatments in the interests of preserving neighbouring privacy.

8.32 In terms of amenities for future occupiers of the dwelling, each habitable room will be served by a window to provide adequate natural lighting. Furthermore, the bungalow would benefit from the provision of adequate private amenity space, of a sufficient size to meet the day-to-day needs of future residents.

8.33 The Technical Housing Standards – Nationally Described Space Standard deals with the internal space within new dwellings. It sets out the requirements for the gross internal floor area of new dwellings at a defined level of occupancy. For a single-storey three-bedroom property, with bed spaces for 6 people (as proposed) a gross internal floor area of 95 square metres is required. The proposed bungalow has a gross internal floor area of approximately 124.16 metres and is therefore in excess of the required standards and deemed acceptable.

8.34 TDC Environmental Protection are satisfied with the Construction Method Statement submitted as part of the application. Accordingly, a condition is attached to secure compliance with the submitted CMS, in the interests of safeguarding the amenities of neighbouring residential occupiers during construction.

8.35 A condition will also be imposed ensuring that the permitted development rights are removed for any new openings within the front and rear roof slope of the proposed dwelling. This condition has been deemed necessary to prevent any future risks of overlooking and loss of privacy to the adjacent neighbouring dwellings should the loft be converted in the future.

Trees and Landscaping

8.36 The site comprises garden which is currently grassed and does not contain any important trees or other significant vegetation. The boundary with the highway, adjacent to the existing turning head, is demarcated by an established hedge comprising decorative shrubs and three small trees, a hedging conifer (Leylandii) an Elder (Sambucus nigra) and a Hawthorn (Crataegus monogyna). Although as a group the vegetation has a pleasant softening impact on the appearance of the area none of the trees meet the criteria to merit protection by means of a tree preservation order so are not considered to be a significant constraint on the development potential of the land.

8.37 On the eastern boundary of 117A Dumont Avenue there is an established Oak that is a positive feature in the public realm. The tree is positioned in the boundary hedge and close to the proposed parking and turning area. Provided the proposed hard surfacing is constructed using minimal dig techniques with a porous surface, then the installation and use of the driveway would not cause harm to or compromise the long-term viability of the tree, this is secured by condition.

Highway Safety

8.38 Paragraph 115 of the NPPF requires Councils, when making decisions to ensure:

- appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

8.39 Paragraph 116 goes on to say, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

8.40 TDLP2 Policy CP1 states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.

8.41 TDLP2 Policy SPL3 Part B seeks to ensure that access to a new development site is practicable, and the highway network will be able to safely accommodate the additional traffic the proposal will generate. The Essex Parking Standards set out the parking requirements for new development, Appendix A of the Essex Parking Standards shows the site location as having low connectivity. This means, as the proposal is for a three-bedroom property, the site is required to provide a minimum of 2 spaces, plus 0.25 unallocated visitor spaces. The proposed block plan shows the provision of two off-street parking spaces, each measuring 3 metres in width by 5.5 metres in depth, which accords with the dimensional standards set out in the Essex Parking Standards.

8.42 In addition a garage is proposed with dimensions of 6 metres in depth by 6.4 metres in width. The Essex Parking Standards specify minimum internal dimensions of 7 metres by 3.4 metres for a single garage and 7 metres by 5.8 metres for a double garage. As the proposed garage falls below these minimum standards, it cannot be relied upon as contributing towards the required parking provision.

8.43 Notwithstanding this, there is sufficient space within the site frontage to accommodate the additional visitor parking requirement. When considered as a whole, the proposal is therefore considered to provide adequate off-street parking provisions.

8.44 A new vehicular access is being proposed directly from Dumont Avenue. The Highway Authority have not raised any objections to the proposed vehicular access, subject to conditions securing the provision of a suitably designed access of appropriate width with a dropped kerb, and ensuring that the access is surfaced in bound materials near the highway in the interests of highway safety.

8.45 The proposed development is therefore considered acceptable in terms of highway safety.

Drainage and Foul Sewage Disposal

8.46 Paragraph 187(e) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 198 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location considering the likely effects of pollution on the natural environment.

8.47 TDLP Policy PPL5 states that all new development must make adequate provision for drainage and sewerage. Connection to the mains is the preferred option having regard to the drainage hierarchy and building regulations requirements.

8.48 The submitted application form confirms that the proposal will be connected to the mains sewer, which is the preferred option and therefore deemed acceptable.

Sustainable Construction and Energy Efficiency

8.49 TDLP Policy SPL3 states that all new development should incorporate climate change adaptation measures and technology from the outset including reduction of emissions, renewable and low carbon energy production, passive design, and though green infrastructure techniques, where appropriate. Under TDLP2 Policy PPL10, there is a requirement for all development proposals to demonstrate how renewable energy solutions, appropriate to the building(s) site, and location have been included in the scheme and for new buildings.

8.50 The application is accompanied by;

- EV Charging Specification
- Superfast Broadband Details
- Watt a save report
- Energy Statement

8.51 The statement confirms that the new dwelling will be energy efficient with user friendly technologies and low running costs by incorporating; high levels of insulation, measures to minimise thermal bridging, natural ventilation, sufficient glazing to take advantage of passive solar gains, LED Lighting throughout, use of an external drying space, heating and hot water via an Air Source Heat Pump, locally sources materials where possible, an electric vehicle charging point, and water consumption in compliance with Part G of the current Building Regulations, meeting the requirement of 110 litres per person per day

8.52 Solar panels will not be provided but the development allows for retrofitting of approximately 3.0kW of solar photovoltaic capacity.

8.53 Overall, the development will deliver energy efficiency measures and construction techniques proportionate to its scale and accords with the above policies. The implementation of these measures will be secured by condition.

Ecology and Biodiversity

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.

8.54 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. The following features underscore how the proposal positively impacts biodiversity, offsetting requirements necessary for the development to take place.

It is proposed to install a Vivara Pro Seville 32mm Woodstone Nest Box (or similar) located to the rear of the garden. In addition, a Vivara Houston Feeding House (or similar) on timber posts will be installed toward the rear and west of the site. Furthermore, a National Trust Hexagon Insect House (or similar) will be installed at ground level towards the rear of the garage, offering shelter to a variety of insects. Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

8.55 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. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals excluding self builds. This development as a self-build is therefore not applicable for Biodiversity Net Gain.

8.56 Protected Designated Habitats

The site falls within the recreational Zone of Influence (ZOI) of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

A Habitat Regulations Assessment has been completed for the proposal. The new development would be likely to increase the number of recreational visitors to the designated area and, in combination with other developments, it is likely that the proposal would have significant effects on the designated site. A condition is imposed securing mitigation/a S106 Legal Agreement/Unilateral Undertaking to secure the necessary financial contributions for RAMS to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

8.57 Protected Species

In accordance with Natural England's standing advice the application 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 by virtue of the current use of the land as a well-maintained garden.

8.58 Ecology Conclusion

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

9. Conclusion

9.1 Although the site lies outside of the defined settlement development boundary, the Council's housing policies are now out of date and the tilted balance applies. Although the proposal would not meet the self build criteria under TDLP Policy LP7 it would be acceptable in terms of the three strands of sustainability given its proximity and accessibility to local services and public transport links, and environmental benefits in terms of energy efficiency and biodiversity enhancements. The proposal is not likely to result in any adverse impacts to significantly and demonstrably outweigh the benefits,

when assessed against the policies in the NPPF taken as a whole. The tilted balance is therefore engaged and the principle of development is accepted.

9.2 The development represents an appropriately scaled and sensitively designed bungalow within an established residential area, reflecting the character and appearance of surrounding built form. It would not result in material harm to the amenities of neighbouring occupiers, nor would it create any unacceptable impacts on the local highway network. The proposal achieves suitable provision for access, parking, drainage and internal living standards, and incorporates a broad range of energy-efficiency measures.

9.3 The proposal would deliver modest but meaningful economic, social and environmental benefits, including contributing to housing supply at a time when the Council cannot demonstrate a five-year housing land supply. Overall, the development is considered to comply with the policies of the NPPF and is recommended for approval, subject to conditions.

10. Recommendation

Approval (no S106 requirements)

Recommendation: Approval

That the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 10.1, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,

The informative notes as may be deemed necessary.

10.1 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.

   Site Plan - Received 24.11.2025

Drawing No. BDA-01 Revision A - Block Plan, Proposed Floor Plan and Elevations - Received 22.10.2025
Construction Method Statement - Received 15.10.2025
Energy Statement - Received 15.10.2025
EV Charging Specification - Received 15.10.2025
Superfast Broadband Details - Received 15.10.2025
WATT A Save Report - Received 15.10.2025
Amended Design and Access Statement - Received 09.01.2026

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.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3. SPECIFIC RESTRICTION ON DEVELOPMENT: SELF-BUILD AND CUSTOM-BUILD

CONDITION: The dwelling approved by this permission shall be occupied only by persons who have built or commissioned the building of the dwelling for their own occupation and use as a self-build project in accordance with the Self-build and Custom Housebuilding Act 2015 for a minimum of 24 hours from first occupation by said persons.

Furthermore, the following scheduled actions shall be undertaken.

- Prior to commencement of the development, details of the (a)individuals, (b)associations of individuals, or (c)persons working with or for individuals or associations of individuals, both building the development and who are to occupy the dwelling/s if different shall be confirmed in writing to the local planning authority. Should there be any changes to these details during construction, these shall be updated in writing to the local planning authority.

- On first occupation details of the first occupier of the dwelling/s shall be confirmed in writing to the local planning authority and subsequently the Local Planning Authority shall be informed of if and when that occupier changes within the first year of occupation.

REASON: The dwelling/s approved by this permission shall be occupied only by persons who have built or commissioned the building of the dwelling/s for their own occupation and use as a self-build project in accordance with the Self-build and Custom Housebuilding Act 2015 (as amended) and to accord with provisions of the Local Plan and NPPF.

4. COMPLIANCE REQUIRED: CONSTRUCTION METHOD STATEMENT

   CONDITION: The Construction Method Statement received 15 October 2025 shall be adhered to throughout the construction period of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

   REASON: In the interests of residential amenity and highway safety.

5. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS NEW OPENINGS

   CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no new openings shall be inserted in the front or rear roof slopes of the hereby approved dwelling except pursuant to the grant of planning permission on an application made in that regard.

   REASON: In the interests of the amenities of the occupants of neighbouring property.

6. MITIGATION TO BE AGREED: RAMS

   CONDITION: Prior to any works above slab level, detailed proposals addressing the mitigation of the development's impact on protected Essex Habitats Sites shall have been submitted to and received written approval from the Local Planning Authority. Such proposals must provide and secure mitigation in accordance with the joint Habitats Regulations Assessment Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) or demonstrate mitigation measures of an equivalent effectiveness to the satisfaction of the Local Planning Authority. For any on site mitigation proposals approved, it shall be carried out in full prior to first occupation, and thereafter shall be maintained as approved.

   REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations. Failure to achieve satisfactory mitigation would result in harm by new residents due to the development's impact on protected sites meaning the development must mitigate the burden of development regardless of scale of impact.

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

   Typically, a contribution towards visitor management measures at the protected Habitats Site(s) may be the preferred and simplest approach to fulfil the requirements of this condition. To fulfil this requirement, you can contribute funds towards a range of mitigation projects in the protected areas. It is essential to secure this provision through a legal agreement between the District Council, Developer/Applicant, and site owners prior to commencement of development. You are strongly advised to finalise the legal agreement with the District Council before submitting any request to discharge this condition. Failure to conclude the agreement within the discharge of condition application timeframe may lead to the refusal to discharge the condition.

7. CONDITION; Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that

width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

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

8. CONDITION; No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

   REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

9. DETAILS OF BOUNDARY TREATMENTS

   CONDITION: Prior to occupation of the dwelling precise details of the provision, siting, design and materials of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments as may be approved shall be erected prior to the dwelling to which they relate being first occupied and thereafter be retained in the approved form.

   REASON: in the interests of residential amenity.

10. BIODIVERSITY ENHANCEMENTS

    CONDITION: Prior to occupation of the dwelling, the biodiversity enhancements as detailed within the Amended Design and Access Statement (Received 09.01.2026) shall be fully installed / provided on site. The enhancements shall thereafter be retained in the approved form and maintained for the lifetime of the development.

    REASON: to ensure the development delivers measurable biodiversity enhancements in accordance with biodiversity objectives.

