



PLANNING COMMITTEE

DATE:	Tuesday, 17 March 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

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

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

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DATE OF PUBLICATION: Monday, 9 March 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 - 18)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Thursday, 19 February 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 - 25/00374/OUT - Land East of Cockaynes Lane, Alresford, CO7 8BT (Pages 19 - 66)

Erection of up to 100 dwellings (to include specialist housing for older people and customer/self-build homes) together with amenity space, landscaping and associated works.

6 Report of the Corporate Director (Planning & Community) - A.2 - 25/01498/FUL - Land to The North of Avocet Place, Thorrington, CO7 8FH (Pages 67 - 116)

Erection of 60 single storey dwellings for those ages 55 and over as well as those with or supporting someone with a disability, with associated site infrastructure and public open space.

7 Report of the Corporate Director (Planning & Community) - A.3 - 25/00869/FUL 54 Connaught Avenue, Frinton-on-Sea, CO13 9PR (Pages 117 - 134)

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

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, 14 April 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 THURSDAY, 19TH FEBRUARY, 2026 AT 5.00 PM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors Fowler (Chairman), Alexander, Bray, Codling, Goldman, Sudra and Wiggins
Also Present:	Councillor Richard Everett (except items 63 – 65)
In Attendance:	Gary Guiver (Corporate Director (Planning & Community)), John Pateman-Gee (Head of Planning & Building Control), Ian Ford (Democratic Services Manager), Joanne Fisher (Planning Solicitor & Acting Legal Services Manager), Michael Pingram (Senior Planning Officer), Charlotte Cooper (Planning Officer) (except items 64 & 65) and Katie Koppenaar (Democratic Services Officer)
Also in Attendance:	Nina Warren (Trainee Legal Executive) (except items 63 – 65)

57. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

58. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the last meeting of the Committee, held on Tuesday 20 January 2026, be approved as a correct record and be signed by the Chairman.

59. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members at this juncture.

Later in the meeting, as detailed under Minute 61 below, Councillor Everett, who was present in the public gallery, declared for the public record that he was a Ward Member for Frinton-on-Sea and that he lived close to the application site.

60. 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.

61. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.1 - 25 00869 FUL - 54 CONNAUGHT AVENUE, FRINTON-ON-SEA, CO13 9PR

Councillor Everett, who was present in the public gallery, declared for the public record that he was a Ward Member for Frinton-on-Sea and that he lived close by to the application site.

The Committee was informed that this application had been “called in” by Councillor Davis, a Ward Member for Frinton-on-Sea.

It was reported that this proposal sought planning permission for the change of use from a Class E restaurant to a hot food takeaway (sui generis), with no external alterations proposed.

Members were made aware that, in the opinion of Officers, whilst the loss of a Class E use resulted in some harm to the retail function of the Primary Shopping Area, the unit was 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 impact on the Conservation Area was felt by Officers to be negligible due to the absence of external changes; residential amenity would not be 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 outweighed the limited harm arising from the loss of a Class E use within the Primary Shopping Area, and the proposal was therefore recommended, by Officers, for approval.

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

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

An Officer Update Sheet had been circulated to Members prior to the meeting which informed the Committee as follows:-

“A further objection has been received from a neighbouring resident, bringing the total to three objections. This latest representation raises concerns that the proposed use is not suitable for Connaught Avenue, citing issues such as increased traffic, noise, and potential environmental impacts.

The application as originally submitted contained vague and limited information. Additional information was provided. The application description was amended and the application readvertised by new site notice and newspaper advert (given the Conservation Area location). It has been noted that the Town Council were not reconsulted at that time so that re-consultation is pending. The recommendation at 10.1 is therefore amended to:

Recommendation: Approval

Following re-consultation with Frinton and Walton Town Council, and subject to them raising no new issues that have not been addressed within the committee report 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.”

Councillor Everett addressed the Committee in his capacity as a Ward Member for Frinton-on-Sea and also on behalf of Councillor Davis, the “caller-in” who had been unable to attend the meeting due to ill health. Councillor Everett spoke against permission being granted for the application.

Matters raised by members of the Committee:-	Officer’s response thereto:-
<i>Did we or did we not reconsult Frinton and Walton Town Council?</i>	<i>There has been additional information received during the application process in terms of highway matters, and we have reconsulted with ECC Highways but did not renotify any other parties including the Town Council until today. We have reconsulted the Town Council today as it has been raised that the description of the development has changed. It was altered to make it clearer in respect of it was a change of use to “sui generis” which covers a whole range of potential uses, although from the application paperwork it was clear that it was going to be for a takeaway. For the avoidance of doubt, we have added the words “hot food takeaway” to the description of the development and we have reconsulted the Town Council to cover that issue. But ultimately the plans have not changed, the proposal has been a hot food takeaway from the beginning.</i>
<i>What is the point of reconsulting if we are making a decision tonight?</i>	<i>On the Update Sheet there is a amendment to the recommendation that says – “subject to them [the Town Council] raising no new issues”. You would not be approving the application tonight you would be delegating it for approval subject to no further issues being raised.</i>
<i>Parking area at back is well used and well-occupied and tight for space, are we aware that there is the possibility that some of the delivery vehicle parking places could actually block residents’ access?</i>	<i>That has not been raised with Officers as an issue before today. Ultimately, rights of access is a private legal matter. If it is an obstruction of the highway then a separate regime applies.</i>
<i>Can you clarify about the Conservation Area covenants and the Conservation Area location?</i>	<i>Do not know anything about covenants as that is not within the Officer’s planning remit. It is within the Conservation Area but there are no external changes being proposed. It is a change of use only.</i>

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

RESOLVED that consideration of this planning application be deferred for the following reasons:-

- (1) to enable Officers to investigate any issues of blockage to access and parking at the rear of the site;
- (2) to await the re-consultation period with Frinton and Walton Town Council; and
- (3) to enable Officers to investigate whether signage at the front of the premises can be conditioned.

62. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.2 - 25 01557 FUL - LAND ADJACENT 117A DUMONT AVENUE, POINT CLEAR, ST OSYTH, CO16 8JS

The Committee was informed that this planning application sought permission for a detached self-build bungalow.

It was reported that, although the site lay outside of the defined settlement development boundary, the Council's housing policies were now out of date and the 'tilted balance' applied.

Although the proposal would not meet the self-build criteria under Local Plan Policy LP7 it would, in the opinion of Officers, 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 was 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 had been therefore engaged and the principle of development was deemed acceptable by Officers.

Members were told that the development represented 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 achieved suitable provision for access, parking, drainage and internal living standards, and incorporated a broad range of energy-efficiency measures.

Officers felt that this proposal would deliver modest but meaningful economic, social and environmental benefits, including contributing to housing supply at a time when the Council could not demonstrate a five-year housing land supply. Overall, the development was considered to comply with the policies of the NPPF and was therefore recommended by Officers for approval, subject to conditions.

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

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

No updates had been circulated to Members in relation to this application.

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

Matters raised by members of the Committee:-	Officer response thereto:-
<i>Could you elaborate on the 'tilted balance'?</i>	<i>As of 26th January 2026, the current Local Plan was deemed to be effectively "out of date" in part. Tilted balance is a presumption in favour of development that is under paragraph 11 of the NPPF which applies that when a local planning authority cannot demonstrate an adequate five-year housing supply it should adopt a presumption in favour of housing development. There are exceptions when the tilted balance does not apply though they are not applicable in this particular instance. The application site is within a defined group of dwellings that is already being re-examined within the emerging Local Plan. The NPPF that refers to the 'tilted balance' is itself going through a consultation period and ultimately there is a proposed slight change in its context that will need to be explained later to Members. Groups of dwellings such as this would fall underneath the new NPPF. At this moment in time this application is a departure from the current Local Plan but the tilted balance is a material consideration that moves to approval of the development and Officers have been unable to find any other material reason to justify a refusal.</i>
<i>On the eastern boundary there is an established Oak tree, can one assume that it is to be retained? Is that tree the subject of a Tree Preservation Order?</i>	<i>None of the trees on the site are subject to a TPO.</i>

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

RESOLVED unanimously that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission, subject to the conditions as stated at paragraph 10.1 of the Officer report (A.2), or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and
- 2) the applicant be sent informative notes, as may be deemed necessary by the Head of Planning and Building Control.

63. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.3 - 25 00613 OUT - BURNT ASH FARM, COLCHESTER ROAD, WIX, CO11 2PD

The Committee was informed that this application sought outline planning permission with all matters reserved for the conversion of two existing barns into a single residential dwelling. The site lay outside of any settlement development boundary but was considered by Officers to be acceptable subject to conditions.

It was reported that the proposal involved the reuse of existing rural buildings within an established residential curtilage and, having regard to national and local planning policy, was considered by Officers to represent a sustainable form of development that would not result in an 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 could be appropriately addressed through planning conditions or at the reserved matters stage.

Overall, the development was considered by Officers 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 included securing the necessary Recreational disturbance Avoidance and Mitigation Strategy (RAMS) contribution. Accordingly, the application was recommended by Officers for approval.

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

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

No updates had been circulated to Members in relation to this application.

No one had registered to speak on this application.

Matters raised by members of the Committee:-	Officer response thereto:-
<i>Could Officers explain how this satisfies the sustainable strand?</i>	<i>It actually fails the social objective due to the isolated nature of the site but Officers feel that this is outweighed by the economic and environmental benefits the proposal would bring.</i>
<i>How is that the case? The economic and work benefit would only be from a single dwelling and therefore would be relatively small and the ecological benefits uncertain. The weighting is subjective.</i>	<i>Members need to weight that for themselves during the debate. Also need to weight the NPPF – avoid isolated homes in the countryside unless the development would reuse redundant or disused buildings or enhance its immediate setting. We are looking here at an existing building for reuse and that would obviously be a material consideration for Members' weighting as well.</i>

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

RESOLVED that, contrary to the Officers' recommendation of approval, planning permission be refused for this application on the following grounds:-

"The development, if approved would result in total reliance on access by private vehicle in an area lacking any local facilities, fails to support local services, fails to maintain vitality or enhance a rural community contrary to NPPF paragraph 83 and fails to meet all tests of sustainable development therein.

Furthermore, the development is contrary to the local plan Policy SPL2 that provides that when development is outside the settlement development boundary the development should reflect pattern and scales of growth promoted through the Settlement Hierarchy in local plan Policy SPL1, however this cannot be achieved given the nearest settlement is over 2 kms away."

**64. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.4 - 25
01703 OUT - LAND OFF BRADFIELD ROAD, WIX, CO11 2PU**

The Committee was informed that this application sought outline planning permission with all matters reserved for the erection of three self-build dwellings. The site lay outside of any settlement development boundary but was considered, by Officers, to be acceptable subject to conditions.

Members were cognisant that, although the site lay outside of the defined settlement development boundary, the Council's housing policies were now out of date and the 'tilted balance' applied. Although the proposal would not meet the self-build criteria under Local Plan 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 was 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 had therefore been engaged and the principle of development was accepted.

It was reported that the proposed development was not considered, by Officers, to likely 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 could be appropriately addressed through planning conditions, or at the reserved matters stage.

Overall, the development was considered by Officers 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 included securing the necessary Recreational disturbance Avoidance and Mitigation Strategy (RAMS) contribution. Accordingly, the application was recommended by Officers for approval.

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

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

No updates had been circulated to Members in relation to this application.

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

Matters raised by members of the Committee:-	Officer response thereto:-
<i>In relation to the long and narrow driveway, are we comfortable and confident that it is accessible for emergency and refuse collection vehicles?</i>	<i>Yes, I acknowledge the concerns raised but this is an existing access already serving existing dwellings with a large turning area towards the south of the site that can accommodate such vehicles.</i>
<i>Why did this fail the self-build qualifications?</i>	<i>There are three criteria within Policy LP7 and it failed to meet criteria (a), (b) and (c).</i>
<i>Can you confirm that no representations have been received from either the parish council or local residents?</i>	<i>I can so confirm.</i>
<i>Can you confirm what was allowed on appeal as detailed in the relevant Planning History section of the report?</i>	<i>[The Senior Planning Officer pointed out to Members the relevant site on the location map shown on screen within the Committee Room]</i>

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

RESOLVED unanimously that:-

- 3) the Head of Planning and Building Control be authorised to grant outline planning permission, subject to the conditions as stated at paragraph 9.2 of the Officer report (A.4), or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and
- 4) the applicant be sent informative notes, as may be deemed necessary by the Head of Planning and Building Control.

65. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.5 - 25 01779 FUL - WALTON PLAYZONE, HALL LANE, WALTON-ON-THE-NAZE, CO14 8QA

The Committee was informed that this application sought planning permission for the construction of a Multi-Use Games Area (MUGA), which would 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, were also proposed in each corner of the MUGA.

Members were cognisant that this item was before the Planning Committee due to Tendring District Council being the applicant.

It was reported that the proposal was supported by Officers in principle, as it would deliver upgraded sports facilities that would represent a clear improvement over those currently on site. Although the development would be visible within the street scene,

Officers considered it to offer a visual enhancement when compared with the existing structures, which were in a poor state of repair.

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

Taking the above into account, the proposed development was considered by Officers to align with the local and national planning policies and was therefore recommended by Officers for approval.

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

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

No updates had been circulated to Members in relation to this application.

No one had registered to speak on this application.

Matters raised by Members of the Committee:-	Officer response thereto:-
<i>Will the floodlighting be so directed so as not to interfere with bats and their feeding flightpaths?</i>	<i>Yes, this is covered within proposed planning condition number seven.</i>

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

RESOLVED unanimously that:-

- 5) the Head of Planning and Building Control be authorised to grant planning permission, subject to the conditions as stated at paragraph 10.2 of the Officer report (A.5), or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and
- 6) the applicant be sent informative notes, as may be deemed necessary by the Head of Planning and Building Control.