    11. COMPLIANCE REQUIRED: MINIMISATION OF GROUND COMPACTION

    CONDITION: Prior to commencement of any above ground works details shall have been submitted to and approved in writing by the Local Planning Authority to show any hard surfacing beneath the canopy and/or within the root protection area of the Oak tree on the boundary of 117A Dumont Avenue shall be designed to minimise ground compaction in accordance with the recommendations set out in the Arboricultural Associations Guidance Note 12 – The Use of Cellular Confinement Systems Near Trees or any alternative as may be first agreed in writing by the Local Planning Authority. (Such areas may require the use of geo-textile membranes coupled with no excavation and minimal alterations in ground level). Development shall be carried out in accordance with the approved details.

    REASON: To minimise disturbance to and help to ensure the satisfactory retention of the tree in the interests of visual amenity and biodiversity.

10.2 Informatives

Positive and Proactive Statement

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

Highways Informatives;

i. Any works relating to the relocation of the telegraph pole to be entirely at the developers expense.

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

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

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/.

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COMMITTEE REPORT AUTHORISATION CHECK SHEET

25/00613/OUT

Burnt Ash Farm Colchester Road Wix

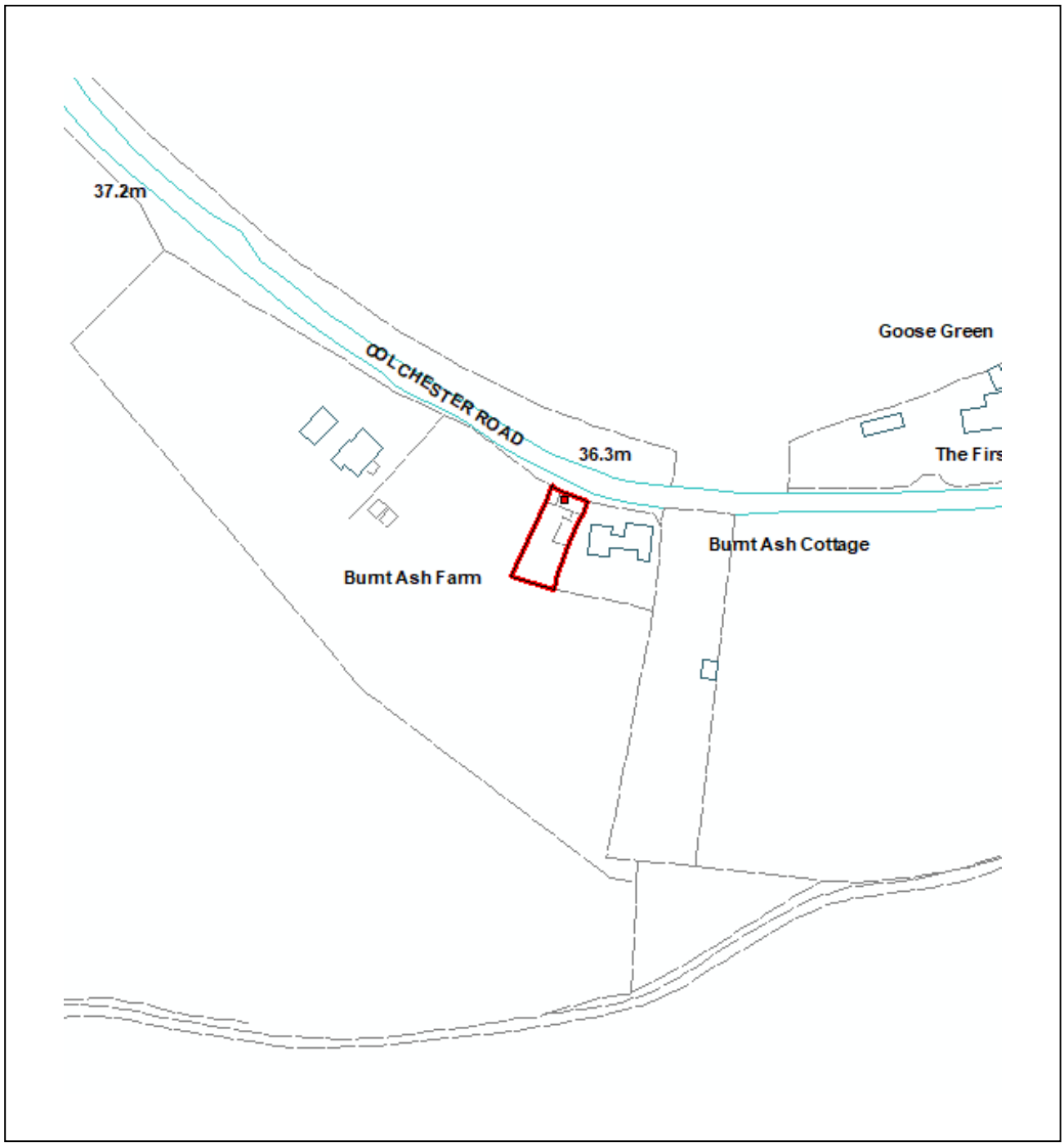
AUTHORISATION	Initials	Date
File completed and recommendation drafted by:	CC	28.01.2026
Pre-commencement condition agreement:	YES	02/02/26
Senior Officer clearance:	JPG	3/2/26
All corrections completed:		
DC Admin Support – Uniform updated:	JJ	05/02/26

PLANNING COMMITTEE

19 February 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.3 PLANNING APPLICATION – 25/00613/OUT – BURNT ASH FARM COLCHESTER ROAD WIX MANNINGTREE, CO11 2PD



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Application:	25/00613/OUT	**Expiry Date:**	24th June 2025
Case Officer:	Charlotte Cooper		
Town/ Parish:	Wix Parish Council		
Applicant:	Mr Nicholas Watkinson		
Address:	Burnt Ash Farm Colchester Road Wix Manningtree CO11 2PD		
Development:	Outline Planning Application (all matters reserved) - Conversion of existing barns into a residential dwelling.		
Referral Reason:	Departure from Local Plan		
Recommendation:	Outline approval subject to conditions		

1. Executive Summary

1.1 Outline planning permission with all matters reserved is sought for the conversion of two existing barns into a single residential dwelling. The site lies outside of any settlement development boundary but is considered acceptable subject to conditions.

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.

2.2 In relation to housing supply:

2.3 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. Section 1 of the Local Plan, which establishes the District's annual housing requirement, reached five years old on 26 January 2026.

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 December 2025.

2.5 From 26th January 2026, the Council is required to calculate its five-year land supply position

against the local housing need determined using the Standard Method set out in Planning Practice Guidance. The housing requirement for Tendring is 1,063 homes a year. The most recent SHLAA demonstrates a 3.22-year supply of deliverable housing sites. The SHLAA can be viewed on the Council's website: https://www.tendringdc.gov.uk/content/monitoring-and-shlaa

2.6 As a result, the 'titled balance' at paragraph 11 d) of the NPPF may apply to decisions relating to new housing development and needs to be assessed on an individual basis in respect of the proposal.

2.7 Neighbourhood Plans

2.8 There is no draft or adopted Neighbourhood Plan for this area.

3. Planning Policy

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

National:
National Planning Policy Framework 2024 (NPPF)
National Planning Practice Guidance (NPPG)

Local:
Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)
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
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
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)
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

4. Planning History (all relating to the dwelling at Burnt Ash Farm)

93/00193/FUL	Removal of agricultural occupancy	Approved	24.08.1993

	condition imposed upon planning permission TEN/108/54		
95/00267/FUL	Double garage and change of use from agricultural land to part of domestic garden	Approved	03.05.1995
00/00165/FUL	Two storey and single storey extensions to form living room, kitchen/diner, utility room and bedrooms	Approved	29.03.2000
09/00116/FUL	Erection of detached double garage and extension to hardstanding.	Approved	08.04.2009

Consultations

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

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

Essex County Council Ecology **23.12.2025**

We have reviewed the Preliminary Ecological Appraisal (PEA) and Habitat Regulation Assessment Record. We are satisfied that there is sufficient ecological information available to support determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the PEA should be secured by condition to conserve and enhance protected and Priority species particularly those recorded in the locality.

We note from the PEA that it is likely bats use the site for foraging and commuting. Therefore, we recommend a Wildlife Sensitive Design Scheme is secured as a condition.

No reasonable biodiversity enhancements for protected, Priority and threatened species, have been proposed to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). Reasonable biodiversity enhancement measures are required and a separate matter to mandatory biodiversity net gains and the finalised details should be outlined within a separate Biodiversity Enhancement Layout to be secured as a condition. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

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

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions
1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL

RECOMMENDATIONS
All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Open Spaces, October 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT
A Biodiversity Enhancement Layout for biodiversity enhancements shall be submitted to and approved in writing by the local planning authority.
The content of the Biodiversity Enhancement Layout shall include the following:
a) detailed designs or product descriptions for biodiversity enhancements; and
b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.
The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.
Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended)

3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME
Prior to occupation, a "lighting design strategy for biodiversity in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

ECC Highways Dept **15.05.2025**

The proposal site would be accessed from a new private access with Colchester Road that is classed as a Secondary Distributor within the County's Route Hierarchy and subject to a 60MPH speed limit, with its current use as a residential garden and storage. It is noted the planning application is all matters reserved:

From a highways and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

1. No occupation of the development shall take place until the following have been provided or

completed:
a) The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3.6 metres (or 5.5-metre for a shared vehicle access) and shall be retained at that width for 6 metres within the site and shall be provided with an appropriate vehicular crossing.
b) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the edge of carriageway.
c) Prior to the commencement of any alterations to the drop kerb the applicant/agent must comply with County Councils Vehicle Crossing criteria and a formal application must be made to Essex Highways
d) A minimum size 5 vehicular turning facility (8m x 8m), shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose, so vehicles can enter and leave the highway in forward gear.
Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

Informative:
i) Any reserved matters planning application should include details of a site access to the required highway design standards, in this case the Design Manual for Roads and Bridges, and that the access would be deliverable within land under the control of the applicant and/or extent of highway.

With this in mind, any future supporting information should include:

1. A scale drawing showing the full extent of the visibility splays proposed, as measured from and along the nearside edge of the carriageway in both directions. The splays should be based on the posted speed limit or the 85th percentile vehicle speed ascertained from a speed survey (automated traffic count). Extent of highway should be coloured (see item 3 below)
2. The results of an ATC speed survey if one is conducted to establish the required visibility, undertaken in accordance with CA 185 Vehicle Speed Measurement (Design Manual for Roads and Bridges)
3. The results of a formal extent of highway search (including the covering letter and/or email)

*Where there is a roadside ditch or pond, that ditch or pond (even if it has been piped or infilled) would not in the majority of circumstances form part of the highway. Often, roadside ditches, which are apparent on the ground are not indicated on the Ordnance Survey Mapping. The same applies to historic ditches. Therefore, any ditches (including historical) and ponds should also be marked on the drawing.

ii) The development should be in accordance with 2024 Essex Parking Guidance | Essex Design Guide
iii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details must be agreed before the commencement of works.
The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
iv) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Environmental Protection **28.05.2025**

No comments to make during this current planning phase.

Tree and Landscape Officer **02.02.2026**

The conversion of the existing buildings does not necessitate the removal of any trees or other significant vegetation.
The proposed improvements to the vehicular access to the site and the creation of a new gravel driveway has the potential to cause harm to the established tree adjacent to the western elevation of the building named on the Site Layout Plan as the Former Stable Barn.
However, if the driveway were to be constructed using a minimal dig and cellular confinement system in conjunction with a semi permeable membrane to protect the underlying soil then the construction of the driveway will not cause harm to tree roots and will not compromise the retention of the tree.
This method of construction could be secured as a reserved matter or by way of a condition associated with any future planning application.
Further back into the site the construction of the driveway may necessitate the removal of a few small trees. These are not clearly visible from the highway, and their removal will not have an adverse impact on the character or appearance of the locality.

5. Representations

5.1 Parish / Town Council

Wix Parish Council No comments received

5.2 Neighbour / Local Representations

One letter of objection has been received raising concerns that bat species regularly use trees and outbuildings within their land adjacent to the site. They state development could disturb or damage bat habitats and request that further ecological investigations and guarantees of protection for resident bats are undertaken before any planning permission is granted.

Officer response – The Preliminary Ecological Appraisal (PEA) confirms the barns provide negligible potential for roosting bats. Essex County Council Ecology note from the PEA that it is likely bats use the site for foraging and commuting and therefore have recommended a Wildlife Sensitive Lighting Design Scheme is secured by condition.

6. Assessment

Proposal

6.1 This application seeks outline planning permission, with all matters (access, appearance, landscaping, layout and scale) reserved, for the conversion of two existing barns into one residential dwelling. Barn 1 is a single storey timber barn with a pitched slate roof and backs onto Colchester Road. Barn 2 is a single storey open fronted timber structure with a mono pitch metal corrugated sheet roof and backs onto the side boundary.

6.2 Although all detailed matters are reserved the application contains drawings showing the access, appearance, layout and scale of the proposal. These are purely illustrative at this stage indicating how the proposed development could be progressed and include an entrance lobby linking the two existing barns and a front extension to the lean-to barn.

Site Context and Principle of Development

6.3 The application site currently forms part of the large residential curtilage associated with Burnt Ash Farm which lies to the west. To the immediate east is an unrelated dwelling, Burnt Ash Cottage. The application site has an existing vehicular access onto Colchester Road, and lies outside of any settlement development boundary (SDB) as defined by the adopted Tendring District Local Plan.

6.4 TDLP Policy SP3 sets out the spatial strategy for North Essex whereby existing settlements will be the principal focus for additional growth within the plan period. It states that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role and beyond the main settlements the diversification of the rural economy and conservation and enhancement of the natural environment will be supported. TDLP Policies SPL1 and SPL2 provide for this by establishing the Tendring settlement hierarchy and address development outside of SDBs.

6.5 The application site lies outside of any defined SDB within the adopted Local Plan. The site is approximately 2060 metres outside the defined settlement development boundary of Wix, a smaller rural settlement. The proposed dwelling would therefore represent a departure from the local plan, however the housing policies post 26/01/2026 are now out of date.

6.6 Paragraph 11 of the National Planning Policy Framework (NPPF) confirms decisions should apply a presumption in favour of sustainable development. Where the most important development plan policies for the proposal are out of date, as in this case, permission should be granted unless: Paragraph 11 d) i. the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; (not relevant in this case) or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

6.7 Paragraph 8 of the NPPF confirms: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) an economic objective, b) a social objective, and c) an environmental objective. The proposal is assessed below against these objectives (with further detail elsewhere within this report):

Economic objective

6.8 No notable economic disbenefits would arise from the proposal. Economic benefits would comprise employment through the construction process and the spending of the new residents in the local economy. The economic objective is therefore met.

Social objective

6.9 The site is isolated from any services in the nearest settlement around 2060 metres away, with no footpath connection and occupants would therefore be reliant on private transport. The provision of an additional dwelling at a time when the Council cannot meet its housing targets would represent a modest social benefit. The detailed proposal should be well designed to create an attractive and safe place to live as indicated within the application. The isolated location of the site fails the social objective of sustainability.

Environmental objective

6.10 Environmental benefits of the proposal include the minimum 10% Biodiversity Net Gain requirement, the biodiversity enhancements to be secured by condition, and the conversion of two existing buildings making efficient use of existing resources. The RAMS contribution would be secured to mitigate the impacts of the new residents on nearby habitats sites. The environmental objective is therefore met.

6.11 Paragraph 84 of the NPPF states that planning policies and decisions should avoid the development

of isolated homes in the countryside unless specific circumstances apply. In this case, the proposal falls within the exception relating to the reuse of redundant or disused buildings and the reuse of the buildings would result in an enhancement to its immediate setting through its continued use and maintenance.

6.12 Paragraph 161 of the NPPF states that the planning system should support the transition to net zero by 2050, take full account of climate impacts, and encourage the reuse of existing resources, including the conversion of existing buildings. The proposal accords with these objectives as it involves the reuse of existing barns rather than the construction of a new dwelling, thereby making efficient use of existing resources and limiting the need for additional materials and associated greenhouse gas emissions.

6.13 To conclude on the principle of development, although the proposal would be acceptable in terms of the economic and environmental objectives of sustainability the social objective has not been met. In this case, the conversion of two existing rural buildings utilising an existing vehicular access to provide a single dwelling is not likely to result in any adverse impacts to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The tilted balance is therefore engaged and the principle of development is accepted.

Scale, Layout & Appearance

6.14 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.

6.15 TDLP 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. TDLP Policy PPL 3 seeks to protect the rural landscape and resist development that would cause overriding harm to its character or appearance, including impacts on traditional buildings and settlement patterns, landscape features, and valued views.

6.16 This application is in outline form with all matters reserved. Notwithstanding this, detailed drawings have been provided for illustrative purposes, including existing and proposed floor plans, elevations, roof plans and block plans.

6.17 Colchester Road is comprised from dwellings of differing scales and design. The proposed site plan shows the plot would not be overly cramped and is a sufficient size to comfortably accommodate one dwelling and provide adequate parking and amenity areas.

6.18 Colchester Road is characterised predominantly by larger two-storey dwellings set within generous plots, although a notable feature of the area is the presence of various single-storey outbuildings and ancillary structures associated with these properties. The proposal seeks the conversion of existing barns of single-storey form served by an existing vehicular access. The proposal is considered to assimilate comfortably with neighbouring built development. The siting of the building between Burnt Ash Farm and Burnt Ash Cottage ensures that it will read as part of an existing cluster of development and will not appear isolated or unduly prominent within the wider landscape. Furthermore, the proposal involves conversion of two existing barns which would respect the rural character of the site and surrounding development. As such, the development is not considered likely to result in

significant harm to the rural character of the area.

Trees and Landscaping

6.19 Although the conversion of the existing buildings does not necessitate the removal of any trees or other significant vegetation the site does benefit from significant soft landscaping which contributes to the rural character of the area. The proposed improvements to the existing vehicular access and the creation of a new driveway have the potential to cause harm to the established tree adjacent to the western elevation of Barn 1 at the front of the site.

6.20 Provided the driveway is constructed using a minimal dig and cellular confinement system in conjunction with a semi permeable membrane to protect the underlying soil then the construction of the driveway will not cause harm to the roots or compromise the retention of the tree. This can be secured by condition.

6.21 Deeper within the site the trees likely to be affected by the proposed parking and turning area are small and not clearly visible from the highway. They could be replaced within a detailed soft landscaping scheme at reserved matters stage.

Highway Safety/Parking

6.22 Paragraph 115 of the NPPF requires Councils, when making decisions to ensure safe and suitable access to the site can be achieved for all users. Paragraph 116 goes on to say, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

6.23 TDLP Policy CP1 states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion. TDLP2 Policy SPL3 Part B of the Local Plan seeks to ensure that access to a new development site is practicable, and the highway network will be able to safely accommodate the additional traffic the proposal will generate

6.24 Although access is a reserved matter submitted drawings show the vehicular access, associated visibility splays and parking. The vehicular access onto Colchester Road is existing and separate to that of the existing and neighbouring dwellings.

6.25 Colchester Road is a Secondary Distributor road subject to a 60mph speed limit. The Highway Authority state that the development is acceptable in terms of highway safety, subject to certain requirements which will need to be adhered to during the reserved matters phase of this application.

6.26 The plans submitted indicate that the site can accommodate parking and turning for two vehicles. This would be compliant with the Essex Parking Standards which require two-bedroom properties, in an area of low connectivity, to have a minimum of two residential parking spaces.

6.27 Notwithstanding the above, the proposal is in outline form with all matters reserved. Therefore the conditions suggested by the Highway Authority are considered to be unnecessary at this stage but their guidance will be included as informatives to inform the reserved matters application for access and layout.

Impact on Residential Amenity

6.28 Paragraph 135 of the NPPF 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, TDLP Policy SP7 states that all development should protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. These sentiments are

carried forward in TDLP Policy SPL3.

6.29 The existing buildings are situated along the shared boundary with Burnt Ash Cottage, which lies to the east of the site. The proposal involves the conversion of the existing structures, with small scale extensions indicated within the illustrative plans. As such, the spatial relationship between the building and the neighbouring dwelling would remain largely unchanged. Any impacts in respect of outlook or loss of light would be assessed at reserved matters stage but it is considered a proposal could be produced which would preserve neighbouring amenity.

6.30 In terms of privacy, the indicative plans show no windows or rooflights within the east-facing elevation of the building, with the exception of a single access door serving a small external courtyard area. This door would be at ground-floor level and would not give rise to any significant overlooking or loss of privacy. The courtyard itself would be positioned adjacent to the neighbouring parking area and garage, and would be fully enclosed by the existing boundary fencing. Having regard to its limited size, siting and enclosed nature, the use of a courtyard is not considered likely to result in any material harm to neighbouring residential amenity.

6.31 While it is acknowledged that the change of use to an independent residential dwelling would result in an increase in comings and goings when compared to the current ancillary use, the proposed use remains residential in nature. Any associated noise or activity would therefore be consistent with that typically associated with a dwellinghouse of this scale and is not considered to be of a level that would cause undue disturbance to the neighbouring occupiers. Overall, the proposal is not considered likely to result in unacceptable harm to residential amenity subject to detailed consideration at reserved matters stage.

6.32 The proposal is not located within close proximity to any other neighbouring dwellings and is sufficiently isolated from the host dwelling at Burnt Ash Farm to prevent any significant impact on their light, outlook or privacy. They also retain a very large garden.

6.33 The technical housing standards, nationally described space standard, deals with the internal space within new dwellings. It sets out the requirements for the gross internal floor area of new dwellings at a defined level of occupancy. For a two-bedroom, one-storey dwelling with bed spaces for four people (as indicated), the standards state that a minimum gross internal floor area of 70 square metres is required. In this instance the barn conversion indicates a gross internal floor area of approximately 94 square metres. This is in excess of the required standards and therefore would provide an acceptable standard of accommodation for future occupiers. The plans also indicate a small private garden area to the rear sufficient to meet the needs of the dwelling.

Drainage

6.34 Paragraph 187(e) of the NPPF states that planning policies and decisions should contribute to an enhance the natural and local environments by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, paragraph 198 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location considering the likely effects of pollution on the natural environment.

6.35 Adopted policy PPL5 of Section 2 of the adopted Local Plan states that all new development must make adequate provision for drainage and foul sewerage. Connection to the mains is the preferred option having regards to the drainage hierarchy and building regulations requirements. A reserved matters application will need to confirm how foul sewage disposal will be dealt with in compliance with the above.

Bin Storage and Waste Collection

6.36 TDLP Policy SPL3 states that all new development must meet practical requirements including provision for adequate waste storage and recycling facilities. This matter would be addressed at

reserved matters stage but the proposed block plan does indicate such provision.

Sustainable Construction and Energy Efficiency

6.37 TDLP Policy SPL3 states that all new development should incorporate climate change adaptation measures and technology from the outset including reduction of emissions, renewable and low carbon energy production, passive design, and through green infrastructure techniques, where appropriate. Under TDLP Policy PPL10, there is a requirement for all development proposals to demonstrate how renewable energy solutions, appropriate to the building/site, and location have been included in the scheme and for new buildings.

6.38 The use of electric vehicle charging points, green/brown roofs, PV panels, water-butts, recycling facilities (during construction and to serve the development), air-source heat pumps and / or SuDS to aid the sustainability of the development should be an integral part of the design. A condition has been recommended to secure full details.

Habitats, Protected Species and Biodiversity Enhancement

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.

6.39 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.

A Preliminary Ecological Appraisal (PEA) has been submitted and reviewed by ECC Ecology. The PEA confirms the existing barns provide negligible potential for roosting bats but it is likely bats use the site for foraging and commuting. The individual tree habitat and open barn provide moderate potential for breeding birds. No protected species or evidence of protected species were found on site at the time of the survey. Recommendations include bat friendly lighting, precautionary works and timing to avoid the bird nesting season. No reasonable biodiversity enhancements are proposed in the PEA so these are secured by condition.

ECC Ecology recommend conditions for works in accordance with the PEA recommendations, Wildlife Sensitive Lighting, and Biodiversity Enhancement Layout. These conditions are included to conserve and enhance protected and Priority species and to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the NPPF. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

6.40 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. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals (excluding Listed Building Consent,

Advert Consent, Reserved Matters, Prior Approvals, Lawful Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow).

The statutory framework for BNG applies. This involves the imposition (automatically applied as a deemed condition) of a planning condition on approvals to ensure the objective of at least 10% net gain over 30 years. The determination of the Biodiversity Gain Plan (BGP) under this planning condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Development may not be begun until the BGP, via planning condition discharge, is approved.

Given this position, the government strictly provides it would generally be inappropriate for decision makers to refuse an application on the grounds that the biodiversity gain objective will not be met. It is considered logical to confirm this closer to commencement of development, given the potential number of options available. This further supports the position that the biodiversity gain objective can always be met in some form.