The meeting was declared closed at 6.45 pm

Chairman

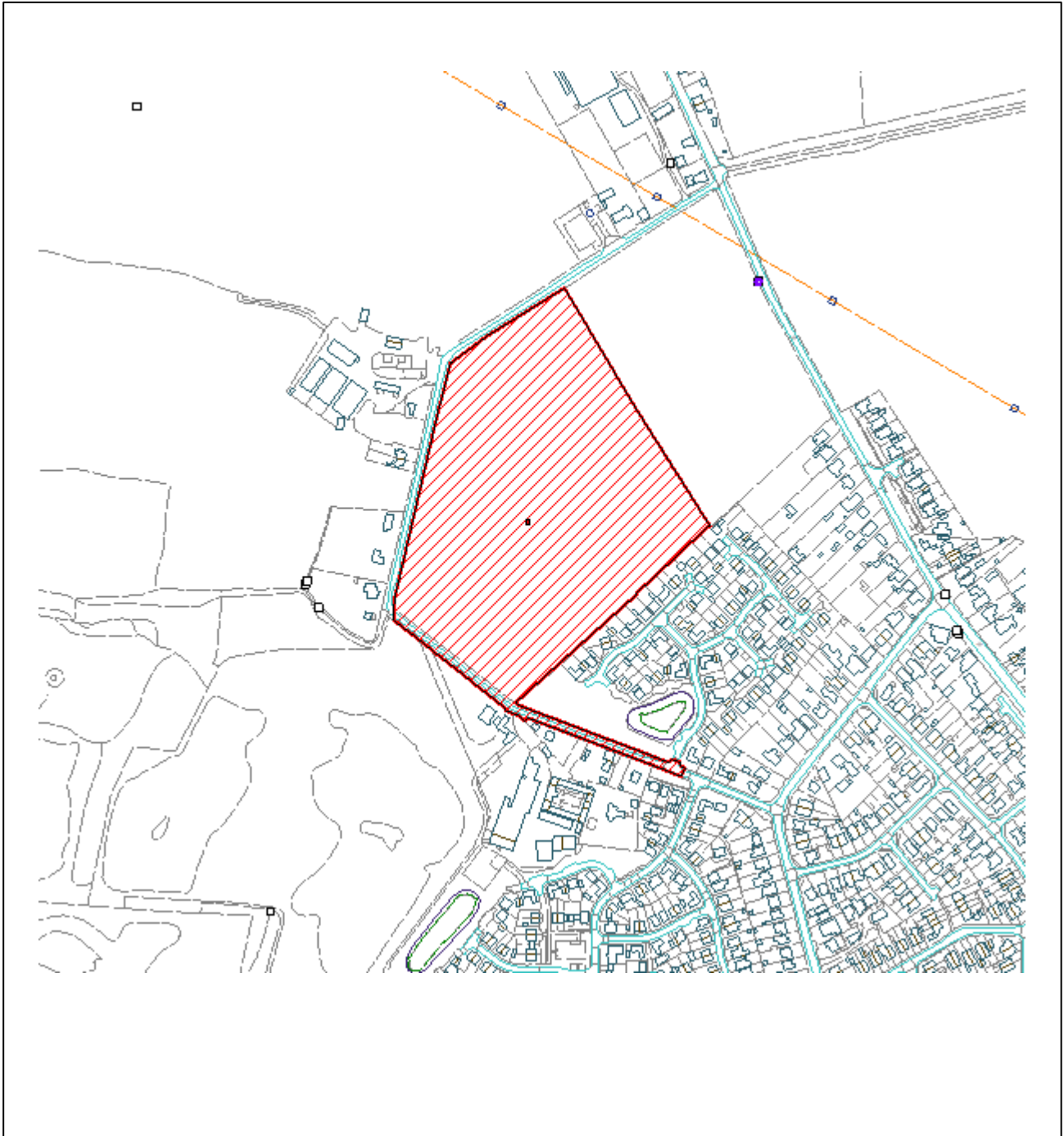
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PLANNING COMMITTEE

17th March 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.1 PLANNING APPLICATION – 25/00374/OUT – LAND EAST OF COCKAYNES LANE ALRESFORD CO7 8BT



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Application:	25/00374/OUT
Case Officer:	Amy Lang
Town/ Parish:	Alresford Parish Council
Applicant:	Pigeon Capital Management 4 Ltd and Ms Joy Elaine Tinneveld
Address:	Land East of Cockaynes Lane Alresford Essex CO7 8BT
Development:	Outline Planning Application (All matters reserved except Access) - Erection of up to 100 dwellings (to include specialist housing for older people and custom/self-build homes) together with amenity space, landscaping and associated works.
Referral Reason:	Departure and Call-in from Councillor Scott
Recommendation:	Outline approval subject to conditions (and S106 agreement)

1. **Executive Summary**

- 1.1 This outline proposal seeks up to 100 dwellings, including 60 age restricted homes, 30% affordable housing, 5 no. custom/self-build plots and 5 no. homes for first time buyers, together with 2.7ha of public open space and enhanced pedestrian links. Although the site lies outside the settlement development boundary, the Council's housing land supply shortfall engages the tilted balance, and the scheme delivers substantial social benefits by meeting a significant identified need for older persons' accommodation, alongside economic and environmental benefits including extensive green infrastructure and Biodiversity Net Gain.
- 1.2 Technical matters including highways, archaeology, drainage, ecology, trees, amenity and minerals can all be satisfactorily addressed through conditions and planning obligations.
- 1.3 The benefits of the scheme are considered to outweigh the limited landscape and policy harms, and the development constitutes sustainable development under the NPPF.

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>
- 2.4 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

- 2.5 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>

Alresford Neighbourhood Plan

- 2.6 The Alresford Neighbourhood Plan was formally made (adopted) on 8 October 2021 and forms part of the 'Development Plan'.
- 2.7 Paragraph 14 of the NPPF states: In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply: a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).
- 2.8 Although the Neighbourhood Plan was adopted less than five years before the date of this decision, it does not contain housing allocations. On this basis the Neighbourhood Plan does not alter the principle of development in respect of the titled balance. The Neighbourhood Plan remains a material consideration given full weight and any relevant policies have been considered as part of the officer assessment below.

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)

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP6 Infrastructure & Connectivity
- SP7 Place Shaping Principles

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

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP1 Improving Health and Wellbeing
- HP3 Green Infrastructure
- HP5 Open Space, Sports and Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable Housing
- LP7 Self-Build and Custom-Built Homes
- LP10 Care, Independent Assisted Living
- PP12 Improving Education and Skills
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL7 Archaeology
- PPL10 Renewable Energy Generation and Energy efficiency Measures
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- DI1 Infrastructure Delivery and Impact Mitigation

Alresford Neighbourhood Plan

- ALRES1 Alresford Spatial Strategy
- ALRES2 Provision for the Ageing Population
- ALRES3 Enhancing Walking and Cycling in and Around Alresford
- ALRES5 Improving the Public Realm
- ALRES6 Health and Social Care
- ALRES7 Provision for Wildlife in New Development
- ALRES10 Surface Water Management

The Essex Minerals Local Plan (2014)

- S8 Safeguarding mineral resources and mineral reserves
- DM1 Development Management Criteria

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
Tendring Provision of Recreational [Open Space for New Development SPD](#) 2008

[Essex Design Guide](#)

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

4. Relevant Planning History

Specific site history:

24/50006/PREAPM	Proposed development of older person (55+) and self-build and custom-build homes, together with substantial areas of open space and landscaping features. Scheme proposes approximately 99 homes.	Support with amendments	05.11.2024
25/00332/EIASCRC	EIA Screening Opinion for an Environmental Impact Assessment (EIA) for the proposed development, in accordance with Regulation 6(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.	Not required	20.03.2025

Adjacent site (east):

17/01761/OUT	Residential development of up to 56 dwellings incorporating affordable housing, infrastructure and public open space.	Refused	26.03.2018
18/00087/REFUSE	DISMISSED ON APPEAL		07.11.2018
19/00474/OUT	Residential development of up to 40 dwellings incorporating affordable housing, access, infrastructure, allotments and public open space.	Refused	21.06.2019
20/00015/REFUSE	DISMISSED ON APPEAL		20.04.2020

Adjacent site (east) PART

23/00871/OUT	Outline Planning Application (Access to be considered) for development of up to 5 self and custom-build plots.	Refused	22.09.2023
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Adjacent site (south) (Taylor Wimpey development):

15/00120/OUT	Outline application for up to 60 dwellings on land north of Cockaynes Lane, Alresford.	Refused	02.11.2015
16/00022/REFUSE	ALLOWED ON APPEAL		01.12.2016

18/00367/FUL
(and subsequent
VOCs and NMAs)

Erection of 84 dwellings, including the provision of affordable homes together with means of access, parking, garaging, associated landscaping and public open space provision.

Approved

16.09.2019

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/>.

Affinity Water

No comments received.

Active Travel England

14.05.2025

Advisory: The developer is advised to refer to Active Travel England standing advice.

Anglian Water Services

31.03.2025

No objection - subject to conditions:

- Condition 1 – Surface Water Management Strategy (Pre-commencement)
- Condition 2 – Construction of Hardstanding post surface water drainage works

ECC Archaeology

10.04.2025 and 06.08.2025

ECC Archaeology advised that trial trenching was required to determine the nature and significance of these remains. A Written Scheme of Investigation has since been approved.

The archaeological evaluation must be completed and its results submitted before the application can be determined, to establish whether preservation in situ or further work is necessary.

Officer comment: This requirement forms part of the recommendation.

ECC Ecology

04.07.2025

No objection subject to conditions:

- Compliance with the supporting ecology assessments.
- All necessary mitigation measures.

ECC Green Infrastructure**20.03.2025**

Advisory: ECC Green Infrastructure raises no objection. Their comments are advisory only and represent specialist opinion. All GI, biodiversity and drainage matters can be fully addressed through the statutory consultation responses and conditions recommended by Place Services Ecology and the Lead Local Flood Authority.

ECC Highways Dept**18.12.2025 and 26.02.2026**

ECC Highways raises no objection to the proposal subject to conditions. Recommended conditions, include:

- Construction Management Plan
- Final Access Design
- Implementation of Access Works. Works include:
 - Carriageway widening (5–5.5m),
 - Provision of a 1.8m footway (linking to internal 2m footway),
 - Pedestrian crossing facilities,
 - Surface water drainage,
 - Initiation of Traffic Regulation Order (TRO) processes for a one-way section and 30mph extension/20mph zone.
- Public Rights of Way to remain unobstructed at all times
- Residential Travel Plan

The informatives highlight that TROs are separate statutory processes, a S278 agreement will be required, internal layout is treated as illustrative, and the scheme should accord with Essex Parking Standards (2024).

ECC Planner Minerals**15.04.2025 and 11.09.2025**

No objection.

Having considered the contents of the MIIA, the MWPA is satisfied that mineral safeguarding matters have been appropriately addressed and accept the conclusions made. The MWPA removes its holding objection subject to consideration of the intended function of the green space within 250m of the quarry extension, in the context of the noise survey results.

Adult Social Care**03.07.2025**

At this time, ECC are unable to support the application without assurance that the site will contain dwellings that are designed to M4(2) or M4(3) standard.

Officer comment: This requirement can be achieved via the reserved matters application.

Essex County Fire Officer**24.03.2025**

Essex County Fire and Rescue Service welcome the opportunity to continue conversations as the development progresses to ensure opportunities to reduce risk and improve the emergency service provision are realised.

ECC Schools Service**18.07.2025**

If planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on EY&C, Primary places, School Transport and Libraries:

- Early years education contribution (3.6 places) - £71,960.40
- Primary school transport contribution - £317,284.80 (£19.88 per pupil, based on 12 places)
- Secondary school transport contribution - £47,576 (£6.26 per pupil, based on 8 places)
- Libraries contribution £7,780

Network Planner - UK Power Networks

No comments received.

Environmental Protection**02.04.2025**

No objection subject to conditions:

- Contaminated land: A full phase two intrusive study (as confirmed within the findings of the report) be undertaken, the results of which are to be submitted to the LPA prior to any works commencing on the site.
- Noise: All recommendations outlined in the conclusion of the report are undertaken, so as to ensure future residents are not adversely impacted.
- Construction Method Statement: Submission and approval of a CMS.

East of England Ambulance Service**29.10.2025**

EEAST requests a £34,000 Section 106 contribution toward a new purpose-built Ambulance Hub in Colchester to meet increased demand. In addition, EEAST recommends securing funding through the S106 agreement for the provision and 10-year maintenance of community defibrillators for the new development.

Housing Services**13.06.2025**

No objection subject to 30% affordable housing with a split of 70% affordable rent and 30% affordable home ownership. I note that the application proposes all the affordable homes to affordable home ownership so this is something that will require some more detailed discussions.

Housing aimed at older persons is supported but this does need to be split across market and affordable tenures.

Independent Water Networks Ltd

No comments received.

North Essex Parking Partnership**17.03.2025**

There is an expectation that the entrance into/out of the development, as well as any junction, bend or turning point is adequately restricted with a minimum of no waiting at any time parking

control measures (double yellow lines) to ensure that large vehicle access, particularly that associated with the emergency services is available at all times of the day.

NHS East Essex CCG

10.04.2025

The ICB identifies that the proposed development will place additional pressure on already constrained local healthcare services. They do not object, provided that appropriate mitigation is secured, primarily through a Section 106 contribution of £58,400 to expand primary care capacity at Colne Medical Centre and Wivenhoe Surgery.

Arch. Liaison Off, Essex Police

20.03.2025

Advisory comments: The development should be designed to maximise crime prevention through environmental design, following Secured by Design (SBD) – Homes 2025 principles. Essex Police invite further discussion with the applicant to ensure security features are appropriately integrated into the scheme. The applicant is encouraged to contact the Essex Police Designing Out Crime Team at: designingoutcrime@essex.police.uk

Police Strategic Planning Consultation

19.03.2025

Advisory comments: Essex Police have reviewed the application and provided their strategic planning considerations, outlining policing priorities relevant to development and infrastructure changes. These comments offer initial, high-level advice on how the development may relate to wider policing needs and service provision.

ECC SuDS Consultee

02.04.2025

No objection subject to conditions:

1. Detailed surface water drainage scheme for the site.
2. A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution.
3. A maintenance plan.
4. Yearly logs of maintenance.

Tree & Landscape Officer

01.04.2025

No objection subject to conditions:

- Compliance with Arboricultural Impact Assessment (AIA) containing an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP), including specialist construction techniques for construction of the new access, infilling of the ditch and road widening works to ensure the health, condition and long-term viability of important Oaks is safeguarded.
- Approval of a comprehensive and detailed scheme of soft landscaping in line with the planting shown on the Landscape Strategy Plan submitted in support of the application.

Design and Access statement shows open space and play provision on the development site. Therefore, no off-site contribution is being requested on this occasion.

6. Representations

6.1 Alresford Parish Council

- Significant harm to the ancient byway of Cockaynes Lane through widening, one-way systems and new footpaths, changing its historic character.
- Negative impact on residential amenity, including access and egress for existing properties and businesses on Cockaynes Lane.
- Previous Planning Inspectorate (2020) decision stated Alresford had “seen sufficient development”; further development would “damage the character of the Village and Cockaynes Lane.”
- Proposed development would push the village 1.9 hectares below required open space standards, increasing pressure on limited amenity space.
- Development claimed to be supported by the Neighbourhood Plan, but the Council refutes this and considers the proposal contrary to policy (Alresford 2 subsection C).
- Risk of impeded emergency services access (ambulances and fire engines) due to closure or restriction of the Alresford Viaduct/B1027.
- Environmental harm through loss of ancient hedgerows and wildlife habitat.
- Council concludes the development is not sustainable or appropriate without essential infrastructure being prioritised.

6.2 Committee Call-in

Call-in received from Councillor Gary Scott on 24.03.2025 raising the following matters:

- This development is out of keeping with this quiet Lane, it would be too much for this area of Alresford and the village has had its fair share of houses especially when 20 plus families cannot access the primary school.
- This Lane is well used by dog walkers to the woods, the access to the site is not appropriate, the local farming community have told me this won't work for their vehicles.
- The industrial units down there object as this will affect their businesses.
- This would add further traffic movements to Station Road, already congested and the junctions on the B1027 to Station Road and Cockaynes Lane have had accidents.
- Cockaynes Lane is the last untouched lane in the village and well loved by residents.

6.3 Neighbour / Local Representations

42 letters of representation have been received. The concerns and considerations raised are summarised below (and addressed within the main report):

Planning Policy & Location

- Site is outside the settlement boundary and not in the Local Plan or Neighbourhood Plan.
- Fear of precedent for further speculative development.
- Contradiction with Quiet Lane designation for Cockaynes Lane.

Infrastructure Capacity

- Primary school at/overcapacity, with many local children unable to secure places and being sent to neighbouring villages
- GP surgeries overstretched, long waiting times, village lacks its own full-time surgery.
- Dentists, hospitals, vets at capacity, leading to reduced access to services.

Highways & Transport

- Cockaynes Lane is too narrow for increased traffic and development will worsen existing conflicts between cars, pedestrians & cyclists.
- Dangerous junction with the B1027, poor visibility and risk of accident hotspot.
- Station Road congestion and parking issues, already heavily used by commuters.
- Concerns about HGV construction traffic and long-term increased vehicle movements.
- Proposed access arrangements (widening, one-way system) considered unsafe, unworkable.
- Suggestion for mini-roundabout at Cockaynes Lane/B1027 junction.
- Requirement for public parking for access to Cockaynes Nature Reserve.
- Technical concerns about non-compliance with Essex Design Guide, inadequate carriageway/footpath widths, and conflicts with existing TPO trees.

Environmental & Biodiversity Impact

- Loss of greenfield land, open countryside and natural landscape.
- Removal of trees and hedgerows, including some under Tree Preservation Orders, harming habitat value and visual amenity.
- Impact on protected species including bats, hedgehogs, birds; proximity to Cockaynes Wood and nature reserve.
- Concerns about flood risk due to increased hard surfacing.
- Observation of deer present on the site.

Residential Amenity

- Overlooking and loss of privacy for Jefferson Way and other residents whose gardens back onto site.
- Light, noise & air pollution from both construction and completed development.
- Disruption to vulnerable residents (e.g., health issues, disabilities).

Heritage & Archaeology

- Nearby archaeologically sensitive sites, including Roman and prehistoric features.

1 letter of support has been received making the following comments:

- Reference to national and regional housing shortages; development contributes to meeting housing targets.
- Development could provide affordable housing and help younger generations access the housing market
- Sustainable development is needed to allow communities to grow and remain viable.

7. Assessment

Site Description and Context

- 7.1 The application site comprises approximately 6.70 hectares of arable farmland located east of Cockaynes Lane, adjacent to the built-up edge of Alresford. The land is broadly level and is enclosed on all boundaries by established hedgerows with occasional mature trees and occasional openings in the hedgerow.
- 7.2 To the south-east, the site adjoins recent residential development at Jefferson Way (Taylor Wimpey scheme, 84 dwellings, ref. 18/00367/FUL). To the north-east, it adjoins further agricultural land. To the south, west and north, the site is bounded by Cockaynes Lane, with small clusters of dwellings and employment units.
- 7.3 The wider area includes Cockaynes Wood Local Nature Reserve and associated lakes approximately 90m to the southwest. Alresford Railway Station lies around 0.5km to the southeast.

Two Public Rights of Way, Alresford Footpaths 2 and 20, run adjacent to the site.

- 7.4 The site lies outside, but immediately adjacent to, the Alresford Settlement Development Boundary as defined within the adopted Local Plan.
- 7.5 The land is located entirely within Flood Zone 1, meaning it is at low risk of both fluvial and surface water flooding. No on-site watercourses are present.
- 7.6 A limited number of trees are present within and around the site. These include specimens protected by Tree Preservation Orders near the southwestern boundary (14/00010/TPO - T1 - Oak, T2 - Ash, T3 - T8 - Oak).
- 7.7 There are no designated heritage assets within the site. The nearest listed structure is a Grade II milestone located approximately 170 metres to the north, with no direct visual or functional relationship to the land.

Proposal

- 7.8 The application seeks outline planning permission with all matters reserved except Access (with Scale, Layout, Appearance and Landscaping reserved for future consideration) for up to 100 dwellings, including 60 age restricted bungalows for older people (aged 55+), 30 no. affordable homes (30%), 5 no. first-time buyer 1 bed units, and 5 no. self-build / custom-build plots. The development amounts to approximately 15 dwellings per hectare. It is intended that the development will comprise of predominantly single-storey dwellings, rising to two storeys in some areas.
- 7.9 The accompanying 'Land Use and Accommodation Schedule' provides an indicative housing mix:

Type	1-bed	2-bed	3-bed	Total
Market	5	32	28	65
Affordable	16	9	5	30
Self Build / Custom Build	0	0	5	5
Total	21	41	38	100
% Mix	21%	41%	38%	-

- 7.10 The application is supported by several technical reports and assessments together with illustrative plans including, an illustrative layout plan and landscape strategy plan demonstrating how the development could achieve an internal layout for 100 dwellings including:
- Approximately 2.7 ha of open space including a circular walking route and LEAP
 - Sustainable drainage features (swales and attenuation basins)
 - Biodiversity enhancement areas including new planting, a meadow and orchard area.
- 7.11 However, it is noted that the layout has flexibility to change and could include greater spacing between units and the existing development. These matters are reserved.
- 7.12 The application includes consideration of Access comprising:
- 1 no. new vehicular accesses from Cockaynes Lane
 - Realignment of a short section of Cockaynes Lane to create a one-way eastbound system
 - Section of Cockaynes Lane between new access / egress points to become footway only
 - A new 2m pedestrian footway linking to the existing, adjacent to the Jefferson Way development
 - Pedestrian/cycle connections to PRow 2 and 20

- 7.13 The proposal is presented as a landscape-led development intended to meet an identified local need for older persons' accommodation while delivering wider community, infrastructure, and biodiversity benefits.

Principle of Development

- 7.14 The development plan for Tendring comprises Section 1 of the Tendring District Local Plan 2013–2033 (adopted 26 January 2021) and Section 2 of the Tendring District Local Plan 2013–2033 and Beyond (adopted 25 January 2022). These documents remain the statutory development plan for the purposes of decision-making, alongside any made Neighbourhood Plans and the Essex Minerals and Waste Local Plans.
- 7.15 Policy SP3 of Section 1 establishes the spatial strategy for North Essex, directing the majority of growth to existing settlements according to their scale, sustainability and established roles. The policy supports development within or adjoining settlements and seeks to protect the wider countryside, supporting only the diversification of the rural economy and the conservation and enhancement of the natural environment.
- 7.16 Policy SP3 relies on Section 2 of the Local Plan to set out the Tendring settlement hierarchy and guide the distribution of new development. Policies SPL1 and SPL2 fulfil this function by defining Settlement Development Boundaries (SDBs) and establishing the approach to development outside those boundaries. The site lies outside the adopted SDB for Alresford, although the entire eastern boundary directly abuts it. Its location therefore constitutes development in the countryside for the purposes of the Local Plan. Policies SPL1 and SPL2 provide that within the Settlement Development Boundaries, *“there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies and any approved Neighbourhood Plans. Outside of Settlement Development Boundaries, the Council will consider any planning application in relation to the pattern and scales of growth promoted through the Settlement Hierarchy in Policy SPL1 and any other relevant policies in this plan.”* This presumption is in favour of development and does not direct restrict development to only settlement boundaries. In turn the tilted balance engages further with a presumption in favour of development.
- 7.17 Alresford is identified as a Rural Service Centre within the Local Plan, reflecting its relative level of services, facilities and employment opportunities compared with higher-order settlements.
- 7.18 The Local Plan acknowledges that Rural Service Centres may accommodate small-scale, proportionate growth over the plan period. Such development should be sustainable, achievable and reflective of the settlement's size, character, service provision and any physical, environmental or infrastructure constraints. Growth in these locations is intended to support local housing needs, the village economy and the district-wide housing requirement.

Local Plan Policy Context and Five-Year Housing Land Supply

- 7.19 Although the Local Plan remains the statutory development plan, national policy requires that strategic housing policies are treated as out-of-date once they are more than five years old. Section 1 of the Local Plan, which sets the district's annual housing requirement, reached this five-year point on 26 January 2026. From this date, the Council must assess its five-year housing land supply against the local housing need figure calculated using the Government's Standard Method rather than the Local Plan requirement.
- 7.20 The most recent Strategic Housing Land Availability Assessment (SHLAA), published December 2025, identifies a 3.22-year supply of deliverable housing sites against the current local housing need of 1,063 dwellings per year. This represents a significant shortfall against the minimum five-year requirement.
- 7.21 Given the Council's housing land supply deficit, paragraph 11(d) of the National Planning Policy

Framework, known as the “tilted balance”, is engaged. In such circumstances, planning permission should be granted unless; (i) policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusal (which is not the case here), or (ii) the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. The application therefore must be considered with regard to the NPPF’s overarching objectives, including directing development to sustainable locations, making efficient use of land, securing well-designed places, and supporting the delivery of needed homes.

Status of Emerging Local Plan Preferred Options Draft

- 7.22 The site is identified as a potential strategic housing allocation in the Council’s Emerging Local Plan Preferred Options Draft (Regulation 18), under proposed Policy SAH6 within the Draft Tendring District Local Plan Review 2025–2042. This document was recently agreed by Tendring District Council for consultation.
- 7.23 Although this stage of plan-making carries very limited weight because it has not been tested through examination and remains subject to change, its inclusion indicates that the site has been considered as part of the Council’s emerging spatial strategy and as a sustainable site. The Preferred Options draft seeks to accommodate increased housing requirements by directing growth to sustainable settlement edges such as Alresford, reflecting its rail connections and existing services. While this provides an indication of the likely direction of future plan-making, it cannot be relied upon as a determinative factor in support of the proposal at this time. Nevertheless, this indicates that development at this location is broadly aligned with the direction of future plan-making and is not inconsistent with longer-term spatial objectives.

Three Strands of Sustainable Development

- 7.24 In applying the tilted balance, 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 Role

- 7.25 The development would generate short-term economic benefits through construction activity and would support local suppliers and employment. Longer term benefits include increased expenditure in the village and wider district, assisting the vitality of local services. In addition, providing age-restricted and accessible accommodation can help release under-occupied dwellings elsewhere, improving housing mobility. These economic effects attract moderate weight.

Social Role

- 7.26 The proposal delivers up to 60 specialist dwellings for older people, an identified area of housing need within Tendring. This directly assists in balancing the district’s housing stock, diversifying tenure and meeting demographic needs in line with NPPF objectives. The layout provides accessible design, open space and opportunities for social cohesion.
- 7.27 Alresford is identified within the Local Plan and the District’s spatial strategy as a Rural Service Centre, reflecting the range of facilities and amenities available in the village. Alresford Train Station lies approximately 500 metres to the south, with a bus service operating along Wivenhoe Road around 200 metres further south. A new footway is proposed to connect the site to the recent housing development at Jefferson Way, creating a continuous pedestrian route to Alresford Village Centre, where a variety of shops and takeaways are located. The village also benefits from a church, a primary school, a park, a village hall, and a playground, all within a walkable distance of

approximately 0.5km to 1km.

- 7.28 Furthermore, given the significant housing shortfall and the targeted nature of this accommodation, the social benefits attract significant weight.

Environmental Role

- 7.29 The proposal would extend built form into the countryside and would therefore give rise to some degree of landscape impact.
- 7.30 The scheme is, however, designed to limit these effects through a predominantly single-storey, built form, a low-density layout and the incorporation of extensive planting and green infrastructure, to be secured at reserved matters stage. The application is supported by a Landscape and Visual Impact Assessment (LVIA) which is considered to accurately reflect the landscape qualities of the Bromley Heaths Character Area and demonstrates that the development would have a moderate to slight adverse visual and landscape impact initially, reducing to negligible effects in the long term as proposed landscaping establishes. The LVIA's conclusions are considered sound, and the accompanying landscape strategy would help assimilate the development into its setting (finalised as part of the reserved matters stage as part of Layout and Landscaping).
- 7.31 Technical assessments indicate that impacts relating to highways, ecology, drainage, flood risk and residential amenity can be appropriately mitigated through design and planning conditions, and that Biodiversity Net Gain can be achieved with suitable habitat protection and enhancement measures. Overall, while there is an acknowledged degree of landscape harm, this is considered acceptable and the remaining environmental effects are limited and capable of being satisfactorily managed and mitigated.

Older Persons' Housing

- 7.32 The NPPF (2024) requires local planning authorities to plan proactively for the needs of older people. Paragraph 63 states that planning policies must reflect the specific housing needs of older people, which the Framework defines as including people approaching or at retirement age, encompassing a spectrum of housing from adaptable general needs housing through to specialist forms, including age-restricted housing, retirement housing, sheltered accommodation, extra care housing and care homes.
- 7.33 The Local Plan Section 1 Plan identifies the ageing population as a key strategic challenge and requires a proactive response to ensure delivery of appropriate homes and supporting services. Tendring has some of the highest proportions of older residents in the region. Relevant policies include Section 2 Policy LP2 (Housing Choice), which supports bungalows, retirement housing, extra care and independent living to meet older persons' needs and Policy LP10 (Care, Independent and Assisted Living), which supports specialist older persons housing in sustainable locations, including land outside settlement boundaries where the development supports a sustainable pattern of growth.
- 7.34 The Alresford Neighbourhood Plan was formally made on 8 October 2021 and forms part of the development plan. Although it was adopted within the last five years, it does not contain housing allocations. Therefore, the protections provided under paragraph 14 of the NPPF, which can disapply the tilted balance for up-to-date Neighbourhood Plans, do not apply in this case. Nevertheless, the policies of the Neighbourhood Plan remain a material consideration.
- 7.35 The Alresford Neighbourhood Plan contains several policies relevant to the proposal. For example, Policy ALRES1 directs development within the settlement boundary but allows older-persons' housing immediately adjacent.
- 7.36 The proposed scheme includes a new 2m pedestrian footway, pedestrian/cycle connections to PRow 2 and 20, and alterations along Cockaynes Lane consistent with ALRES3 which requires

major development to enhance walking/cycling routes and improve PRow connections. It provides approx. 2.7ha of open space, a circular walking route, play space and extensive landscaping, aligning with ALRES7 which supports biodiversity-friendly design and net ecological gain. The drainage strategy incorporates SuDS (swales and attenuation basins), fully meeting ALRES10 requiring Sustainable Drainage Systems (SuDS) for major development.