6.41 Protected Designated Habitats

The site falls within the recreational Zone of Influence (ZOI) of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

A Habitat Regulations Assessment has been completed for the proposal. The new development would be likely to increase the number of recreational visitors to the designated area and, in combination with other developments, it is likely that the proposal would have significant effects on the designated site. A condition is included to secure mitigation/ a S106 Legal Agreement/Unilateral Undertaking to secure the necessary financial contributions for RAMS to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

6.42 Protected Species

In accordance with Natural England’s standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species as discussed above and subject to the recommended conditions.

In compliance with relevant wildlife legislation and planning policies, the development will adhere to best practices to protect and enhance the habitat for these protected species. Additionally, BNG is secured for 30 years.

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

7. Conclusion

7.1 The proposal involves the reuse of existing rural buildings within an established residential curtilage and, having regard to national and local planning policy, is considered to represent a sustainable

form of development that would not result in unacceptable harm to the character of the countryside, highway safety, residential amenity, or ecological interests. Matters relating to protected species, biodiversity enhancement, trees, drainage, parking, and detailed design can be appropriately addressed through planning conditions or at the reserved matters stage.

7.2 Overall, the development is considered to comply with the relevant provisions of the National Planning Policy Framework and the Tendring District Local Plan 2013–2033 and Beyond, subject to conditions which include securing the necessary Recreational disturbance Avoidance and Mitigation Strategy (RAMS) contribution. Accordingly, the application is recommended for approval.

8. Recommendation

8.1 Approval (no S106 requirements)

Recommendation: Approval

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

The informative notes as may be deemed necessary.

8.2 Conditions and Reasons

1 COMPLIANCE REQUIRED: TIME LIMIT FOR RESERVED MATTERS APPLICATION

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

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

NOTE/S FOR CONDITION:
The reserved matters need to be received by the Local Planning Authority within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If there is no phasing plan, this condition is considered to apply to the whole site as a single phase. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings.

You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVAL OF RESERVED MATTERS

CONDITION: No development in any phase shall commence until approval of the details of:-
- the Appearance of the building(s) and place,
- Scale of the building(s),

- Layout of the building(s) and site,
- Landscaping
- The means of Access
(hereinafter called "the reserved matters") for that particular phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and agreed order of phasing.

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

NOTE/S FOR CONDITION:

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

The reserved matters that may be listed above are further defined under government guidance as follows:-
ACCESS: The accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network
APPEARANCE: The aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
LANDSCAPING: The treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features
LAYOUT: The way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
SCALE: The height, width and length of each building proposed within the development in relation to its surroundings.

3 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard.

Drawing No. 2401-001 P3 - Site Plan - Received 29.04.2025
Preliminary Ecological Appraisal - Received 12.11.2025

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

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

4 SUSTAINABLE EFFICIENCY MEASURES

CONDITION: Prior to occupation of the dwelling, details for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include as a minimum:-

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

The scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through reduce need, better use or savings in the use of water, energy and resources; reduce harm to the environment; and result in wider public benefit in accordance with the NPPF.

NOTE/S FOR CONDITION:

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

5 MITIGATION TO BE AGREED: RAMS

CONDITION: Prior to any works above slab level, detailed proposals addressing the mitigation of the development's impact on protected Essex Habitats Sites shall have been submitted to and received written approval from the Local Planning Authority. Such proposals must provide and secure mitigation in accordance with the joint Habitats Regulations Assessment Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) or demonstrate mitigation measures of an equivalent effectiveness to the satisfaction of the Local Planning Authority. For any on site mitigation proposals approved, it shall be carried out in full prior to first occupation, and thereafter shall be maintained as approved.

REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations. Failure to achieve satisfactory mitigation would result in harm by new residents due to the development's impact on protected sites meaning the development must mitigate the burden of development regardless of scale of impact.

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

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

6 FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN

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

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

NOTE - CONTEXT AND APPLICATION:

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

This condition is deemed to apply to all planning permissions granted for land development in England, unless specific exemptions or transitional provisions are applicable (for further details,

please refer to the provided web link https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments or contact us directly.

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

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

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

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

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

In summary, the Biodiversity Net Gain (BNG) plan must achieve a minimum biodiversity net gain of 10% and should typically include the following:
- Steps taken or to be taken to minimize adverse effects of the development on the biodiversity of the onsite habitat and any other habitat.
- Pre-development and post-development biodiversity assessments of the onsite habitat.
- Allocation of any registered offsite biodiversity gain to the development and its biodiversity value in relation to the development.
- Details of any biodiversity credits purchased for the development.
- Plans for maintaining and securing the net gain on and/or off site for at least 30 years after completion of the development.

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

Ways to achieve 10% BNG may include:

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

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

CONDITIONS AND LEGAL AGREEMENT:

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

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

7 COMPLIANCE: HABITAT MANAGEMENT AND MONITORING PLAN FOR BNG

CONDITION: Unless all biodiversity net gain for the development is achieved via the purchase of off site biodiversity units or statutory biodiversity credits, no development shall commence on the site until a 30 year Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan/s under condition 6, has been submitted to and approved in writing by the local planning authority for the site, and shall contain the following unless otherwise agreed in writing by the Local Planning Authority:

a description and evaluation of the planned habitat works for the creation and/or enhancement of the on site habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

the management measures to maintain the on site habitat creation and/or enhancement works for a period of a least 30 years from the completion (defined for this purpose as first use and/or occupation unless otherwise agreed in writing by the LPA) of the development including:

i) ecological trends and constraints on the site that may influence management;
ii) aims, objectives and targets for management e.g. links with local and national species and habitat action plans;
iii) a description of the management operations necessary to achieving the aims and objectives;
iv) prescriptions for management actions;
v) preparation of a works schedule, including annual works schedule;
vi) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets;

details of the monitoring methodology, to measure the effectiveness of the management of the on site habitat creation and/or enhancement works together with the timetable for each element of the monitoring programme including when scheme shall be first implemented with provision for monitoring reports to be provided to the local planning authority in writing on year 1, 2, 3, 5, 7, 10, 15, 20, 25 and 30, with biodiversity reconciliation calculations at each stage; and

details of the roles and responsibilities of the people or organisation(s) delivering the HMMP including implementation and monitoring;

Furthermore, there shall be a completion report submitted to the local planning authority in writing for its approval, evidencing the completed habitat enhancements and/or creation works as set out in the HMMP prior to first use and/or occupation of the development. unless agreed in writing by the LPA. The approved HMMP shall be strictly adhered to at all times and implemented in full for its duration with the completion of the habitat works for the creation and/or enhancement of the on site habitat no later than the first use/occupation of the development, and the management and monitoring of those habitat works as required and in accordance with the approved HMMP thereafter for the period of 30 years or more.

REASON: To enhance biodiversity in accordance with the National Planning Policy Framework and to achieve the Biodiversity Net Gain objectives set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended).

NOTE: If the approved BNG Plan is for off site units or statutory credits only, this condition does not require discharge. For all development that include a BNG plan for a combination of on site and off site/statutory credit, this condition is imposed and needs to be discharged as set out to secure the on site element. Additionally, should the on site BNG requirement be considered to be "significant" an associated legal agreement will be required to secure monitoring fees.

8 PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

CONDITION: Prior to any works above slab level a Biodiversity Enhancement Layout for biodiversity enhancements shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Layout shall include the following:
a) detailed designs or product descriptions for biodiversity enhancements; and
b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

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

9 PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

CONDITION: Prior to occupation, a lighting design strategy for biodiversity in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

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

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

a) Details of how construction and worker traffic and parking shall be managed.

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

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

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

11 COMPLIANCE REQUIRED: MINIMISATION OF GROUND COMPACTION

CONDITION: Concurrent with the reserved matters submission(s) for access, landscaping and layout any hard surfacing beneath the canopy and/or within the root protection area of the retained tree at the site entrance (indicated on drawing number 2401-002 revision P2) shall be designed to minimise ground compaction in accordance with the recommendations set out in the Arboricultural Associations Guidance Note 12 – The Use of Cellular Confinement Systems Near Trees or any alternative as may be first agreed in writing by the Local Planning Authority. (Such areas may require the use of geo-textile membranes coupled with no excavation and minimal alterations in ground level). Development shall be carried out in accordance with the approved details.

REASON: To minimise disturbance to and help to ensure the satisfactory retention of the tree in the interests of visual amenity and biodiversity.

8.3 Informatives

Positive and Proactive Statement

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

Highways Informatives

i) Any reserved matters application for access should include details of a site access to the required highway design standards, in this case the Design Manual for Roads and Bridges, and that the access would be deliverable within land under the control of the applicant and/or extent of highway. With this in mind, any future supporting information should include:

1. A scale drawing showing the full extent of the visibility splays proposed, as measured from and along the nearside edge of the carriageway in both directions. The splays should be based on the posted speed limit or the 85th percentile vehicle speed ascertained from a speed survey (automated traffic count). Extent of highway should be coloured (see item 3 below)

2. The results of an ATC speed survey if one is conducted to establish the required visibility,

undertaken in accordance with CA 185 Vehicle Speed Measurement (Design Manual for Roads and Bridges)

3. The results of a formal extent of highway search (including the covering letter and/or email) as sourced from https://www.essexhighways.org/transport-androads/highway-schemes-and developments/adoptions-and-land/highwaystatus-enquiries.aspx (any problems with online payment/filling in the form the applicant should email highway.status@essexhighways.org who process the requests)*

*Where there is a roadside ditch or pond, that ditch or pond (even if it has been piped or infilled) would not in the majority of circumstances form part of the highway.

Often, roadside ditches, which are apparent on the ground are not indicated on the Ordnance Survey Mapping. The same applies to historic ditches. Therefore, any ditches (including historical) and ponds should also be marked on the drawing.

ii) The development should be in accordance with 2024 Essex Parking Guidance | Essex Design Guide
iii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details must be agreed before the commencement of works.

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

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

9. Additional Considerations

Equality Impact Assessment

9.1 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.

9.2 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.

9.3 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

9.4 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.

9.5 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).

9.6 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

9.7 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.

9.8 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.

10. Declaration of Interest

10.1 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.

11. Background Papers

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

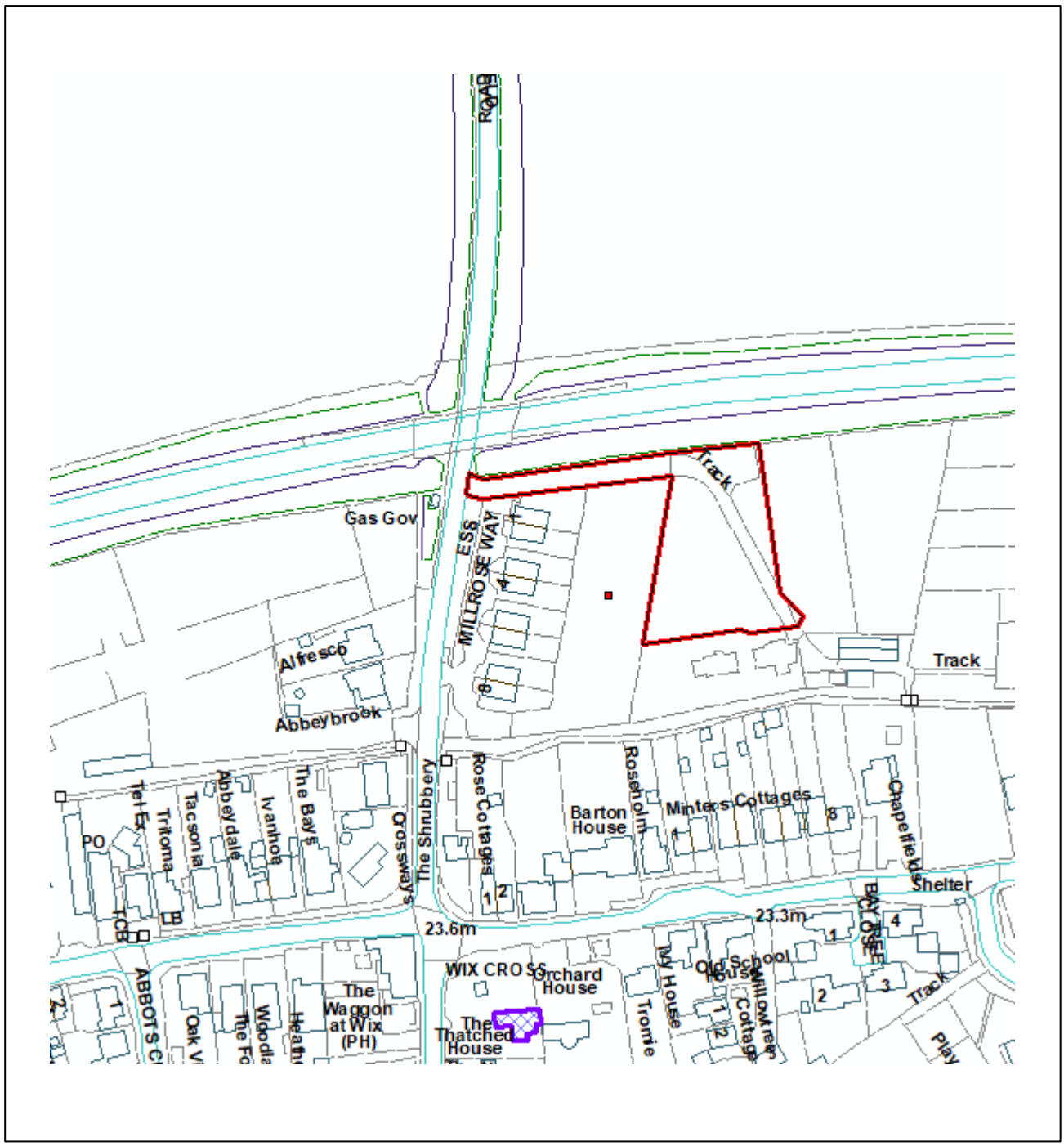
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PLANNING COMMITTEE