- 7.37 In relation to older persons' housing, the development proposes up to 65 market homes for over-55s, primarily single-storey and designed for accessibility. The proposal therefore provides a locally relevant housing mix consistent with the objectives of Policy ALRES2 and the strategic aim in ALRES1 to support older-persons' accommodation immediately adjacent to the settlement boundary where it meets an evidenced need.
- 7.38 The application is supported by an Older Persons Housing Needs Assessment (Marrons, January 2025) which identifies a high proportion of older residents, with 39.7% of the Alresford study area aged 55+ and Tendring's 55+ population projected to reach 48.6% by 2043. It also notes significant under-occupation, with around 80% of homes having more bedrooms than required. Provision is very limited, with no age-exclusive 55+ housing in Alresford, only four such units across Tendring and Colchester and just 21 specialist vacancies across both districts. Using Housing LIN benchmarks (Housing Learning and Improvement Network) the Assessment identifies a current shortfall of 3,404 sheltered/age-exclusive units across the two districts, rising to 6,733 by 2043, and a local shortfall of 427 units in the Alresford study area, including 330 freehold/leasehold homes. The applicant therefore contends that the proposed age-restricted bungalows would make a meaningful contribution to addressing this deficit and align with the support for specialist housing for older people set out in the Neighbourhood Plan (Policies ALRES1 and ALRES2).
- 7.39 Alresford Parish Council objects to the application (as summarised above), raising concerns regarding the impact on local character, infrastructure capacity, and the proposal's consistency with the Neighbourhood Plan, particularly in relation to accessibility for older residents. The Parish Council disputes the applicant's argument that the scheme accords with the Neighbourhood Plan, arguing that it does not satisfy Policy ALRES2(C) due to what it considers insufficiently safe and convenient access for older people to key village services.

Self-Build Homes

- 7.40 The NPPF identifies self-build and custom-build housing as an important part of housing supply and requires local planning authorities to plan positively for it, including providing opportunities for serviced plots to support a wider choice of homes. National policy and guidance make clear that self-build housing represents a distinct housing need, should be supported through plan-making, and must be considered positively where it helps diversify housing supply.
- 7.41 The NPPG further confirms councils' statutory duties under the Self-build and Custom Housebuilding Act 2015 and the Housing and Planning Act 2016 to maintain a self-build register and to grant enough permissions to meet the demand recorded on it.
- 7.42 Policy LP2 supports delivering a mix of homes, including opportunities for self-build. While the overall proposal is a large-scale development, the inclusion of up to five serviced self-build plots represents a proportionate component of the scheme and aligns with the principle of diversifying housing provision. This element therefore falls to be considered under Policy LP7.
- 7.43 The Council currently has a shortfall in permissions needed to meet the demand recorded on the self-build register, a statutory duty strengthened by the Levelling Up and Regeneration Act 2023. Proposals that contribute towards reducing this deficit are a material consideration and carry positive weight.
- 7.44 Policy LP7 allows for small self-build schemes outside but close to settlement boundaries where they support sustainable growth and meet defined accessibility criteria. Alresford is designated as a Rural

Service Centre, and the site adjoins the settlement boundary with pedestrian connectivity provided via a footpath extension. On this basis, the self-build component is considered to accord with LP7(b).

- 7.45 Although modest in scale relative to the wider development, the five self-build plots would make a positive contribution to addressing the Council's self-build shortfall. A completed Self Build Declaration Form confirms compliance with statutory definitions, and the delivery of the plots can be secured through the S106 legal agreement and conditions, as appropriate.

Principle of Development Conclusions

- 7.46 Although the proposal conflicts with the adopted Local Plan's spatial strategy, being located outside the Settlement Development Boundary, the Council's inability to demonstrate a five-year housing land supply renders the relevant housing policies out-of-date and engages the tilted balance under paragraph 11(d) of the NPPF. In this context, significant weight is afforded to the delivery of housing, particularly the specialist older persons' accommodation proposed, alongside the scheme's economic benefits and the capacity to mitigate environmental impacts through design and conditions.
- 7.47 The identification of the site within the Emerging Local Plan Preferred Options Draft (Regulation 18) carries only very limited weight at this early stage. Nonetheless, it is a material indication that the location aligns with the Council's emerging spatial strategy, which seeks to focus future growth at sustainable settlement edges such as Alresford. This emerging context supports, but does not determine, the acceptability of the principle of development.
- 7.48 When assessed against the NPPF as a whole, the adverse impacts, principally the landscape effect of extending built form into the countryside, do not significantly or demonstrably outweigh the substantial benefits. These benefits include:
- delivery of up to 60 age-restricted dwellings meeting a clearly evidenced and acute local and district-wide need for older persons' accommodation;
 - provision of 30% affordable housing;
 - provision of five first-time buyer units;
 - creation of five self-build plots, assisting the Council in meeting its statutory self-build duties;
 - extensive public open space, biodiversity net gain, and SuDS-led green infrastructure;
 - enhanced walking and cycling connections, including improved links to PRoW 2 and 20; and,
 - economic benefits through construction and increased local expenditure.
- 7.49 Therefore, the principle of development is considered acceptable, subject to the detailed considerations and recommendations set out below.
- 7.50 Objections have been raised regarding the principle and location of the development, including that the land lies outside the settlement boundary, is not allocated in the Local Plan or Neighbourhood Plan, and may create a precedent for further speculative proposals. Concerns also highlight pressures on local infrastructure, particularly primary school capacity, GP access and wider community services. These issues are acknowledged; however, as explained above, the wider policy context is a material consideration. The Council cannot demonstrate a five-year housing land supply, meaning the tilted balance in paragraph 11(d) of the NPPF applies, and planning permission should be granted unless adverse impacts significantly and demonstrably outweigh the benefits. The land is also included within the Emerging Local Plan Preferred Options Draft as a potential future allocation, indicating alignment with the emerging spatial strategy to focus growth at accessible settlement edges. When assessed against national and local policy, including the demonstrated need for specialist older persons' accommodation and the ability to mitigate environmental and infrastructure effects through design, planning conditions, and planning obligations to support local services, the overall evidence supports the conclusion that the principle of development remains acceptable notwithstanding the objections received.

Access, Parking and Highway Safety

- 7.51 Paragraph 114 of the NPPF requires that development provides safe and suitable access for all users, that parking and transport design accords with national guidance, and that any significant impacts on the transport network or highway safety are capable of being mitigated to an acceptable level. Paragraph 115 further clarifies that development should only be refused on highways grounds where it would result in an unacceptable impact on highway safety or where the residual cumulative impacts would be severe.
- 7.52 Policy SPL3 Part B of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that new development is served by a safe and practicable access, that the highway network can accommodate the traffic generated, and that adequate vehicle and cycle parking is provided. The Essex Parking Standards set out the relevant minimum requirements for parking and turning.
- 7.53 The application is supported by:
- Road Safety Audit Stage 1 (TMS, report ref. 18797, November 2024) – received 04.03.25
 - Designers Response to Stage 1 Road Safety Audit (Rappor, November 2024) – received 04.03.25
 - Transport Assessment (Rappor, V1.1, February 2025) – received 04.03.2025
 - Travel Plan (Rappor, February 2025) – received 04.03.25
 - Proposed Highway Arrangements drawing no. 24.0503-RAP-XX-XX-DR-TP-3200 P01 – received 04.03.25
 - Visibility Assessment drawing no. 24.0503-RAP-XX-XX-DR-TP-3202 – received 04.03.25
 - Indicative Parking Strategy Plan drawing no. J0079271_005_V1_CJ_MP_PL – received 04.03.25
- 7.54 Vehicular access to the site will be provided from Cockaynes Lane via a new 5.0m wide access road extending into the site from the east. To the west of the new access road, it is proposed to realign Cockaynes Lane and make it one-way in an eastbound direction over a short distance to prevent traffic from the scheme using the western section of Cockaynes Lane and the sub-standard priority junction with the B1027 when leaving the Site.
- 7.55 Between the 2 points of vehicular access / egress, Cockaynes Lane will become a pedestrian footway only. Where possible, either a 1.8m or 2m pedestrian footway will be provided to ensure pedestrian connectivity is provided across the new access, road re-alignment areas and existing footways adjacent to the Jefferson Way development.
- 7.56 Pedestrian and cycle access to the site will be via the proposed new vehicular access. To connect the site with the existing footway/cycleways, additional segregated links will be connected into Footpath 2 at the south-west corner of the site near to Cockaynes Wood, and at two further locations to the north and west, including links to Footpath 20.
- 7.57 The Indicative Parking Strategy demonstrates that the development can provide compliant parking levels and satisfactory manoeuvring arrangements for the proposed development of 100 homes. Detailed design will be addressed through the reserved matters submission for Layout.
- 7.58 The proposed access arrangements demonstrate that:
- Necessary vehicular access along the western section of Cockaynes Lane is maintained.
 - Through-traffic is eliminated at the point where the lane becomes unsuitable for two-way movement.
 - A pedestrian-only section is introduced to improve safety and encourage sustainable travel.
 - A clear and controlled junction is created with the main access road serving the development.
 - Appropriate separation between vehicular and pedestrian routes is provided through

kerbing and potential railings.

- 7.59 The Highway Authority raises no objection to the proposal, subject to conditions. It confirms that the revised access arrangement onto Cockaynes Lane is acceptable in principle and that the traffic generated by the development can be accommodated on the local highway network, taking account of the sustainable location and anticipated trip patterns. The Highway Authority is satisfied that the location benefits from good access to nearby services, including Alresford railway station, bus stops, and local facilities, and that the proposed access strategy can deliver safe and suitable vehicular and pedestrian connections.
- 7.60 The recommended conditions seek to ensure that:
- construction impacts are appropriately managed through the submission and approval of a Construction Management Plan;
 - the detailed design and delivery of the vehicular access, footway provision, drainage, and associated Traffic Regulation Orders are secured;
 - public rights of way remain unobstructed throughout the development; and
 - a residential travel plan is implemented to promote sustainable travel choices.
- Informative notes also set out procedural requirements regarding highway works, future adoption processes, road safety audits, and compliance with the 2024 Essex Parking Standards.
- 7.61 Overall, subject to these measures being imposed (where the conditions meeting the 6 tests set out in the legislation and NPPG), the development is considered acceptable in terms of highway safety, network efficiency, and sustainable movement. Taken together, the proposed arrangements represent a safe, coherent, and policy-compliant access strategy that appropriately balances the needs of existing road users with those of the new development.
- 7.62 The North Essex Parking Partnership advises that the entrance to and from the development, together with any junctions, bends, or turning points, should be protected by 'no waiting at any time' restrictions (double yellow lines) to maintain clear access for large vehicles, including those operated by the emergency services. The Highway Authority has confirmed that these measures can be secured as part of the wider highway works and Traffic Regulation Order process.
- 7.63 A number of objections have been received relating to highway safety, the capacity of Cockaynes Lane, the suitability of the proposed access arrangements, increased traffic movements, construction impacts, congestion on Station Road, emergency vehicle access, and wider concerns about pedestrian and cyclist safety. Objectors also refer to the character of Cockaynes Lane as a 'Quiet Lane', and the effect on existing residents and local businesses.
- 7.64 The designation of Cockayne's Lane as a Quiet Lane does not impose any enforceable restrictions on development or vehicle use, nor does it prohibit access by any type of traffic. Quiet Lanes are intended to encourage considerate driving and shared use by walkers, cyclists, horse riders, and residents through minimal, unobtrusive signage rather than physical alterations to the highway. There are no Local Plan policies, nor any Neighbourhood Plan policies, that provide specific protection or impose constraints in relation to Quiet Lanes. The Quiet Lane status does not prevent development in the vicinity and is not compromised by the proposed scheme.
- 7.65 The application is supported by detailed highway assessments, and the Highway Authority has confirmed that the revised access arrangements are acceptable in principle and that the development can be safely and satisfactorily accommodated on the local network, subject to conditions securing construction management, access design, footway provision, drainage measures, Traffic Regulation Orders, and a residential travel plan. On this basis, technical consultees conclude that highway and transport matters can be appropriately mitigated and do not warrant refusal on this basis.

Scale, Layout & Appearance

- 7.66 Paragraph 131 of the NPPF expects new development to be well designed, visually attractive and respectful of local character. Local Plan Policy SP7 also seeks good quality urban and architectural design, while Policies SPL3 and LP4 require layouts that relate well to their surroundings and help create a sense of place.
- 7.67 The information submitted with the application, including the Design and Access Statement, shows that the site can accommodate a scheme that meets these aims. The indicative masterplan demonstrates a clear street structure, links to the wider area, and a landscape-led approach that retains much of the existing boundary vegetation and introduces further planting. This helps to establish a sensible layout and soften the transition between the new development and the surrounding countryside.
- 7.68 Although full design details are reserved for later, the DAS indicates that building scale, forms and materials can reflect those found locally, and that the site can provide well-overlooked public spaces and a coherent network of vehicular and pedestrian movement.
- 7.69 Overall, the supporting information demonstrates that a well-designed scheme can be achieved at reserved matters stage in line with the requirements of Paragraph 131 of the NPPF and Policies SP7, SPL3 and LP4.

Residential Amenities

- 7.70 Paragraph 135 of the National Planning Policy Framework (NPPF) requires that planning decisions ensure developments 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.
- 7.71 Local Plan Section 1 Policy SP7 seeks to ensure that the amenity of existing and future residents is protected. Local Plan Section 2 Policy SPL3 Part C requires that development does not result in material harm to the privacy, daylight or general amenity of neighbouring occupiers, while Part B requires new development to be designed and orientated to provide adequate daylight, outlook and privacy. Policy LP4 further requires that new dwellings provide appropriately sized and configured private amenity space in keeping with local character.
- 7.72 A number of representations raise concerns relating to residential amenity, including overlooking and loss of privacy for residents of Jefferson Way, noise and disturbance, light and air-quality impacts arising during both construction and operation, and the potential disruption to vulnerable residents.
- 7.73 The application is accompanied by
- Lighting Assessment (BWB, report ref. CLA-BWB-GEN-XX-RP-E-0001 Revision P01, February 2025) – received 04.03.25
 - Noise Impact Assessment (Professional Consult, report ref. 24.110.1.R3, February 2025)– received 04.03.25
 - Air Quality Assessment (Redmore Environmental report ref. 8128r3, February 2025) – received 04.03.25
- 7.74 Consultation with the Council's Environmental Protection Team (EPT) has been undertaken who raise no objection subject to conditions.
- 7.75 The application is in outline form with layout, scale, appearance and landscaping reserved. The Design and Access Statement demonstrates that the indicative layout retains the existing boundary vegetation, including hedgerows and trees along the shared boundary with Jefferson Way, and provides separation between rear gardens and proposed built form. The DAS confirms that the masterplan has been designed to ensure that standard back-to-back distances can be met at

reserved matters stage. This demonstrates that the detailed design, via the subsequent reserved matters application, can avoid unacceptable overlooking or loss of privacy for existing residents, in accordance with Policies SPL3 and LP4.