19 February 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.4 PLANNING APPLICATION – 25/01703/OUT – LAND OFF BRADFIELD ROAD WIX CO11 2PU



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Application:	25/01703/OUT	**Expiry Date:**	20th January 2026
Case Officer:	Naomi Middleton		
Town/ Parish:	Wix Parish Council		
Applicant:	Mr and Mrs Thornton		
Address:	Land off Bradfield Road Wix Essex		
Development:	Outline Planning Application (all matters reserved) - Erection of three self build dwellings.		
Referral Reason:	Departure from Local Plan		
Recommendation:	Outline approval subject to conditions		

1. Executive Summary

1.1 Outline planning permission with all matters reserved is sought for the erection of three self build dwellings. The site lies outside of any settlement development boundary but is considered acceptable subject to conditions.

2. Status of the Local Plan

Planning Policy Context

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.

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. Section 1 of the Local Plan, which establishes the District's annual housing requirement, reached five years old on 26 January 2026.

2.3 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 December 2025.

2.4 From 26th January 2026, the Council is required to calculate its five-year land supply position against the local housing need determined using the Standard Method set out in Planning Practice Guidance. The housing requirement for Tendring is 1,063 homes a year. The most recent SHLAA demonstrates a 3.22-year supply of deliverable housing sites. 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 NPPF may apply to decisions relating to new housing development and needs to be assessed on an individual basis in respect of the proposal.

Neighbourhood Plans

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

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

3. Planning Policy

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

National:
National Planning Policy Framework 2024 (NPPF)
National Planning Practice Guidance (NPPG)

Local:
Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)
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
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
LP7 Self-Build and Custom-Built Homes
LP8 Backland Development
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
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)
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

4. Relevant Planning History

02/01189/OUT	Four bedroom detached dwelling, from agricultural to residential.	Refused	16.08.2002
16/01664/OUT	Detached 3 bedroom house	Approved	17.02.2017
19/01048/OUT	Erection of 4no. single storey dwellings.	Approved	22.10.2019
19/01145/DETAIL	Erection of one detached dwelling (Submission of Reserved Matters Following grant of outline planning Permission under reference 16/01664/OUT)	Approved	10.01.2020
20/00345/FUL	Proposed erection of one detached dwelling	Approved	10.07.2020
20/00781/FUL	Proposed erection of 4 pairs of Semi detached dwellings, providing 8 houses	Approved	11.09.2020
21/00586/FUL	Erection of one detached dwelling – variation to approval 20/00345/FUL to include addition of utility room and amended site area.	Approved	27.05.2021
22/00659/FUL	Proposed erection of a bungalow and garage.	Refused (Allowed at Appeal)	19.08.2022

5. Consultations

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

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

ECC Highways Dept **22.12.2025**

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. It is noted the planning application is all matters reserved, and the proposal is similar to previous planning application: 20/00345/FUL that was granted planning consent. The proposal site would use an existing and established private access with Bradfield Road that is a classed as a

Secondary Distributor within the County's Route Hierarchy and subject to a 40MPH speed limit, considering these factors:

From a highways and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

1. No occupation of the development shall take place until the following have been provided or completed:
a) As indicated, a Size 3 vehicular turning facility, shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose.
b) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the edge of carriageway.
Reason: to ensure that vehicles can enter and leave the highway in a controlled manner and that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

2. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

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

Informative:
i) Any reserved matters planning application should include details of the site access to the required highway design standards, in this case the Design Manual for Roads and Bridges, and that the access would be deliverable within land under the control of the applicant and/or extent of highway.

With this in mind, any future supporting information should include:

a) A scale drawing showing the full extent of the visibility splays proposed, as measured from and along the nearside edge of the carriageway in both directions. The splays should be based on the signed speed limit or the 85th percentile vehicle speed ascertained from a speed survey (automated traffic count). Extent of highway should be coloured (see item b below)
b) The results of a formal extent of highway search (including the covering letter and/or email) as sourced from https://www.essexhighways.org/transport-and-roads/highway-schemes-and-developments/adoptions-and-land/highway-status-enquiries.aspx (any problems with online payment/filling in the form the applicant should email highway.status@essexhighways.org who process the requests)*
*Where there is a roadside ditch or pond, that ditch or pond (even if it has been piped or infilled) would not in the majority of circumstances form part of the highway. Often, roadside ditches, which are apparent on the ground are not indicated on the Ordnance Survey Mapping. The same applies to historic ditches. Therefore, any ditches (including historical) and ponds should also be marked on the drawing.

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

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

iii) 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.

(Note: These matters have not been conditioned as these would be required under a reserved matters application.)

Environmental Protection **11.12.2025**

No comments to make during this planning phase.

Tree & Landscape Officer **16.12.2025**

The application site is 'tucked away' on land adjacent to the A120 and behind existing development in Bradfield Road. The site cannot be seen from the public realm.

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

As the site does not feature in the public realm there is little benefit to be gained from new soft landscaping other than the general enhancement of the appearance of the site.

6. Representations

6.1 Parish / Town Council

Wix Parish Council No comments received.

6.2 Neighbour / Local Representations

No letters of representation have been received.

7. Assessment

Site Context

7.1 The application site relates to Land to the East of Bradfield Road, Wix. The site is part of an extensive holding to the rear of Chapelfields, Harwich Road, Wix and the land is used for mainly equestrian purposes with associated stable buildings.

7.2 Access to the land is from Bradfield Road, via an existing access which serves the equestrian use as well as two dwellings.

7.3 The application site access point at Bradfield Road is located approximately 12 metres outside of the Wix Settlement Development Boundary (SDB), as defined within the Tendring District Local Plan and the closest plot around 89 metres from the SDB.

Planning History

7.4 Planning application reference 22/00659/FUL (which is on the same application site with a different access) was refused for the erection of a bungalow and garage. The application was refused due to the site being located outside the settlement development boundary, an unacceptable form of backland development and lack of RAMS contribution. The application was subsequently allowed at appeal.

7.5 The Inspector notes that ‘the Settlement Hierarchy at LP2 Policy SPL1 identifies Wix as a Smaller

Rural Settlement. Smaller Rural Settlements are described as the least sustainable locations for growth in the district as development in these areas will generally be car dependent. However, Policy SPL1 recognises the role of sympathetic small-scale development in Smaller Rural Settlements in meeting the area's housing needs and sustaining local services and indicates particular attention be given to school travel'. 'Due to the site's accessibility to the village centre, future occupants would be able to access local services without reliance on a private car and would contribute to sustaining those services. Having regard to the local development strategy, the proposed development would therefore be in a suitable location'.

7.6 The Planning Inspectorate acknowledged that the application site represents a form of backland development and states that 'the proposed development would be located behind the row of semi-detached dwellings at Bradfield Road and therefore would not have a frontage to the highway. The appeal site is a 'backland' site insofar that it is behind the line of existing frontage development, has no frontage to the public highway, and would constitute piecemeal development since it does not form part of a large area allocated for development. However, the dwellings at the adjacent development site are also behind the row of frontage dwellings, set back from the public highway by a long access driveway and thus do not face the highway. Therefore, the proposed siting and layout of the development would not appear out of keeping with surrounding development. The site does not encroach into areas of countryside which surround the village and therefore development in this location would not set a precedent for further residential development'. The appeal was allowed.

7.7 Neighbouring plots have also had 12 dwellings in total approved under applications 16/01664/OUT, 19/01048/OUT, 20/00345/FUL, 20/00781/FUL, 21/00586/FUL and 22/00659/FUL.

Proposal

7.8 This application seeks outline planning permission, with all matters (access, appearance, landscaping, layout and scale) reserved for the erection of three self build dwellings.

Principle of Development

7.9 The development plan comprises the Tendring District Local Plan 2013-2033, Section 1 which was adopted on 26 January 2021 and Section 2 of the Tendring District Local Plan 2013-2033 and Beyond which was adopted on 25 January 2022.

7.10 TDLP1 Policy SP3 provides the spatial strategy for North Essex, including Tendring, whereby existing settlements will be the principal focus for additional growth within the plan period. It states that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role and beyond the main settlements the diversification of the rural economy and conservation and enhancement of the natural environment will be supported.

7.11 TDLP1 Policy SP3 relies on the TDLP2 to identify a hierarchy of Tendring settlements. New development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs. TDLP2 Policies SPL1 and SPL2 provide for this by establishing the Tendring settlement hierarchy and address development outside of settlement development boundaries.

7.12 Paragraph 110 of the National Planning Policy Framework states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, which can help to reduce congestion and emissions, and improve air quality and public health.

7.13 Policy SPL1 of the Tendring District Local Plan sets out the settlement hierarchy for the District. It states that Wix is categorised as a Smaller Rural Settlement. The dwelling situated to the north of the application site is located approximately 89 metres from the edge of the Wix Settlement Development Boundary (SDB), and the access to the site is positioned approximately 12 metres

from the edge of the SDB. The location is therefore contrary to the above plan-led approach. However, the proposal is for a self-build dwelling, and as such Policy LP7 is relevant.

7.14 TDLP Policy LP7 states that the Council will consider, on their merits, proposals for small developments of new Self-Build and Custom-Built homes on land outside of, but within a reasonable proximity to, settlement development boundaries, where they will still support a sustainable pattern of growth in the District and are brought forward by individuals who will occupy these homes. All new dwellings on such developments must either:

a) Be safely accessible on foot within 600 metres of the edge of the settlement development boundary of one of the Districts 'Strategic urban settlements', or 'smaller urban settlements'
b) Be safely accessible on foot within 400 metres of the edge of the settlement development boundary of one of the districts 'rural service centres'; or
c) Involve the redevelopment of vacant or redundant previously development land that can be shown, with evidence, to be unviable for employment use.

The proposal shall have no significant material adverse impact on the landscape, residential amenity, highway safety, or the form and character of nearby settlements and shall be otherwise appropriate in scale and design for their location, having regard to other policies in this local plan.

7.15 The location of the site does not meet the above criteria for self-build development under TDLP Policy LP7. However, the provision of self-build and custom housebuilding development is a material consideration which represents modest benefit in the planning balance.

7.16 As the site is located outside of any defined settlement development boundary and does not meet the self build policy criteria, it represents a departure from the Local Plan, however from 26.01.2026 the housing policies are now out of date.

7.17 Paragraph 11 of the National Planning Policy Framework (NPPF) confirms decisions should apply a presumption in favour of sustainable development. Where the most important development plan policies for the proposal are out of date, as in this case, permission should be granted unless: Paragraph 11 d) i. the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; (not relevant in this case) or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

7.18 Paragraph 8 of the NPPF confirms: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) an economic objective, b) a social objective, and c) an environmental objective. The proposal is assessed below against these objectives (with further detail elsewhere within this report):

<u>Economic Objective</u>

7.19 It is considered that the proposal for three dwellings would contribute economically to the area by providing employment through the construction phase. Also, from future occupiers using the facilities in the area. The proposal therefore meets the economic aims of sustainability.