- 7.76 Both the Noise Impact Assessment and Air Quality Assessment confirm that construction activities have the potential to cause disturbance due to temporary increases in noise, dust, and construction traffic, particularly for residents on Jefferson Way and Cockaynes Lane. However, the assessments show that standard best-practice mitigation, all of which can be secured through a Construction Method Statement condition, residual impacts will fall within acceptable levels.
- 7.77 Therefore, officers consider that construction phase noise, dust and traffic impacts can be effectively managed and do not represent grounds for refusal, subject to appropriate conditions.
- 7.78 No permanent lighting details are submitted at this stage. Any future lighting scheme can be controlled by condition at reserved matters stage to prevent unacceptable light spill and maintain the amenity of neighbouring occupiers in line with Policy SPL3.
- 7.79 Based on the evidence submitted, including the Noise Impact Assessment, Air Quality Assessment and Environmental Protection consultation response, officers consider that the proposed development can be delivered without causing unacceptable impacts to the amenity of existing residents.
- 7.80 The indicative layout demonstrates that adequate separation and screening can be achieved to avoid harmful overlooking or loss of privacy. Noise, dust and air-quality impacts associated with both construction and operation can be satisfactorily mitigated through standard conditions and detailed design. The scheme therefore complies with Paragraph 135 of the NPPF and with Policies SP7, SPL3 and LP4 of the Local Plan.

Archaeology

- 7.81 The NPPF explains that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation (Paragraph 207). Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (Paragraph 208). Regard should be given to the importance of their retention in situ and, where appropriate, explaining their historic and social context rather than removal (Paragraph 211).
- 7.82 Adopted Local Plan Section 2 Policy PPL7 states that, proposals for new development affecting a heritage asset of archaeological importance or its setting will only be permitted where it will protect or where appropriate enhance the significance of the asset. Where a proposal will cause harm to the asset, the relevant paragraphs of the NPPF should be applied dependent on the level of the harm caused.
- 7.83 The application is accompanied by the following reports:
- Archaeological Desk-Based Assessment (report ref. 794-PLN-HER-00745 V1.3 January 2025) – received 04.03.2025
 - Geophysical Survey Report (report ref. MSTM1802, June 2024) – received 04.03.2025
 - Written Scheme of Investigation: Trial Trench Evaluation (V2 January 2025) – received 04.03.2025
 - Written Scheme of Investigation for an Archaeological Evaluation (report ref. 794-PLN-HER-0745 Version 3 August 2025) – received 30.07.2025

- 7.84 Consultation has been undertaken with Essex County Council Place Services Archaeology (ECC Archaeology).
- 7.85 In summary, the site lies within an area of known archaeological potential recorded on the Essex Historic Environment Record, including cropmark features such as a trackway, enclosure and linear features. The geophysical survey submitted with the application identified several circular anomalies considered to be of archaeological interest and potentially representative of a prehistoric cemetery or ritual landscape. These features extend across areas proposed for development and may be of high significance, potentially equivalent to designated heritage assets.
- 7.86 ECC Archaeology initially advised that a targeted programme of archaeological trial trenching was required to establish the nature, extent and significance of these features, in line with the NPPF. Following this, a Written Scheme of Investigation (WSI) for the evaluation was submitted and approved. ECC Archaeology confirms that the evaluation must be completed prior to determination to provide sufficient information to assess heritage impact and to inform whether preservation in situ or further investigation is required.
- 7.87 Officers advise Members that any resolution to approve this application must be subject to the completion of the required archaeological evaluation, together with the submission of the resulting findings and recommended mitigation. The recommendation of approval therefore includes a requirement that the evaluation is undertaken and that ECC Archaeology is re-consulted on the submitted results and confirms 'no objection' before the application is formally determined. As layout is a reserved matter, the evaluation outcomes can appropriately inform the future reserved matters submission, ensuring that any necessary archaeological mitigation is secured at the correct stage.

Minerals and Waste

- 7.88 Essex County Council Mineral and Waste Planning Authority (MWPA) is the minerals planning authority for the District and is responsible for preparing planning policies and assessing applications for mineral development. The Essex Minerals Local Plan (2014) forms part of the Development Plan and should be read alongside the adopted Tendring District Local Plan.
- 7.89 Essex Minerals Local Plan 2014 Policy S8 requires that the MWPA be consulted on development proposals covering 5 hectares or more within the sand and gravel Minerals Safeguarding Area (MSA). Regard should be had to the requirements of the Minerals Local Plan where a development falls within a Minerals Safeguarding Area.
- 7.90 The application is accompanied by:
- Minerals Safeguarding Assessment (report ref. J0079271_008_V2, Geosphere Environmental, January 2025) – received 04.03.2025
 - Mineral Infrastructure Impact Assessment (Carter Jonas, August 2025) – received 22.08.2025
- 7.91 MWPA initially advised that the application site lies wholly within designated Mineral Safeguarding Areas (MSAs) for sand and gravel, and partially within an MSA for brick clay/brickearth, meaning Policy S8 of the Essex Minerals Local Plan 2014 applies. As the site area within the sand and gravel MSA exceeded the 5 hectare threshold, Policy S8 would ordinarily require a Minerals Resource Assessment to consider the presence and economic viability of mineral deposits and the potential for prior extraction. However, once a standard 100 metre standoff for sensitive development was applied, the workable mineral area reduced to 1.2 hectares, below the relevant threshold, meaning an MRA was not required in this case.
- 7.92 The MWPA also identified that the site passes through a Mineral Consultation Area associated with Wivenhoe Quarry. In line with Policy S8 and NPPF, the MWPA requires a Mineral Infrastructure

Impact Assessment (MIIA) to evaluate potential impacts of the proposed development on the continued operation of the quarry, and the sensitivity of future occupants to noise, dust, traffic and other operational effects. The MWPA set out the scope of information expected within the MIIA, including site context, the nature of mineral infrastructure affected, assessment of potential impacts, and identification of any mitigation measures.

- 7.93 In relation to waste planning matters, the MWPA confirmed that the site does not fall within a Waste Consultation Area and therefore no Waste Infrastructure Impact Assessment is needed. However, the MWPA recommends that, should the application be approved, a condition be imposed requiring a Site Waste Management Plan to secure sustainable waste handling, material recovery and recycling during construction. This is included within the recommendation.
- 7.94 In line with the initial comments from MWPA, a Mineral Infrastructure Impact Assessment (MIIA) has been provided. Following re-consultations, the MWPA issued an updated response confirming that mineral safeguarding issues have been satisfactorily addressed and accepted the conclusions of the assessment. It noted that the proposed residential development is located outside the 250-metre Mineral Consultation Area, with land within this area being set aside as green space. On this basis, the MWPA have removed its holding objection.
- 7.95 MWPA removes its holding objection subject to consideration of the intended function of the green space within 250m of the quarry extension in the context of the noise survey results. This will be addressed at the reserved matters stage when considering the final layout of the proposed development. The requirements of the MWPA will be included as an informative and further consultation with the MWPA will be undertaken at the reserved matters stage if considered necessary (if the green space area or overall layout of the site changes significantly from the indicative layout plan provided with this outline application).

Trees and Landscaping

- 7.96 Paragraph 136 of the NPPF sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible.
- 7.97 Local Plan Policy LP4 (Housing Layout) seeks high-quality design and states that new residential development should make a positive contribution to the District's sense of place by incorporating and maximising green infrastructure, including verges, trees and other planting.
- 7.98 The site comprises agricultural land with strong boundary vegetation and mature trees. A limited number of trees are located within and around the site, including several protected by Tree Preservation Order 14/00010/TPO (T1 Oak, T2 Ash and T3–T8 Oaks) along the southwestern boundary.
- 7.99 The application is accompanied by:
- Arboricultural Impact Assessment & Method Statement (inc. Tree Protection Plan) (report ref. CA24/035.RP2, January 2025) – received 04.03.2025
 - Landscape Strategy Plan drawing no. 2827-LLA-ZZ-00-DR-L-0001 – received 04.03.2025
- 7.100 Consultation has been undertaken with the Council's Tree and Landscape Officer who raises no objection subject to conditions.
- 7.101 The submitted arboricultural information confirms that the majority of boundary trees can be retained without adverse impact, given the separation from built development. However, the creation of the new vehicular access and associated highway works poses potential risk to significant boundary Oaks through root disturbance, ground compaction and changes to soil moisture.

7.102A detailed soft landscaping scheme will be secured at reserved matters stage, in line with the submitted Landscape Strategy Plan, to provide effective screening, visual softening and overall enhancement of the development.

7.103 To ensure the safeguarding of retained and protected trees, specialist construction techniques for the access works, together with tree protection measures, will be secured by condition.

Environmental Protection – Contaminated Land

7.104 The NPPF requires that planning decisions ensure new development is safe from unacceptable risks arising from land contamination and that sites are suitable for their proposed use, with adequate site investigation and remediation secured where necessary (NPPF, Chapter 15).

7.105 Local Plan Policy SPL3 (Sustainable Design) also requires development to minimise risks to human health and safety, specifically preventing harm from pollution, including contaminated land, while Policy PPL1 (Development and Flood Risk) and PPL5 (Water Conservation, Drainage and Sewerage) reinforce the need to avoid risks to land and water quality. Together, these policies require applicants to identify potential contamination, undertake appropriate investigations, and ensure that any necessary remediation is secured before development proceeds.

7.106 The application is accompanied by:

- Phase 1 – Desk Study and Preliminary Risk Assessment & Appendices (report ref: 8513,DS,SK,DESK,RS,HS,13-01-25,V2, Geosphere Environmental, January 2025)
- Lighting Assessment (BWB, report ref. CLA-BWB-GEN-XX-RP-E-0001 Revision P01, February 2025) – received 04.03.25
- Noise Impact Assessment (Professional Consult, report ref. 24.110.1.R3, February 2025) – received 04.03.25
- Air Quality Assessment (Redmore Environmental report ref. 8128r3, February 2025) – received 04.03.25

7.107 The Phase 1 Desk Study and Preliminary Risk Assessment identifies two potential sources of contamination within the land assessed as Low/Negligible risk. No significant off-site contamination sources were identified, and the long-standing agricultural use limits the likelihood of widespread contamination. The reports recommend a preliminary intrusive ground investigation to confirm soil quality and characterise any localised Made Ground, together with the implementation of a Discovery Strategy during construction, requiring works to cease if unexpected contamination is encountered and for affected material to be assessed and appropriately managed.

7.108 The Council's Environmental Protection Team (EPT) confirms it is satisfied with the Phase 1 investigation, its methodology, and conclusions, and formally requests that a full Phase 2 intrusive investigation be secured by condition and submitted prior to commencement. EPT also raises no objections on air quality, noting satisfaction with the submitted assessment, and confirms that the Noise Impact Assessment is methodologically sound, with its recommended mitigation to be secured. As explained above, a Construction Method Statement is required to manage noise, dust, emissions, vehicle movements and working hours, and to ensure best-practice controls are in place throughout the demolition and construction phases.

7.109 Overall, the environmental protection assessments conclude that, subject to the recommended investigations, mitigation measures and construction controls, contamination can be acceptably managed, and there is no technical objection to the development on environmental protection grounds.

Flood Risk, Surface Water Drainage and Foul Sewage Disposal

- 7.110 Paragraphs 181 and 182 of the NPPF require that development does not increase flood risk elsewhere and that proposals incorporate sustainable drainage systems (SuDS) designed with input from the Lead Local Flood Authority and supported by robust long term maintenance arrangements. Paragraphs 187(e) and 198 of the NPPF require that development prevents unacceptable water pollution and is appropriate to its location with regard to potential environmental impacts.
- 7.111 Local Plan Policy PPL5 requires all new development to make adequate provision for drainage and sewerage, including the integration of SuDS, while Policy SPL3(B)(g) requires development to reduce flood risk and embed sustainable drainage within site design. Local Plan Policy PPL5 further confirms that connection to the mains sewer is the preferred option, in line with the drainage hierarchy and building regulations.
- 7.112 The application is accompanied by:
- Flood Risk Assessment and Sustainable Drainage Strategy (Rappor, report ref. 24.0503 Revision 02, January 2025) – received 04.03.25
 - Utilities Statement (Pigeon, report ref. Issue Number 01, February 2025) – received 04.03.25

Flood Risk

- 7.113 The site lies wholly within Flood Zone 1. The submitted Flood Risk Assessment confirms the site is at low risk from all sources of flooding, with minor surface-water risk limited to the roadside ditch and not affecting developable areas. Finished floor levels will be set 150mm above surrounding ground. Safe access and egress can be achieved via Cockaynes Lane. The scheme therefore complies with NPPF Chapter 14 and Policy PPL1, demonstrating that the development will be safe for its lifetime and will not increase flood risk elsewhere.

Surface Water Drainage

- 7.114 Infiltration testing shows infiltration is not feasible, and discharge will therefore be made to the Anglian Water sewer in Cockaynes Lane at a restricted rate of 2.2 l/s, which Anglian Water has confirmed is acceptable. Surface water will be managed via a SuDS network of attenuation basins, permeable paving, swales and tree pits, providing storage for the 1 in 100-year event plus 45% climate change and ensuring post-development runoff does not exceed greenfield rates. The strategy provides appropriate water-quality treatment and controlled exceedance routing. The proposal therefore accords with the NPPF, Policy PPL1 and Policy PPL5.

Foul Sewage Disposal

- 7.115 Foul flows will connect to the Anglian Water foul sewer, with capacity confirmed through the developer enquiry. The system will be designed in accordance with Building Regulations and Sewers for Adoption. This ensures adequate foul drainage infrastructure is available, in full compliance with Policy PPL5 and the NPPF.
- 7.116 Anglian Water and the Lead Local Flood Authority have been consulted and raise no objection to the proposed development, subject to planning conditions securing detailed surface-water management, SuDS design, and appropriate connection arrangements. Anglian Water confirm that the foul network and the receiving Water Recycling Centre have capacity to accommodate the development and that surface-water disposal must follow the drainage hierarchy, with discharge to the ditch network explored before any connection to the sewer. They therefore request standard conditions requiring approval of a surface water management strategy prior to commencement. The LLFA similarly confirm they have no objection, subject to conditions requiring a detailed SuDS scheme, measures to control surface-water and groundwater during construction, and long-term maintenance arrangements to ensure the drainage system continues to function as intended.

Habitats, Protected Species and Biodiversity Enhancement

- 7.117 This report addresses the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

General duty on all authorities

- 7.118 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.

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

Biodiversity net gain

- 7.120 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.
- 7.121 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.
- 7.122 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.
- 7.123 The application is accompanied by:
- Biodiversity Net Gain Assessment (Applied Ecology Ltd, report ref. AEL2286 V.2, February 2025) – received 04.03.25
 - BNG Metric Calculator – received 04.03.25
- 7.124 The Biodiversity Net Gain Assessment demonstrates that the development will deliver well in excess of the statutory 10% requirement through on-site habitat creation and enhancement. This includes establishing new areas of neutral grassland, mixed scrub and broadleaved woodland, planting 120 new trees, creating SuDS features with biodiversity value, and enhancing all existing boundary hedgerows through a woodland buffer and additional native hedgerow planting. These measures result in a +25.98% gain in habitat units and a +99.30% gain in hedgerow units, exceeding the 10% BNG requirement on-site.

Protected Designated Habitats (RAMS)

- 7.125 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.

- 7.126 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 S106 Legal Agreement will 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.

Protected Species

- 7.127 In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species.
- 7.128 The application is accompanied by:
- Preliminary Ecological Appraisal (Applied Ecology Ltd, report ref. AEL2286 V3.0, January 2025) – received 04.03.25
 - Protected Species Report (Applied Ecology Ltd, report ref. AEL2286 V3.0, January 2025) – received 04.03.25
- 7.129 The ecological surveys confirm that the land is dominated by low-value arable habitat, with boundary hedgerows providing the main ecological interest. No great crested newts were detected (eDNA negative), bat roost potential is negligible and only low levels of common bat activity were recorded, with no conservation-significant assemblage present; hazel dormouse surveys indicate the species is absent from hedgerows on site.
- 7.130 Place Services conclude that there is sufficient ecological information to determine the application and that, with mitigation, the scheme can be made acceptable, raising no objection subject to conditions. The recommended conditions require the implementation of all mitigation set out in the Preliminary Ecological Appraisal, a Construction Environmental Management Plan (CEMP) for Biodiversity to manage ecological risks during construction, a Biodiversity Enhancement Strategy to secure measurable net gains, and a wildlife-sensitive lighting scheme to protect foraging and commuting bats. Together, these secure appropriate avoidance, mitigation and enhancement measures, and ensure compliance with biodiversity legislation and national policy.

Ecology Conclusions

- 7.131 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 recommended planning conditions. The development aligns with the statutory framework for biodiversity net gain, striving to achieve a 10% net gain in biodiversity value over 30 years. In conclusion, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Sustainable Construction & Energy Efficiency

- 7.132 TDLP Section 2 Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy

installations.

- 7.133 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.
- 7.134 The application is accompanied by:
- Renewable Energy Generation Statement Revision A (SDP Sustainability, January 2025) – received 04.03.25
- 7.135 The Renewable Energy Generation Statement confirms that the development has been designed to incorporate renewable energy generation and energy-efficient construction, as required by Policy PPL10. Each dwelling will be constructed to the applicable Part L standards, with the likelihood that homes will meet the Future Homes Standard, delivering very low-carbon, highly energy-efficient homes with electric-only heating systems such as air-source heat pumps.
- 7.136 The strategy also confirms that the development will incorporate high-performance insulation, low-energy lighting, and high-efficiency heating systems, with dwellings designed to allow future retrofitting of renewable technologies in accordance with Policy PPL10. The Statement further confirms that photovoltaic panels are compatible with the roofscape and may be incorporated at reserved matters stage to support on-site renewable electricity generation. Water-saving features, including eco-sanitaryware and flow-restriction devices, will ensure consumption is significantly below Building Regulations requirements.
- 7.137 In accordance with Policy SPL3, the Design & Access Statement demonstrates that sustainability is embedded in the design of the development. The masterplan incorporates SuDS features such as swales, permeable paving, and attenuation basins, which provide climate resilience and form part of a wider green infrastructure network. The scheme also includes walking and cycling routes that reduce reliance on private vehicles and will provide the necessary facilities for electric vehicle charging, consistent with modern low-carbon expectations.
- 7.138 Opportunities for on-plot and communal recycling storage, the use of sustainable materials guided by the BRE Green Guide, and the delivery of energy-efficient homes all support compliance with requirement for sustainable, low-impact design set out in Policy SPL3. In combination, these measures demonstrate that the development has appropriately considered and integrated renewable energy generation, energy efficiency and climate-responsive design, fully satisfying the aims of Policies PPL10 and SPL3. These matters can be satisfactorily addressed through the detailed design stage as part of the reserved matters application.

Planning Obligations to be secured

- 7.139 Paragraph 56 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 7.140 Local Plan Policy DI1 states that new development should be supported by, and have good access to, all necessary infrastructure. Where a development proposal requires additional infrastructure capacity mitigation measures must be secured. The need for additional infrastructure can be mitigated by a developer through the payment of a financial contributions towards new or expanded facilities, on-site or off-site provision and works; and the provision of land. The following sections set out the infrastructure requirements to mitigate the impact of this development and how the S106 will secure the required mitigation.

Affordable Housing

- 7.141 The scheme proposes up to 30 affordable homes, equating to 30% of the total 100-unit development, in accordance with the requirement in TDLP Policy LP5 that major residential schemes of 11+ homes provide 30% affordable units for acquisition by the Council or its nominated partners at a discounted value. The indicative schedule confirms that the affordable provision comprises a balanced mix of 1-bed, 2-bed and 3-bed dwellings, including accessible M4(2) and M4(3) units, as shown in the submitted Land Use Accommodation Schedule.
- 7.142 This approach aligns with paragraph 64 of the NPPF, which expects affordable housing needs to be met on site, and paragraph 66, which requires the mix and tenure split to reflect identified local needs across social rent, affordable rent and affordable home ownership.
- 7.143 The Council's Housing Team confirms that for a scheme of 100 homes, the expected overall tenure split is 70% affordable rent and 30% affordable home ownership; however, it is noted that the application currently proposes all affordable homes as affordable home ownership, and therefore further discussions and refinement of the tenure mix are required as part of the S106 and Reserved Matters stage.
- 7.144 Policy LP5 also requires the size and type of affordable housing to be determined with reference to the most recent Strategic Housing Market Assessment (SHMA) and the Council's housing needs register, with the final mix forming part of negotiations between the LPA and applicant. The Council's Housing Team supports the indicative mix provided it is delivered across both market and affordable tenures.
- 7.145 The affordable housing, including its final tenure split, mix schedule, accessibility requirements, delivery mechanism and occupancy criteria, will be secured through the S106 agreement, with the precise unit locations, detailed design, and tenure distribution to be confirmed at the Reserved Matters stage.

Biodiversity Net Gain (BNG) Monitoring

- 7.146 Under the Environment Act 2021, Biodiversity Net Gain does not require a S106 agreement at outline stage, as its delivery, implementation and long-term management can be lawfully secured through planning conditions. However, the BNG monitoring and reporting obligations, including submission of statutory monitoring data, are required to be captured within the S106 agreement to ensure compliance over the 30-year management period.
- 7.147 The submitted Biodiversity Net Gain Assessment confirms that the development will deliver a significant on-site uplift well above the statutory 10% requirement. This is achieved through a comprehensive package of habitat creation and enhancement measures.
- 7.148 All created and enhanced habitats will be secured for a minimum 30-year management period through a Habitat Management and Monitoring Plan (HMMP) secured by condition, with delivery governed through the statutory Biodiversity Gain Plan process. This ensures that habitat quality is maintained and improved over time, supported by ongoing monitoring requirements secured through the S106.

Recreational Disturbance Mitigation (RAMS)

- 7.149 As detailed above a financial contribution of £169.45 per dwelling is required towards the Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS) to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Local Plan Policies SP2 and PPL4 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Public Open Space and Play Facilities

- 7.150 Local Plan Policy HP5 requires major new residential development to provide a minimum 10% of the gross site area as open space.
- 7.151 The Design & Access Statement confirms that the development will deliver an extensive and landscape-led network of public open space, totalling approximately 2.7 hectares (around 39% of the site), significantly exceeding the minimum 10% requirement under Policy HP5. This provision includes a new village green, multiple areas of meadow and heathy grassland, new woodland edges, native tree belts, and extensive SuDS features with ecological value. A centrally located Locally Equipped Area for Play (LEAP) is also included, positioned to ensure safe separation from dwellings. The scheme additionally provides new off-road pedestrian and cycle routes connecting into the wider Public Rights of Way network and Cockaynes Wood Nature Reserve, ensuring high levels of recreational access and permeability.
- 7.152 Consultation with the Council's Public Realm Team confirms that Alresford currently has a 0.61 ha deficit of equipped play space, although formal open space provision nearby (including the St Andrew's Close playing fields) is adequate. Following review, Council's Public Realm Team confirms that all open space and play needs generated by the development are met on-site in accordance with Policy HP5, and an off-site financial contribution is not required in this instance.
- 7.153 While the DAS does not specify whether the open space is intended to be transferred to a management company, the Council's Public Realm Team advises that on-site open space must be secured through the Section 106 agreement, including maintenance and management obligations in line with Policies HP5 and DI1. As standard practice for schemes proposing open space, the S106 will therefore secure the final arrangements for adoption, transfer to a management company, or long-term maintenance, ensuring that all public open spaces and the LEAP are implemented, remain publicly accessible, and are properly maintained throughout the life of the development.

Healthcare – NHS Primary Healthcare

- 7.154 Local Plan Policy HP1 requires the Council to seek appropriate mitigation from developers where new housing would otherwise result in a shortfall or worsening of local health provision. This aligns with the National Planning Policy Framework requirement to ensure that developments are supported by adequate social infrastructure.
- 7.155 The Suffolk and North East Essex Integrated Care Board (SNEE ICB formerly operating through the NHS Clinical Commissioning Group (CCG)) has reviewed the application and confirmed that the proposed development will place additional pressure on local primary care services. The ICB identifies that the scheme would generate approximately 220 new residents, affecting Colne Medical Centre and Wivenhoe Surgery, which operate with no spare capacity to accommodate the increased patient demand.
- 7.156 To address these impacts, the ICB has assessed the development's healthcare implications through its Healthcare Impact Assessment and concludes that mitigation is required to expand primary care capacity. Required improvements may include refurbishment, reconfiguration, extension or relocation of GP premises, investment in new care models (such as health and wellbeing hubs), and support for digital and workforce-based improvements across the local health
- 7.157 Based on a detailed calculation of the additional floorspace required to serve the development (15.08m² across the affected practices), the ICB confirms that a S106 contribution of £58,400 is necessary to provide to expand primary care capacity at Colne Medical Centre and Wivenhoe Surgery.

Education

- 7.158 Local Plan Policy PP12 requires that planning permission for new residential development will not

be granted unless the individual or cumulative impacts on education provision can be satisfactorily addressed at the developer's cost. Essex County Council (ECC) Education has been consulted on this proposal and initially confirmed that no mainstream education contribution is required for school places, reflecting the age-restricted nature of the development. However, further assessment by ECC Schools Service identifies that despite the age profile of future residents, the development will still generate some demand for Early Years & Childcare, school transport, and libraries, and therefore mitigation is required.

7.159 ECC advises that the development of up to 100 dwellings is expected to generate:

- 3.6 Early Years & Childcare places,
- 12 primary school places, and
- 8 secondary school places.

7.160 Early Years & Childcare capacity in the Alresford & Elmstead ward is already extremely limited, with eight of nine providers at full capacity. ECC therefore requires a £71,960.40 Early Years contribution, index-linked, to create the additional 3.6 places.

7.161 No direct contribution to primary school places is being requested.

7.162 ECC states that safe walking routes are not available to the nearest primary school. However, the development will provide a footway extension linking the development to the existing footway. The primary school is approximately 0.6 miles from the site. The requested Primary School Transport contribution of £317,284.80 cannot be justified in this case as the school has capacity (no contribution being requested for primary school places) and is located within the statutory walking distance of 2 miles as set out within the Essex County Council Developers' Guide to Infrastructure Contributions November 2025 (as defined by S 444(5) of the Education Act 2006).

7.163 The nearest secondary school is beyond statutory walking distance, therefore the Secondary School Transport contribution of £47,576 is required.

7.164 Additional pressure will also be placed on local library services due to the growth in population. ECC has therefore requested a £7,780 Libraries contribution to enhance local library facilities and outreach provision.

Planning Obligations Not to Be Secured

7.165 The following requested obligations cannot lawfully be secured through the S106 agreement, as they either lack a policy basis, fail to meet the statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010, or are not supported by evidence demonstrating that they are necessary, directly related to the development, and fairly and reasonably related in scale and kind.

Healthcare – Ambulance Service

7.166 The East of England Ambulance Service has requested a contribution of £34,000 (equivalent to £340 per dwelling) towards a future purpose-built ambulance hub in Colchester.

7.167 This request fails the statutory CIL Regulation 122 tests. The proposed ambulance hub is located outside the Tendring district, and the contribution sought relates to a facility in Colchester, rather than any new or existing ambulance infrastructure serving residents of Tendring. As such, it is not: -

- directly related to the impacts of this development,
- is not necessary to make the proposal acceptable in planning terms, and
- no site-specific evidence has been provided to demonstrate a link between the scheme and the need for the Colchester hub.

Consequently, the request is not reasonable, has no policy basis, cannot be justified under the Local Plan or NPPF, and therefore cannot lawfully be secured. The Ambulance Service was notified of this position, but no revised or justified request has been provided.

Highways – Travel Plan Monitoring Fee

- 7.168 The Highway Authority has requested that the travel plan be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation, accompanied by an annual monitoring fee of £1,817.00 (index linked). However, there is no specific policy basis in the Local Plan, NPPF or any adopted Supplementary Planning Document that supports requiring such a payment for a development of this nature. Furthermore, the consultee has not provided any evidence to show that the fee is necessary to make the development acceptable, or that the monitoring cost is directly and proportionately related to the impacts of the proposal. As a result, the request fails all three statutory CIL Regulation 122 tests and therefore must not be sought or secured through the Section 106 agreement.