<u>Social Objective</u>

7.20 The social aspects of new housing are embedded in the Framework, which states that "supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with

accessible local services that reflect the community's need and support its health, social and cultural wellbeing."

7.21 As noted by the Planning Inspectorate within the appeal decision, 'Bradfield Road is served by a pedestrian footway along one side and the appeal site is within walking distance of the village centre which includes a post office and shop, public house, village hall, children's play area and bus stops providing services to the city of Colchester and towns of Harwich and Manningtree'. Notably, the villages primary school and pre-school are within a five minute walking distance of the appeal site'. It is considered that future occupants would be able to access local services without reliance on a private car and would contribute to sustaining those services. The Inspector goes on to say that 'the appeal site is a large plot accessed from an existing private driveway serving a row of semi-detached houses. As discussed above, existing dwellings are located on three sides of the site'. The Inspector confirmed that 'the proposed development would therefore be in a suitable location'.

7.22 The provision of three additional dwellings at a time where the Council is unable to demonstrate a 5 year housing land supply would contribute to the District's overall housing stock, improve housing choice particularly given the self-build nature of the proposals, while also providing incremental population support for local services. The proposal therefore meets the social aims of sustainability.

Environmental Objective

7.23 The accompanying energy statement confirms that the three new dwellings will be energy efficient with user friendly technologies and low running costs by incorporating; high levels of insulation, measures to minimise thermal bridging, natural ventilation, sufficient glazing to take advantage of passive solar gains, LED Lighting throughout, use of an external drying space, heating and hot water via an Air Source Heat Pump, locally sourced materials where possible, an electric vehicle charging point, and water consumption in compliance with Part G of the current Building Regulations, meeting the requirement of 110 litres per person per day.

7.24 The RAMS contribution would be secured to mitigate the impacts of the new residents on nearby habitats sites. Biodiversity enhancements will be secured by condition including the provision of a Woodstone Nest Box (or similar), Feeding House, and Insect House. The proposal therefore meets the environmental aims of sustainability.

7.25 To conclude on the principle of development, although the proposal would not meet the self build criteria under TDLP Policy LP7 it would be acceptable in terms of the three strands of sustainability given its proximity and accessibility to local services and public transport links, and environmental benefits in terms of energy efficiency and biodiversity enhancements. The proposal is not likely to result in any adverse impacts to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The tilted balance is therefore engaged and the principle of development is accepted.

Scale, Layout & Appearance

7.26 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.

7.27 TDLP 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. TDLP Policy PPL3 seeks to protect the rural landscape and resist development that would cause overriding harm to its character or appearance, including impacts on traditional buildings and settlement patterns, landscape features, and valued views.

7.28 Proposals for the residential development of "backland" sites must comply with the following criteria under TDLP Policy LP8:

a. where the development would involve the net loss of private amenity space serving an existing dwelling, that dwelling must be left with a sufficient area of private amenity space having regard to the standards in this Local Plan;
b. a safe and convenient means of vehicular and pedestrian access/egress must be provided that does not cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will not be permitted;
c. the proposal must avoid "tandem" development using a shared access;
d. the site must not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;
e. the site must not be on the edge of defined settlements where likely to produce a hard urban edge or other form of development out of character in its particular setting; and
f. the proposal must not be out of character with the area or set a harmful precedent for other similar forms of development.

7.29 As confirmed by the Planning Inspectorate within the appeal decision, ‘the appeal site is a backland site insofar that it is behind the line of existing frontage development, has no frontage to the public highway and would constitute piecemeal development since it does not form part of a large area allocated for development’. However, the Inspector states that, ‘the dwellings at the adjacent development site are also behind the row of frontage dwellings, set back from the public highway by a long access driveway and thus do not face the highway. Therefore, the proposed siting and layout of the development would not appear out of keeping with surrounding development. The site does not encroach into areas of countryside which surround the village and therefore development in this location would not set a precedent for further residential development’. The Inspectorate confirmed that the proposal would not harm the character and appearance of the area and complied with TDLP Policy LP8. The proposed development of three dwellings in this backland location is not considered to cause any material harm.

7.30 This application is in outline form with all matters reserved. Notwithstanding this, detailed drawings have been provided for illustrative purposes, including a front elevation and block plan.

7.31 The submitted block plan indicates that the proposal could comprise of three detached one and half storey dwellings. The dwellings will be positioned with generous set back from the driveway, behind existing development and ample private amenity space provided.

7.32 Detailed design considerations can be fully assessed at the reserved matters stage, however the illustrative plans confirm that an acceptable layout, and appearance can be achieved in line with the character of the area. The indicative design of the dwellings is consistent with the two dwellings located to the south of the application site.

7.33 Overall, Officers are satisfied that the site can comfortably accommodate three self build dwellings without harm to the character or appearance of the area.

Highway Safety/Parking

7.34 Paragraph 115 of the NPPF requires Councils, when making decisions to ensure safe and suitable access to the site can be achieved for all users. Paragraph 116 goes on to say, development should

only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

7.35 TDLP Policy CP1 states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion. TDLP2 Policy SPL3 Part B of the Local Plan seeks to ensure that access to a new development site is practicable, and the highway network will be able to safely accommodate the additional traffic the proposal will generate

7.36 Although access is a reserved matter, the accompanying plans demonstrate that there is an existing access from Bradfield Road.

7.37 The Highway Authority state the proposed site would use an existing and established private access with Bradfield Road that is classed as a Secondary Distributor within the County's Route Hierarchy and subject to a 40MPH speed limit. The Highway Authority have no objection subject to conditions relating to vehicular turning facilities, no unbound materials and vehicular parking measurements.

7.38 The indicative layout demonstrates how each dwelling could be served by a single garage and two parking spaces. This would be compliant with the Essex Parking Standards which requires three-bedroom properties, in an area of low connectivity, to have a minimum of two residential parking spaces.

7.39 Notwithstanding the above, the proposal is in outline form with all matters reserved. Therefore the conditions suggested by the Highway Authority are considered to be unnecessary at this stage but their guidance will be included as informatives to inform the reserved matters application for access and layout.

Impact on Residential Amenity

7.40 Paragraph 135 of the NPPF 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, TDLP Policy SP7 states that all development should protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. These sentiments are carried forward in TDLP Policy SPL3.

7.41 Furthermore, TDLP Policy LP4 j. states that new development must provide for private amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of dwelling and the character of the area.

7.42 In addition, the Technical housing standards – nationally described space standard (2015) deals with internal space within new dwellings to ensure appropriate living conditions for future occupants.

7.43 The application is in outline form with all matters reserved. A full assessment of the impact of the development will be undertaken at the reserved matters stage when fully detailed elevations and floor plans are provided. Nonetheless, Officers consider that sufficient space is available on the application site to provide a development of three dwellings that could achieve an internal layout and separation distances that would deliver a good standard of living for future occupants.

7.44 Considering the impact of the proposal on future occupants of the adjacent developments, the distances between plots as indicated on the accompanying indicative block plan are considered acceptable given that all dwellings are indicated to be one and a half storeys in height. Nonetheless, the removal of permitted development rights for additions to the roof/walls could be imposed at reserved matters stage if the detailed design raises future overlooking concerns.

7.45 Subject to conditions and a full assessment at reserved matters stage, Officers are content that the development can achieve a good standard of amenity for future residents of the development and adjacent developments.

Trees and Landscaping

7.46 The application site is 'tucked away' on land adjacent to the A120 and behind existing development in Bradfield Road. The site cannot be seen from the public realm. There are no trees or other vegetation on the application site. As the site does not feature in the public realm there is little benefit to be gained from new soft landscaping other than the general enhancement of the appearance of the site. Landscaping is a reserved matter so will be assessed at that stage.

Drainage

7.47 Paragraph 187(e) of the NPPF states that planning policies and decisions should contribute to an enhance the natural and local environments by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, paragraph 198 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location considering the likely effects of pollution on the natural environment.

7.48 Adopted policy PPL5 of Section 2 of the adopted Local Plan states that all new development must make adequate provision for drainage and foul sewerage. Connection to the mains is the preferred option having regards to the drainage hierarchy and building regulations requirements. A reserved matters application will need to confirm how foul sewage disposal will be dealt with in compliance with the above.

Bin Storage and Waste Collection

7.49 TDLP Policy SPL3 states that all new development must meet practical requirements including provision for adequate waste storage and recycling facilities. This matter would be addressed at reserved matters stage.

Sustainable Construction and Energy Efficiency

7.50 TDLP Policy SPL3 states that all new development should incorporate climate change adaptation measures and technology from the outset including reduction of emissions, renewable and low carbon energy production, passive design, and through green infrastructure techniques, where appropriate. Under TDLP Policy PPL10, there is a requirement for all development proposals to demonstrate how renewable energy solutions, appropriate to the building/site, and location have been included in the scheme and for new buildings.

7.51 The use of electric vehicle charging points, green/brown roofs, PV panels, water-butts, recycling facilities (during construction and to serve the development), air-source heat pumps and / or SuDS to aid the sustainability of the development should be an integral part of the design.

7.52 This application has been accompanied by :

- Energy Statement
- Watt a Save Report
- Ev Charging Specifical
- Superfast Broadband Details

7.53 The statement confirms that the new dwellings will be energy efficient with user friendly technologies and low running costs by incorporating; high levels of insulation, measures to minimise thermal bridging, natural ventilation, sufficient glazing to take advantage of passive solar gains, LED Lighting throughout, use of an external drying space, heating and hot water via an Air Source Heat Pump,

locally sources materials where possible, an electric vehicle charging point, and water consumption in compliance with Part G of the current Building Regulations, meeting the requirement of 110 litres per person per day

7.54 Overall, the development will deliver energy efficiency measures and construction techniques proportionate to its scale and accords with the above policies. The implementation of these measures is secured by condition.

Ecology and Biodiversity

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.

7.55 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. The following features underscore how the proposal positively impacts biodiversity, offsetting requirements necessary for the development to take place.

It is proposed to install a Vivara Pro Seville 32mm WoodStone Nest Box (or similar) in brown located to the rear of the garden. Furthermore, a National Trust Hexagon Insect House (or similar) will be installed at ground level towards the rear of the garage, offering shelter to a variety of insects. 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.

7.56 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. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals excluding self builds. This development as a self-build development is therefore not applicable for Biodiversity Net Gain. The condition to ensure and secure self build is imposed for this reason alone.

7.57 Protected Designated Habitats

The site falls within the recreational Zone of Influence (ZOI) of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

A Habitat Regulations Assessment has been completed for the proposal. The new development would be likely to increase the number of recreational visitors to the designated area and, in combination with other developments, it is likely that the proposal would have significant effects on

the designated site. A condition is imposed securing mitigation/a S106 Legal Agreement/Unilateral Undertaking to secure the necessary financial contributions for RAMS to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

7.58 Protected Species

In accordance with Natural England's standing advice the application 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 by virtue of its current use of land as equestrian use.

7.59 Ecology Conclusion

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

8. Conclusion

8.1 Although the site lies outside of the defined settlement development boundary, the Council's housing policies are now out of date and the tilted balance applies. Although the proposal would not meet the self build criteria under TDLP Policy LP7 it would be acceptable in terms of the three strands of sustainability given its proximity and accessibility to local services and public transport links, and environmental benefits in terms of energy efficiency and biodiversity enhancements. The proposal is not likely to result in any adverse impacts to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The tilted balance is therefore engaged and the principle of development is accepted.

8.2 The proposed development is not considered likely to result in an unacceptable harm to the character of the area, highway safety, residential amenity or ecological interests. Matters relating to biodiversity enhancement, drainage, parking and detailed design can be appropriately addressed through planning conditions or at the reserved matters stage.

8.3 Overall, the development is considered to comply with the relevant provisions of the National Planning Policy Framework and the Tendring District Local Plan 2013–2033 and Beyond, subject to conditions which include securing the necessary Recreational disturbance Avoidance and Mitigation Strategy (RAMS) contribution. Accordingly, the application is recommended for approval.

9. Recommendation

9.1 Approval

Recommendation: Approval

That the Head of Planning and Building Control be authorised to grant outline planning permission subject to the conditions as stated at paragraph 9.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,

The informative notes as may be deemed necessary.

9.2 Conditions and Reasons

1 COMPLIANCE REQUIRED: TIME LIMIT FOR RESERVED MATTERS APPLICATION

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

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

NOTE/S FOR CONDITION:
The reserved matters need to be received by the Local Planning Authority within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If there is no phasing plan, this condition is considered to apply to the whole site as a single phase. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings.