8. Overall Planning Balance and Conclusions

- 8.1 The Council cannot currently demonstrate a five-year housing land supply, meaning the presumption in favour of sustainable development (the “tilted balance”) applies. In these circumstances, planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 8.2 While the proposal lies outside the settlement development boundary and therefore conflicts with Policies SPL1 and SPL2, the significant need for specialist older persons’ housing is a material consideration that carries meaningful weight. The age-restricted nature of the scheme also reduces demand on education and other youth-focused infrastructure.
- 8.3 The development would deliver up to 100 dwellings, including up to 60 age-restricted homes, 30% affordable housing, 5 no. homes for first-time buyers and 5 no. self-build plots, directly addressing identified needs for older persons, accessible accommodation, housing mix aims and self-build provision.
- 8.4 The scheme would generate economic benefits during construction and through additional local expenditure. It also provides extensive public open space (approx. 2.7ha), improved pedestrian and PROW connections, and delivers substantial Biodiversity Net Gain (+25.98% habitat, +99.30% hedgerow). The predominantly single-storey built form, together with structural planting and generous green infrastructure, supports a high-quality and inclusive living environment.
- 8.5 Although the site is located outside the settlement boundary, landscape impact is contained and can be mitigated effectively through reserved-matters design, planting and layout.
- 8.6 Technical assessments confirm that matters relating to highways, drainage, flood risk, ecology, residential amenity, minerals and contamination can all be satisfactorily addressed through conditions or planning obligations. No statutory consultee objects to the proposal, subject to appropriate mitigation.
- 8.7 When considered against the economic, social and environmental objectives of the NPPF, the scheme delivers significant benefits that clearly outweigh the limited and manageable harms. The adverse impacts do not significantly and demonstrably outweigh the benefits, and the development therefore constitutes sustainable development in accordance with paragraph 11(d) of the NPPF.
- 8.8 Accordingly, approval is justified subject to conditions and the completion of a S106 agreement securing all necessary mitigation, including affordable housing provision, healthcare contributions, Early Years and education-related transport payments, the RAMS contribution, long-term open space management, Biodiversity Net Gain monitoring, and the delivery of the self-build plots. The

recommendation also includes a requirement for the archaeological trial trenching to be completed, for the results to be submitted, and for ECC Archaeology to confirm no objection prior to the formal decision being issued.

9. Recommendation

9.1 Outline Approval (inc. S106 requirements):

Recommendation: Outline Approval subject to:

1. On appropriate terms below and those as may be deemed necessary to the satisfaction of the Head of Planning and Building Control to secure the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 dealing with the matters as summarised at paragraph 9.2:
2. That the Head of Planning and Building Control be authorised to grant outline consent subject to the agreed section 106 agreement and conditions as stated at paragraph 9.3, and subject to the receipt of 'no objection' from Essex County Council Place Services Archaeology (including any additional conditions recommended as part of the consultation following re-consultation on the completion of archaeological trial trenching and submission of results) or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
3. The informative notes as may be deemed necessary.

Or;

4. That in the event of the Planning obligations or requirements referred to in Resolution (1) or (2) above not being secured and/or not secured within 12 months that the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion.

9.2 Planning Obligations - Heads of Terms

Contribution	Amount / Contribution
Essex Coast RAMS payment	£169.45 per dwelling (indexed linked)
Affordable Housing	30% on site provision through an Affordable Housing Scheme
Age Restricted Dwellings Clause	Up to 60 homes to be restricted to qualifying individuals age 55+
Self-Build Plots	Self-Build Plot Scheme to secure number of plots and tie in with standard condition
Open Space	Provision of on-site Open Space and LEAP + Maintenance Responsibilities.
Monitoring fees	Financial contribution towards LPA fees incurred for monitoring the implementation of the s106 agreement
Primary healthcare contributions	£58,400 to expand primary care capacity at Colne Medical Centre and Wivenhoe Surgery
Early years education contribution (3.6 places)	£71,960.40

Secondary school transport contribution	£47,576 (£6.26 per pupil, based on 8 places)
Libraries contribution	£7,780
BNG & BNG HMMP	Securing precise details of net gain plan and the implementation, management and monitoring of such plan.
BNG Monitoring Fee	Securing a financial contribution towards the 30-year monitoring of the Biodiversity Net Gain Plan and implemented scheme.

9.3 Conditions

1. COMPLIANCE REQUIRED: TIME LIMIT FOR RESERVED MATTERS APPLICATION

CONDITION: An application for the 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 shall commence on a phase until approval of the details of:-

- Appearance of the building(s) and place,
- Scale of the building(s),
- Layout of the building(s) and site,
- Landscaping

(hereinafter called "the reserved matters") for that phase have been submitted to and approved in writing by the Local Planning Authority for that phase. The development shall be carried out in accordance with the approved details.

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.

NOTE/S FOR CONDITION:

This condition requires approval of all reserved matters for that dwelling and its plot as may be listed to be agreed in writing prior to any commencement of the approved development for that dwelling

and its plot. Failure to comply with this condition may result in the permission becoming lapsed and unable to be carried out.

The reserved matters that may be listed above are further defined under government guidance as follows:-

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.

SCALE: The height, width and length of each building proposed within the development in relation to its surroundings.

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.

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. If plots are individually submitted the Landscaping for the area between that plot and the site frontage to that plot shall also be included.

3. FURTHER APPROVAL: PHASING PLAN

CONDITION: A detailed Phasing Plan for the entire development shall be submitted to the Local Planning Authority concurrently with the first Reserved Matters application. The development shall thereafter be carried out strictly in accordance with the Phasing Plan as approved, or any updated Phasing Plan that may subsequently be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of the affected phase.

REASON: To ensure that the development is implemented in a coherent, well-coordinated and timely manner, for the avoidance of doubt and in the interests of proper phased planning of the development.

4. COMPLIANCE: APPROVED PLANS & DOCUMENTS

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

- Amended Site Location Plan drawing no. J0079271_008_V2_CJ_MP_PL – received 03.11.25
- Application Access Road – Overview drawing no. 0109/207 Rev B – received 03.03.25
- Application Access Road - Sheet 1 drawing no. 0109/208 Rev A – received 03.03.25
- Application Access Road - Sheet 2 drawing no. 0109/209 Rev A – received 03.03.25
- Parameter Plan drawing no. J0079271_004_V1_CJ_MP_PL – received 04.03.25
- Proposed Highway Arrangements drawing no. 24.0503-RAP-XX-XX-DR-TP-3200 P01 – received 04.03.25
- Visibility Assessment drawing no. 24.0503-RAP-XX-XX-DR-TP-3202 – received 04.03.25
- Road Safety Audit Stage 1 (TMS, report ref. 18797, November 2024) – received 04.03.25
- Designers Response to Stage 1 Road Safety Audit (Rappor, November 2024) – received

04.03.25

- Transport Assessment (Rappor, V1.1, February 2025) – received 04.03.2025
- Travel Plan (Rapport, February 2025) – received 04.03.25
- Lighting Assessment (BWB, report ref. CLA-BWB-GEN-XX-RP-E-0001 Revision P01, February 2025) – received 04.03.25
- Noise Impact Assessment (Professional Consult, report ref. 24.110.1.R3, February 2025) – received 04.03.25
- Air Quality Assessment (Redmore Environmental report ref. 8128r3, February 2025) – received 04.03.25
- Archaeological Desk-Based Assessment (report ref. 794-PLN-HER-00745 V1.3 January 2025) – received 04.03.2025
- Geophysical Survey Report (report ref. MSTM1802, June 2024) – received 04.03.2025
- Written Scheme of Investigation: Trial Trench Evaluation (V2 January 2025) – received 04.03.2025
- Written Scheme of Investigation for an Archaeological Evaluation (report ref. 794-PLN-HER-0745 Version 3 August 2025) – received 30.07.2025
- Minerals Safeguarding Assessment (report ref. J0079271_008_V2, Geosphere Environmental, January 2025) – received 04.03.2025
- Mineral Infrastructure Impact Assessment (Carter Jonas, August 2025) – received 22.08.2025
- Arboricultural Impact Assessment & Method Statement (inc. Tree Protection Plan) (report ref. CA24/035.RP2, January 2025) – received 04.03.2025
- Landscape Strategy Plan drawing no. 2827-LLA-ZZ-00-DR-L-0001 – received 04.03.2025
- Flood Risk Assessment and Sustainable Drainage Strategy (Rappor, report ref. 24.0503 Revision 02, January 2025) – received 04.03.25
- Utilities Statement (Pigeon, report ref. Issue Number 01, February 2025) – received 04.03.25
- Biodiversity Net Gain Assessment (Applied Ecology Ltd, report ref. AEL2286 V.2, February 2025) – received 04.03.25
- BNG Metric Calculator – received 04.03.25
- Preliminary Ecological Appraisal (Applied Ecology Ltd, report ref. AEL2286 V3.0, January 2025) – received 04.03.25
- Protected Species Report (Applied Ecology Ltd, report ref. AEL2286 V3.0, January 2025) – received 04.03.25
- Renewable Energy Generation Statement Revision A (SDP Sustainability, January 2025) – received 04.03.25
- Phase 1 – Desk Study and Preliminary Risk Assessment & Appendices (report ref: 8513,DS,SK,DESK,RS,HS,13-01-25,V2, Geosphere Environmental, January 2025)
- Older Persons Housing Needs Assessment (Marrons, January 2025) – received 04.03.25
- Landscape and Visual Impact Assessment (Liz Lake Associates, report ref. 2827, February 2025) – received 04.03.25
- Self-Build Declaration Form – received 04.03.25
- Land Use Accommodation Schedule – received 04.03.25
- Topographical Survey Sheet 1 drawing no. 0109/904 Rev A – received 04.03.25
- Topographical Survey Sheet 2 drawing no. 0109/905 Rev A – received 04.03.25
- Topographical Survey Sheet 3 drawing no. 0109/906 Rev A – received 04.03.25
- Topographical Survey Sheet 4 drawing no. 0109/907 Rev A – received 04.03.25
- Topographical Survey Sheet 5 drawing no. 0109/908 Rev A – received 04.03.25

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.

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

CONDITION: The Self-Build Plots (as defined within the legal agreement) 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 for a minimum of 24 hours from first occupation by said persons.

Furthermore, the following scheduled actions shall be undertaken.

1. Prior to commencement of each individual plot, 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.
2. 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.

6. COMPLIANCE: ECOLOGICAL APPRAISAL RECOMMENDATIONS

CONDITION: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Applied Ecology Ltd, report ref. AEL2286 V3.0, January 2025) and the Protected Species Report (Applied Ecology Ltd, report ref. AEL2286 V3.0, January 2025) accompanying the planning application and agreed in principle with the Local Planning Authority.

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

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

7. FURTHER APPROVAL: BIODIVERSITY ENHANCEMENT STRATEGY

CONDITION: Prior to any works above slab level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

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

8. FURTHER APPROVAL: WILDLIFE SENSITIVE LIGHTING SCHEME

CONDITION: Prior to occupation a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the 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 bats using their territory.

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).

9. FURTHER APPROVAL: CONSTRUCTION MANAGEMENT PLAN

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:-

- i) 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.
- ii) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.

- iii) Details of how construction and worker traffic and parking shall be managed. This shall include the intended routing of HGV traffic on the surrounding road network, programme of restoration works to soft highway verges, and any directional signs to be installed and where.
- iv) Details of any protection measures for footpaths and trees surrounding the site.
- v) Details of all access points to be used to access the site during construction only and any staging of provision.
- vi) Details of the scheduled timing/phasing of development for the overall construction period.
- vii) 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.
- viii) Details of the siting of any on site compounds and portaloo's.
- ix) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- x) Site waste management plan (that shall include reuse and recycling of materials)
- xi) Scheme for sustainable construction management to ensure effective water and energy use.
- xii) Scheme of review of complaints from neighbours.
- xiii) Registration and details of a Considerate Constructors Scheme to be joined prior to the commencement of development, and confirmation of registration to be provided in writing to the LPA before the start of works, or similar scheme for which full details shall be provided and complied with
- xiv) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).
- xv) Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developers expense when caused by the developer.

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

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development, and to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result in adverse harm on amenity.

NOTE/S FOR CONDITION:

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

10. COMPLIANCE: ACCESS PLANS & DELIVERY

CONDITION: The development shall be undertaken in accordance with the approved access and road realignment plans:

- Application Access Road – Overview drawing no. 0109/207 Rev B – received 03.03.25
- Application Access Road - Sheet 1 drawing no. 0109/208 Rev A – received 03.03.25
- Application Access Road - Sheet 2 drawing no. 0109/209 Rev A – received 03.03.25
- Proposed Highway Arrangements drawing no. 24.0503-RAP-XX-XX-DR-TP-3200 P01 – received 04.03.25
- Visibility Assessment drawing no. 24.0503-RAP-XX-XX-DR-TP-3202 – received 04.03.25

No more than ten dwellings shall be commenced above slab level until the approved access works have been fully implemented in accordance with the approved details and made available for use, to include but not restricted to:

- a) A carriageway width measuring a minimum 5-metres adjacent to any trees being retained, and 5.5-metres in all other areas.
- b) A minimum 1.8-metre-wide footway on one side of Cockaynes Lane, tying into the proposed 2-metre-wide footway within the development.
- c) Appropriate pedestrian crossing facilities (drop kerbs/ tactile paving).
- d) Surface drainage proposals for Cockaynes Lane.
- e) The commencement of the introduction of a One-Way Order for the realigned section of Cockaynes Lane (The Traffic Regulation Order is subject to a separate statutory process).
- f) The commencement of the Traffic Regulation Order process for the extension of the existing 30-mph speed limit for Cockaynes Lane westwards to tie in with the proposed 20mph Zone for the development (The Speed Limit Order process is subject to a separate statutory process).

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in the interests of highway safety.

11. FURTHER APPROVAL: PEDESTRIAN AND CYCLE ACCESS

CONDITION: Concurrently with the first reserved matters application, the precise details of the pedestrian and cycle access points shown on Illustrative Plan drawing no. J0079271_006_V1_CJ_MP_PL and Parameter Plan drawing no. J0079271_004_V1_CJ_MP_PL shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and made available for use prior to the first occupation of the development.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in the interests of highway safety.

12. COMPLIANCE & FURTHER APPROVAL: TRAVEL PLAN AND INFORMATION PACK

CONDITION: The development shall be carried out in accordance with the approved Travel Plan (Rapport, February 2025), unless otherwise agreed in writing by the Local Planning Authority. A Residential Travel Information Pack shall be provided to the first occupiers of each dwelling prior to its first occupation. The content of the Travel Information Pack shall be agreed in writing by the Local Planning Authority before its distribution and shall include, as a minimum, six one-day travel vouchers for use with a local public transport operator.

REASON: To reduce reliance on the private car and to promote sustainable travel and development.

13. COMPLIANCE: NOISE ASSESSMENT

CONDITION: The dwellings hereby approved shall be constructed in accordance with the recommendations outlined in the conclusion of the Noise Impact Assessment (Professional Consult, report ref. 24.110.1.R3, February 2025), including insulation and ventilation requirements specified.

REASON: To ensure the amenities of future residents are not adversely impacted.