You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVAL OF RESERVED MATTERS

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

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

NOTE/S FOR CONDITION:

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

The reserved matters that may be listed above are further defined under government guidance as follows:-
ACCESS: The accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network
APPEARANCE: The aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

LANDSCAPING: The treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features
LAYOUT: The way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
SCALE: The height, width and length of each building proposed within the development in relation to its surroundings.

3 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard.

- Site Plan – Received 24.11.25
- Construction Method Statement – Received 18/11/2025
- Energy Statement – Received 18/11/2025
- EV Charging Specification – Received 18/11/2025
- Watt a Save Report – Received 18/11/2025
- Planning Statement – Received 18/11/2025
- Superfast Broadband Details – Received 18/11/2025

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

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

4 MITIGATION TO BE AGREED: RAMS

CONDITION: Prior to any works above slab level, detailed proposals addressing the mitigation of the development's impact on protected Essex Habitats Sites shall have been submitted to and received written approval from the Local Planning Authority. Such proposals must provide and

secure mitigation in accordance with the joint Habitats Regulations Assessment Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) or demonstrate mitigation measures of an equivalent effectiveness to the satisfaction of the Local Planning Authority. For any on site mitigation proposals approved, it shall be carried out in full prior to first occupation, and thereafter shall be maintained as approved.

REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations. Failure to achieve satisfactory mitigation would result in harm by new residents due to the development's impact on protected sites meaning the development must mitigate the burden of development regardless of scale of impact.

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

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

5 SPECIFIC RESTRICTION ON DEVELOPMENT: SELF-BUILD AND CUSTOM-BUILD

CONDITION: The dwelling/s approved by this permission shall be occupied only by person/s who have built or commissioned the building of the dwelling/s for their own occupation and use as a self-build project in accordance with the Self-build and Custom Housebuilding Act 2015 for a minimum of 24 hours from first occupation by said persons.

Furthermore, the following scheduled actions shall be undertaken.

- Prior to commencement of the development, details of the (a)individuals, (b)associations of individuals, or (c)persons working with or for individuals or associations of individuals, both building the development and who are to occupy the dwelling/s if different shall be confirmed in writing to the local planning authority. Should there be any changes to these details during construction, these shall be updated in writing to the local planning authority.

- On first occupation details of the first occupier of the dwelling/s shall be confirmed in writing to the local planning authority and subsequently the Local Planning Authority shall be informed of if and when that occupier changes within the first year of occupation.

REASON: The dwelling/s approved by this permission shall be occupied only by persons who have built or commissioned the building of the dwelling/s for their own occupation and use as a self-build project in accordance with the Self-build and Custom Housebuilding Act 2015 (as amended) and to accord with provisions of the Local Plan, NPPF and ensure securing of the exemption to Biodivsity Net Gain Requirements.

6 BIODIVERSITY ENHANCEMENTS

CONDITION: Prior to first occupation of each dwelling, the biodiversity enhancements as detailed within the Planning Statement (Received 18.11.2025) shall be fully installed / provided on site. The enhancements shall thereafter be retained in the approved form and maintained for the lifetime of the development.

REASON: to ensure the development delivers measurable biodiversity enhancements in accordance with biodiversity objectives.

7 COMPLIANCE REQUIRED: CONSTRUCTION METHOD STATEMENT

CONDITION: The Construction Method Statement (Received 18.11.2025) shall be adhered to throughout the construction period of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity and highway safety.

9.3 Informatives

Positive and Proactive Statement

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

Highways

i) Any reserved matters planning application should include details of the site access to the required highway design standards, in this case the Design Manual for Roads and Bridges, and that the access would be deliverable within land under the control of the applicant and/or extent of highway. With this in mind, any future supporting information should include:

a) A scale drawing showing the full extent of the visibility splays proposed, as measured from and along the nearside edge of the carriageway in both directions. The splays should be based on the signed speed limit or the 85th percentile vehicle speed ascertained from a speed survey (automated traffic count). Extent of highway should be coloured (see item b below)

b) The results of a formal extent of highway search (including the covering letter and/or email) as sourced from https://www.essexhighways.org/transport-androads/highway-schemes-and-developments/adoptions-and-land/highwaystatus-enquiries.aspx (any problems with online payment/filling in the form the applicant should email highway.status@essexhighways.org who process the requests)*

*Where there is a roadside ditch or pond, that ditch or pond (even if it has been piped or infilled) would not in the majority of circumstances form part of the highway. Often, roadside ditches, which are apparent on the ground are not indicated on the Ordnance Survey Mapping. The same applies to historic ditches. Therefore, any ditches (including historical) and ponds should also be marked on the drawing.

ii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

iii) 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.

10. Additional Considerations

Equality Impact Assessment

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

10.2 It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

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

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

Human Rights

10.4 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.

10.5 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).

10.6 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

10.7 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

10.8 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

11. Declaration of Interest

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

12. Background Papers

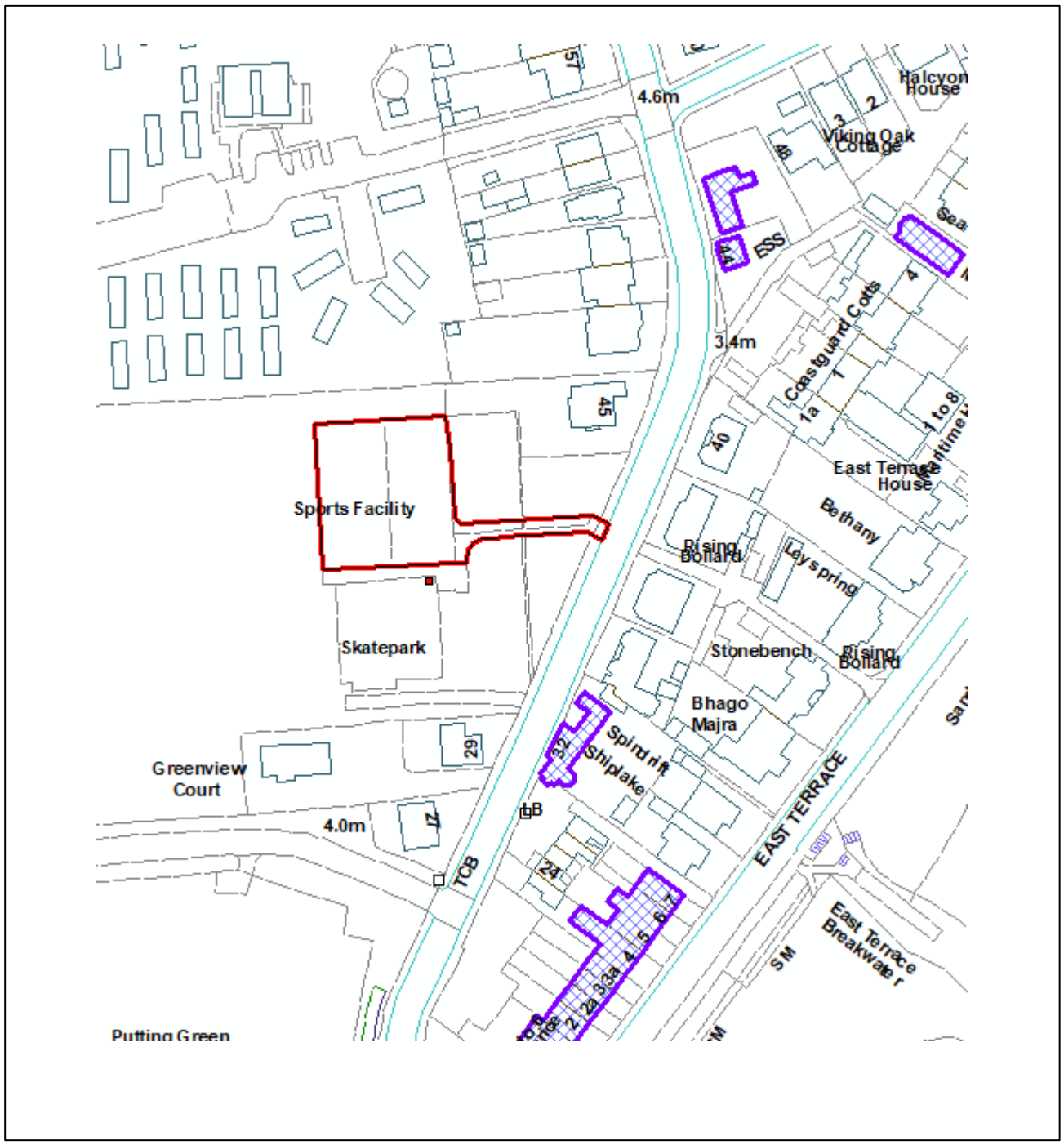
12.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report)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

PLANNING COMMITTEE

19 FEBRUARY 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.5 PLANNING APPLICATION – 25/01779/FUL – WALTON PLAYZONE HALL LANE WALTON ON THE NAZE CO14 8QA



DO NOT SCALE

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Application:	25/01779/FUL	**Expiry Date:**	3rd February 2026
Case Officer:	Michael Pingram		
Town/ Parish:	Frinton & Walton Town Council		
Applicant:	Kieran Charles - Tendring District Council		
Address:	Walton Playzone Hall Lane Walton On The Naze CO14 8QA		
Development:	Planning Application - Construction of a floodlit Football Foundation Playzone.		
Referral Reason:	TDC are the applicant.		
Recommendation:	Approval.		

1. Executive Summary

1.1 This application seeks planning permission for the construction of a Multi-Use Games Area (MUGA), which will also include perimeter fencing measuring 3 metres height along the side elevations, and a mixture of 3 and 4 metres height to the northern and southern 'end' elevations. Four floodlights, each measuring 8m high, are also proposed in each corner of the MUGA.

1.2 The item is before the Planning Committee due to Tendring District Council being the applicant.

1.3 The proposal is supported in principle, as it would deliver upgraded sports facilities that represent a clear improvement over those currently on site. Although the development would be visible within the street scene, Officers consider it to offer a visual enhancement when compared with the existing structures, which are in a poor state of repair.

1.4 While neighbouring properties lie in close proximity, Officers are satisfied that any noise or lighting effects would not materially exceed the current situation. Essex County Council Highways raise no objections. Although a Grade II Listed Building is located to the south-east, the separation distance is sufficient to ensure that the proposal would have a neutral impact on its setting.

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

4. Planning Policy

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

National:
National Planning Policy Framework 2024 (NPPF)
National Planning Practice Guidance (NPPG)

Local:
Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)
SP 1 Presumption in Favour of Sustainable Development
SP 3 Spatial Strategy for North Essex
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
HP1 Improving Health and Wellbeing
HP2 Community Facilities
HP3 Green Infrastructure
HP4 Safeguarded Open Space
PP14 Priority Areas for Regeneration
PPL1 Development and Flood Risk
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL10 Renewable Energy Generation and Energy efficiency Measures
CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents
Essex Design Guide

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

5. Relevant Planning History

00/00265/FUL	Erection of 4 No. 8m high, 18m apart floodlights to provide 108 LUX (average) to court area	Approved	20.04.2000
25/01780/ADV	Application for Advertisement Consent - Vinyl banners of funding bodies.	Current	

6. Consultations

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

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

ECC Highways Dept **16.01.2026**

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. It is noted that the proposal will be located on private land and set well back from the public highway, while the proposal will improve a similar existing facility at this site, considering these factors:

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

1. No development shall take place, including any ground works or demolition, until an updated Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
i. vehicle routing,
ii. the parking of vehicles of site operatives and visitors,
iii. loading and unloading of plant and materials, use of a banksman for deliveries
iv. storage of plant and materials used in constructing the development,
v. wheel and underbody washing facilities.
vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense when caused by the developer.

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

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

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

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

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

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

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

may be required.

Environmental Protection

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

Contaminated Land: Given the sites proximity to a piece of historic, registered contaminated land (PRTEN22 - landfills and other waste disposal), the EP Team are requesting that an observation strategy be implemented during any groundworks. Any contamination seen at the time of groundworks should be recorded, remediated and a closure report with photographic evidence sent to Environmental Protection.

Minimum requirements for dealing with unexpected ground conditions being encountered during construction.

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or o treatment of material on site to meet compliance targets so it can be re-used; or o removal from site to a suitably licensed landfill or permitted treatment facility.
12. A Verification Report will be produced for the work.

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

queries concerning this, please do not hesitate to contact me.

Construction Method Statement: with reference to the submitted CMS, dated 28/10/2025, the EP Team are satisfied with its contents, however we would request the addition of NO burning to take place on site, as well as including NO working on Bank Holidays.

REASON: interests of protecting the amenity of nearby residential dwellings

Lighting: Any external lighting on the proposed development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to neighbouring residential properties. The applicant shall demonstrate compliance with the Institute of Lighting Professionals code of practice. (www.theilp.org.uk).

REASON: to protect the amenity of existing and future residents.

Tree & Landscape Officer **08.01.2026**

The application site is currently tarmacked and has historically been set out and used for playing tennis. It does not contain any trees or other vegetation.

There are trees in relatively close proximity to the position of the proposed Playzone.

In this regard an Arboricultural Impact Assessment (AIA) has been provided in support of the application. This information is in accordance with BS5837:2012 Trees in relation to design, demolition and construction Recommendations

The information proved adequately demonstrates that the development proposal can be implemented without causing harm to any of the trees on the site.

In terms of soft landscaping the Proposed Block Plan and Landscaping (Mca-muk3395-02e) shows a new hedge adjacent to the northern boundary comprising of indigenous species. Details of the proposed species to be planted, their specification and planting distances should be secured by a planning condition. This information could be provided prior to the determination of the application.

Sport England **18.12.2025**

Non-statutory planning advice

The proposed development does not fall within our statutory remit (Statutory Instrument 2015/595) and, therefore, Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of the application.

General planning guidance and advice can be found on our website:
https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications

Loss of sports facilities

If the proposal involves the loss of any sports facility, then full consideration should be given to whether the proposal meets Paragraph 104 of the National Planning Policy Framework (NPPF), is in accordance with local plan policies to protect sport and recreation facilities, and whether it meets any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

New sports facilities

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with design guidance notes produced by Sport England, or the relevant sport National Governing Body.

- Design Guidance notes: http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/

Meeting the needs of new housing

If the proposal involves the provision of additional housing, then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place. Our Sports Facility Calculator is a tool that can be used to estimate the additional demand for key community sports facilities from a new population and convert that demand into sport facility requirements with indicative costs. Guidance on how to use the tool is available on the link below.

- Sports Facility Calculator: https://www.activeplacespower.com/

Other relevant guidance, tools and contacts

Active Design

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how new development, especially new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities

PPG Health and wellbeing section: https://www.gov.uk/guidance/health-and-wellbeing

Sport England's Active Design Guidance: https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design

Planning conditions

We maintain a list of model planning conditions covering issues such as - creation of new playing field, compliance with design guidance notes, sports lighting and community use.

Community Use Agreements (CUA)

Central Government wishes to see the availability of sports facilities to the wider community when they're not being utilised by the main user, as they see schools being at the heart of local communities. To help with this ambition we have developed a template community use agreement.

- Planning Conditions and Community Use Agreements: https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport/planning-applications

National Governing Bodies of Sport

Although Sport England is not in a position to provide a detailed response on this occasion, where relevant you may wish to consider advice provided by recognised sport National Governing Bodies
(NGBs), a list of which is available on our website using the link below:

-NGBs:https://www.sportengland.org/guidance-and-support/national-governing-bodies?section=expertise_advice_and_tools-section

Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

7. Representations

7.1 Frinton and Walton Town Council recommend approval.

7.2 No other letters of representation have been received.

8. Assessment

Site Description

8.1 The application site is Walton Playzone, which is sited along the western section of Hall Lane, within the parish of Walton-on-the-Naze. The site currently consists of an unused sports facility, with a skatepark immediately to the south. There are residential properties sited to the north, east and south, with the Naze Marine Holiday Park approximately 70 metres to the west.

8.2 The site falls within the Settlement Development Boundary for Walton-on-the-Naze within the adopted Local Plan 2013-2033, and also falls within Flood Zones 2 and 3. Approximately 50 metres to the south-east is a Grade II Listed Building. The site is an area prioritised for regeneration purposes, and forms part of a wider Safeguarded Open Space.

Description of Proposal

8.3 This application seeks planning permission for the construction of a Multi-Use Games Area (MUGA), which will also include perimeter fencing measuring 3 metres height along the side elevations, and a mixture of 3 and 4 metres height to the northern and southern 'end' elevations.

8.4 In addition, the proposal includes four LED floodlights to each corner of the MUGA, each measuring 8 metres in height. There is also a spectator area to the eastern elevation, as well as ancillary facilities including benches and bins.

8.5 The MUGA will operate between 8am and 9pm every day, and is accessed via an electronic gate lock system, with users booking the facility online.

8.6 The proposal also includes a number of vinyl signage to each elevation; however this only requires advert consent, which is being separately determined under planning application 25/01780/ADV.

Principle of Development

8.7 Paragraph 103 of the National Planning Policy Framework (NPPF, 2024) states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Information gained from the assessments should be used to determine

what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

8.8 In this respect the proposal is to provide for a replacement outdoor sporting facility. Whilst there is a current basketball/tennis court in situ, this is dated and appears to be in a poor state of repair. The proposal, therefore, results in enhanced facilities that would expand the range of accessible sports, recreation and community facilities in Walton, which in turn supports community demands. Therefore, the principle at a high overarching level is supported subject to the more detailed considerations below.

Impact to Character of Area

8.9 Paragraph 135 of the National Planning Policy Framework 2024 (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.

8.10 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.

8.11 The proposal will see the erection of an outdoor sports facility/MUGA, that will appear highly prominent from views along this section of Hall Lane. The character of the site and immediate surrounding area includes the basketball court, skating park, as well as residential built form. In addition, a play park as well as the Columbine Centre are located further south. Against this context, while the proposal will be relatively prominent from the street scene, it is not considered to be out of character with the existing setting. It is also noted that the existing court is in a poor state of repair, and the proposal represents a visual enhancement.

8.12 The proposed perimeter fencing at between 3 and 4 metres in height will be prominent within the street scene, however, is typically what would be expected from such a use. There is existing fencing in situ, and this represents a visual improvement to that. Furthermore, the green colour finish will help to reduce some of the prominence of the proposal, and additional planting is also proposed to the north of the facility. Therefore, the proposal overall is a visual enhancement and is supported.

Heritage Assets

8.13 Paragraph 205 of the NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

8.14 Adopted Policy PPL9 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. In accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard has been given to the desirability of preserving the setting of the listed building

8.15 The application site lies approximately 50 metres north-west from a Grade II Listed Building, and therefore has the potential to impact upon the setting of this heritage asset. However, on this occasion given the significant separation distance, as well as there being a similar proposal currently in situ, there is considered to be no harm to the setting of this building. Therefore, no objections are raised in this regard.

Highway Safety/Parking

8.16 Paragraph 114 of the National Planning Policy Framework (2024) seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 108 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. Paragraph 115 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.17 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, subject to conditions relating to the submission of a Construction Management Plan, and the floodlighting being positioned to ensure highway users are not affected by dazzle and/or glare.

Flood Risk

8.19 Adopted Policy PPL1 states that all development proposals should include appropriate measures to respond to the risk of flooding on and/or off site, and within the Flood Zone (which includes Flood Zones 2 and 3, as defined by the Environment Agency) development proposals must be accompanied by a Flood Risk Assessment.

8.20 The application site falls within Flood Zones 2 and 3, the highest areas of flooding risk. Accordingly, the submission is accompanied by a Flood Risk Assessment, which clarifies that the proposal is a 'water compatible' development as outlined within Table 3 of the Planning Practice Guidance, and that surface water will permeate through the surface to a perforated pipe. Consequently, the development is not required to pass the sequential test for flood risk purposes.

8.21 Given the above, that there is an existing sports facility in situ, that the use is not classified as 'more vulnerable' and offers the chance of escape in the event of a flooding incident, Officers do not consider there is sufficient justification for a reason for refusal on these grounds.

Trees and Landscaping

8.22 The Council's Tree and Landscape Officer has been consulted, and has provided the following comments:

"*The application site is currently tarmacked and has historically been set out and used for playing tennis. It does not contain any trees or other vegetation.*

There are trees in relatively close proximity to the position of the proposed Playzone.

In this regard an Arboricultural Impact Assessment (AIA) has been provided in support of the application. This information is in accordance with BS5837:2012 Trees in relation to design, demolition and construction Recommendations

The information proved adequately demonstrates that the development proposal can be implemented without causing harm to any of the trees on the site.

In terms of soft landscaping the Proposed Block Plan and Landscaping (Mca-muk3395-02e) shows a new hedge adjacent to the northern boundary comprising of indigenous species. Details of the proposed species to be planted, their specification and planting distances should be secured by a

planning condition. This information could be provided prior to the determination of the application."

8.23 Taking the above comments into account, there will be no impact to existing trees on site, and therefore subject to a condition to secure soft landscaping details, no objections are raised.

Impact on Residential Amenity

8.24 Paragraph 135 of the National Planning Policy Framework (2024) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

8.25 Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

8.26 The application site is surrounded by residential properties to the north, east and south, with the Holiday Park situated to the north-west and west. In this context, there is potential for the development to affect the amenities of nearby occupants. However, Officers note that an established sports facility already operates on the site, and the proposed replacement is not significantly larger nor likely to generate a materially greater level of noise. This is reinforced by the fact that the new court would operate only until 9pm, whereas the existing facility is accessible 24 hours a day. A condition is recommended to secure these operating hours.

8.27 The proposal includes four floodlights, each with a height of 8 metres. While there is some potential for visual disturbance, the separation distances to surrounding properties are considered sufficient to limit any adverse effects. In addition, floodlighting already exists on the site, and a condition is recommended to ensure the new lights are appropriately positioned and shielded to minimise light spill. On this basis, the impact of the lighting on neighbouring occupiers is not judged to be so significant as to warrant a reason for refusal.

Habitats, Protected Species and Biodiversity Enhancement

8.28 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.

8.29 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 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.

8.30 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.

8.31 Conclusion

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

9. Conclusion

9.1 The proposal for a new multi-use games area is supported in principle, as it would deliver upgraded sports facilities that represent a clear improvement over those currently on site. Although the development would be visible within the street scene, Officers consider it to offer a visual enhancement when compared with the existing structures, which are in a poor state of repair. While neighbouring properties lie in close proximity, Officers are satisfied that any noise or lighting effects would not materially exceed the current situation. Essex County Council Highways raise no objections. Although a Grade II Listed Building is located to the south-east, the separation distance is sufficient to ensure that the proposal would have a neutral impact on its setting.

9.2 Taking the above into consideration, the proposed development is considered to align with local and national planning policies, and is therefore recommended for approval.

10. Recommendation

10.1 Approval (no S106 requirements)

Recommendation: Approval

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,

The informative notes as may be deemed necessary.

10.2 Conditions and Reasons

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

Drawing Numbers MCA-MUK3395-01 Rev F, MCA-MUK3395-02 Rev E, MCA-MUK3395-03 Rev B, MCA-MUK3395-04 Rev B, MCA-MUK3395-06 Rev B, MCA-MUK3395-07, the documents titled 'Proposed Materials', 'Regor 11 Sport', 'Section 8 - Floodlighting System', 'Visage', 'Arboricultural Impact Assessment', 'Biodiversity Net Gain exemption statement', 'Construction Environmental Management Plan', 'Flood Risk Assessment', 'Preliminary Ecological Appraisal', and the letters provided by Powerlite Fitzgerald titled 'Walton Path Lighting' and 'Walton MUK3395'

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

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3 CONDITION: No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels.

REASON: In the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

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

Should the landscape works include any new hedgerow, please consider the following planting for a native hedge. Native hedge: 50% hawthorn, 25% blackthorn (but beware – this can spread into adjacent fields), 15% field maple, 2% holly, 2% wild privet, 2% guelder rose, 2% dog rose, 2% buckthorn.

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: The hereby permitted development/use shall only operate between the hours of 8am and 9pm every day.

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

NOTE/S FOR CONDITION:

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

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

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

a) Details of how construction and worker traffic and parking shall be managed.
b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
c) Storage of plant and materials used in the construction of the development.

d) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
e) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site, with no working on Bank Holidays confirmed.
f) Confirmation that no burning will take place on site

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

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

7 CONDITION: Prior to the first use of the hereby approved external lighting within the development site, the light source shall be positioned and shielded in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The lighting shall be maintained thereafter as maybe approved.

REASON: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety.

8 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.

10.3 Informatives:

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by

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

Biodiversity Enhancements Informative:

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include: https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden

Highways Informatives:

i) All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details must be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

ii) The 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.

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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