14. FURTHER APPROVAL: PHASE 2 INTRUSIVE INVESTIGATION

CONDITION: Prior to the commencement of development, a Phase 2 intrusive ground investigation shall be undertaken in accordance with Section 6 Conclusions and Recommendations of the accompanying Phase 1 – Desk Study and Preliminary Risk Assessment & Appendices (report ref: 8513,DS,SK,DESK,RS,HS,13-01-25,V2, Geosphere Environmental, January 2025).

The results of the Phase 2 investigation shall be submitted to and approved by the Local Planning Authority and any identified mitigation measures shall be undertaken in accordance with the recommendations of the Phase 2 report.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

15. COMPLIANCE: IN ACCORDANCE WITH AIA

CONDITION: The development shall be carried out in accordance with the Arboricultural Impact Assessment & Method Statement (report ref. CA24/035.RP2, January 2025). This shall include full compliance with the tree protection method statement and tree protection plan during the construction phases of the development.

No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the Local Planning Authority.

REASON: To ensure existing trees, shrubs and hedges that are identified as being retained are not removed and are protected appropriately during the development, as they are considered essential to enhance the character of the development and contribute positively to the appearance of the area.

16. FURTHER APPROVAL: SPECIALIST CONSTRUCTION TECHNIQUES

CONDITION: No development, including any groundworks, tree works, or site clearance, shall commence until full details of the specialist construction techniques required for all access works in proximity to retained and protected trees, 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.

REASON: To ensure existing trees, shrubs and hedges that are identified as being retained are not removed and are protected appropriately during the development, as they are considered essential to enhance the character of the development and contribute positively to the appearance of the area.

17. FURTHER APPROVAL: LOCAL RECRUITMENT STRATEGY

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

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

NOTES FOR CONDITION:

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

18. FURTHER APPROVAL: DETAILED SURFACE WATER DRAINAGE SCHEME

CONDITION: No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 2.2l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

REASON:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

19. FURTHER APPROVAL: SCHEME TO MINIMISE RISK OF OFFSITE FLOODING

CONDITION: No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

STANDARD ARCHAEOLOGY CONDITIONS SUBJECT TO CHANGE FOLLOWING RE-CONSULTATION WITH ECC ARCHAEOLOGY AS EXPLAINED WITHIN RECOMMENDATION:

20. FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 1

CONDITION: No development shall take place until a scheme of archaeological evaluation of the site, including timetable, has been submitted to and approved in writing by the Local Planning Authority (including any demolition needing to be carried out as necessary in order to carry out the evaluation). The evaluation shall be carried out in its entirety as may be agreed.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage as there is an unacceptable risk of loss and damage to archaeological and historic assets.

21. FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 2

CONDITION: No development shall take place until a written report on the results of the archaeology evaluation of the site has been submitted to the Local Planning Authority and that confirmation by the Local Planning Authority has been provided that no further investigation work is required in writing.

Should the Local Planning Authority require further investigation and works, no development shall take place on site until the implementation of a full programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- i) The programme and methodology of site investigation and recording.
- ii) The programme for post investigation assessment.
- iii) Details of the provision to be made for analysis of the site investigation and recording.
- iv) Details of the provision to be made for publication and dissemination of the analysis and records of the site investigation.
- v) Details of the provision to be made for archive deposition of the analysis and records of the site investigation; and
- vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The written scheme of investigation shall be carried out in its entirety prior to any other development taking place, or in such other phased arrangement including a phasing plan as may be previously approved in writing by the Local Planning Authority.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure features of archaeological importance are identified, preserved and secured to avoid damage or loss resulting from the development and/or its construction. If agreement was sought at any later stage, there is an unacceptable risk of loss and damage to archaeological and historic assets.

22. FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 3

CONDITION: No building shall be occupied until the archaeology evaluation, and if required the Written Scheme of Investigation, have been completed, submitted to and approved, in writing, by the Local Planning Authority. Furthermore, no building shall be occupied until analysis, publication and dissemination of results and archive deposition from the archaeology investigations as agreed under the Written Scheme of Investigation has taken place, unless an alternative agreed timetable or phasing for the provision of results is agreed in writing by the Local Planning Authority.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

9.4 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.

Adult Social Care - Accessible Housing Requirements

In order to provide certainty that Adult Social Care requirements will be met, any future Reserved Matters application must include full details demonstrating how the development delivers inclusive and adaptable design. This should address layout, accessibility, management arrangements and any features required to support the needs of future occupants.

All market dwellings (excluding homes for first-time buyers) are expected to be constructed in accordance with Building Regulations Requirement M4(2) (accessible and adaptable dwellings). A minimum of 5% of market dwellings shall be designed and constructed to meet Building Regulations Requirement M4(3) (wheelchair user dwellings).

Highways Informatives

- i) The Traffic Regulation Order processes is a separate statutory process that can attract comment/objections that require determination, and that outcome cannot be pre-judged.
- ii) An internal Stage 2 RSA for the proposed access and highway improvement measures will be required via Essex Highways, at the Technical Approval stage.

- iii) In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.
- iv) Internal layout to be subject to a 20mph Zone.
- v) Priority for pedestrians and cyclists across internal junctions.
- vi) 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 to regulate the construction of the highway works.
- vii) All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
- viii) All highway related details should be agreed with the Highway Authority.
- ix) As indicated in the supporting information, the development should be in accordance with the 2024 Essex Parking Guidance: 2024 Essex Parking Guidance.
- x) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- xi) 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

- xii) Under Section 23 of the Land Drainage Act 1991, prior written consent from the Environment Agency is required to build any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, please contact the Environment Agency as soon as possible to discuss your plans. Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start. Once preliminary details have been agreed, you will be asked you to fill in an application form, which must be returned with the appropriate fee.

Please call the Environment Agency on 08708 506 506 and ask for the Essex Development and Flood Risk Team to discuss this requirement further.

- xiii) 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.
- xiv) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-

zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

Anglian Water Informative

The applicant is advised that any connection to the public sewer network requires consent from Anglian Water under Section 106 of the Water Industry Act 1991.

Lead Local Flood Authority Informatives

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively.
<https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures
Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk)
- Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration.
- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

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

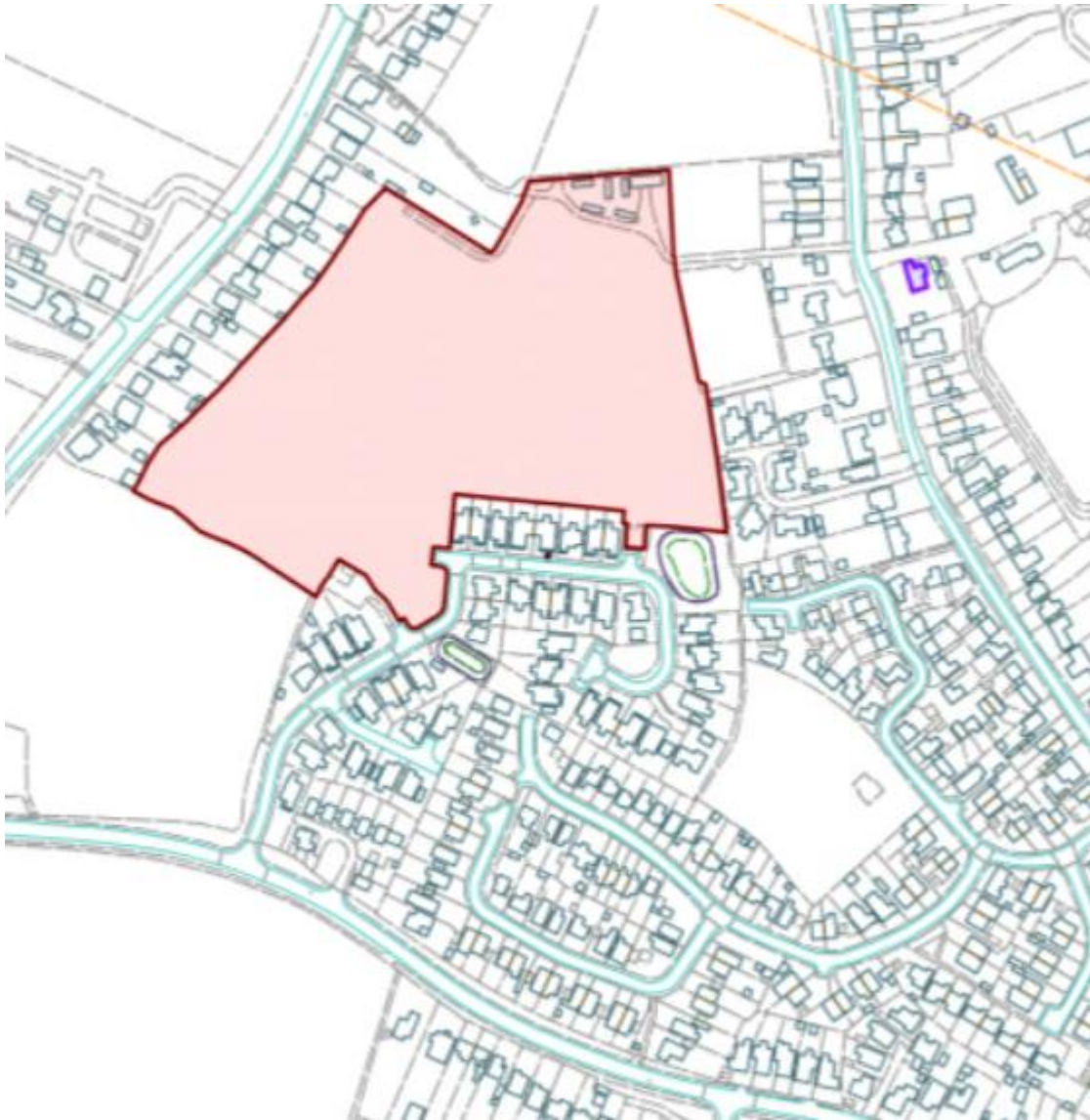
- 12.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report)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

17th March 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.2 PLANNING APPLICATION – 25/01498/FUL – LAND TO THE NORTH OF AVOCET PLACE THORRINGTON CO7 8FH



DO NOT SCALE

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Application:	25/01498/FUL
Case Officer:	Matthew Lang
Town/ Parish:	Thorrington Parish Council
Applicant:	M Scott Properties Ltd
Address:	Land to The North of Avocet Place Thorrington CO7 8FH
Development:	Planning Application - Erection of 60 single storey dwellings for those aged 55 and over as well as those with or supporting someone with a disability, with associated site infrastructure and public open space.
Referral Reason:	Local Plan Departure
Recommendation:	Approval – Full - subject to conditions (and S106 agreement)

1. Executive Summary

- 1.1 The application proposes 60 age restricted bungalows with open space and infrastructure on land north of Avocet Place, delivering specialist accommodation including 18 affordable units. Although located outside the settlement boundary, the Council's lack of a five-year housing land supply engages the tilted balance in favour of sustainable development. All technical matters, highways, drainage, ecology, landscaping and amenity are demonstrated as acceptable or can be mitigated through conditions and a S106 agreement. The proposal is therefore recommended for approval, subject to conditions and completion of the required legal agreement.

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>
- 2.7 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 6 Infrastructure & Connectivity

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

HP3 Green Infrastructure

HP5 Open Space, Sports and Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
LP5 Affordable Housing
PPL1 Development and Flood Risk
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL7 Archaeology
PPL10 Renewable Energy Generation and Energy efficiency Measures

CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network

DI1 Infrastructure Delivery and Impact Mitigation

Essex Minerals Local Plan Adopted July 2014

S8 Safeguarding mineral resources and mineral reserves
DM1 Development Management Criteria

Supplementary Planning Documents

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

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

Essex Design Guide

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

Local Planning Guidance

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

4. Relevant Planning History

25/01498/FUL	Planning Application - Erection of 60 single storey dwellings for those aged 55 and those with or supporting someone with a disability, with associated site infrastructure and public open space.	Current
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5. Consultations

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

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

Essex County Council Archaeology

11.12.2025

The application is for Planning Application - Erection of 60 single storey dwellings for those aged 55 and those with or supporting someone with a disability, with associated site infrastructure and public open space.

The proposed development lies within the former historic settlement around Thorrington Heath. The Heath is depicted on the Chapman and Andre map of 1777. Historic buildings dating to the 16th century survive on what was former heath edge and the heath settlement is likely to be medieval in

origin. Settlement around the Heath was dispersed with a concentration to the south close to the Parsonage and Church/Hall complex at Thorrington. The parish church dates to the 14th century. In the wider area cropmark features as recorded through aerial photography reveal features suggestive of prehistoric ritual activity and settlement. Around 500m to the east runs a purported Roman road and further cropmark features.

There is potential for medieval, or earlier, archaeological remains which will be impacted by the development. To understand the potential for, and significance of, archaeological deposits impacted by the proposal, a programme of trial trenching followed by excavation is being recommended in line with paragraph 218 of the National Planning Policy Framework (2024).

In view of the above, I recommend that the following conditions are placed on any permission:

Archaeological trial trenching and excavation

(1) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.

(2) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above, and any subsequent mitigation has been agreed.

(3) The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority.

ECC Schools Service

No comments received

NHS East Essex CCG

27.11.2025

Thank you for consulting Suffolk and North East Essex Integrated Care Board on the above planning application.

I refer to the above planning application and advise that, further to a review of the applicants' submission the following comments are with regard to the health and social care system provision on behalf of Suffolk and North East Essex Integrated Care System.

Existing Healthcare Position Proximate to the Planning Application Site

The proposed development is likely to have an impact on the services of 2x GP practices including 1x branch surgeries operating within the vicinity of the application site. These GP Practices and branch surgeries do not have capacity for the additional growth resulting from this development.

The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. As the commissioner of primary care services, Suffolk and North East Essex ICB would therefore expect these impacts to be fully assessed and mitigated.

Review of Planning Application

The planning application does not appear to include a Health Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising from the proposed development.

A Healthcare Impact Assessment (HIA) has been prepared by Suffolk and North East Essex ICB to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

Assessment of Development Impact on Existing Healthcare Provision

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

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

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

Premises	Weighted List Size ¹	NIA (m²)²	Capacity³	Spare Capacity (NIA m²)⁴
Great Bentley Surgery	14,330	376.13	5,485	-606
Colne Medical Centre	11,865	569.16	8,300	-244
Total	26,195	945.29	13,785	-850

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

Healthcare Needs Arising from the Proposed Development

At the earliest stage in the planning process it is recommended that work is undertaken with NHS England and Public Health England to understand the current and future dental needs of the development and surrounding areas giving consideration to the current dental provision, current oral health status of the area and predicted population growth to ensure that there is sufficient and appropriate dental services that are accessible to meet the needs of the development but also address existing gaps and inequalities.

Encourage oral health preventative advice at every opportunity when planning a development, ensuring that oral health is everybody's business, integrating this into the community and including this in the health hubs to encourage and enable residents to invest in their own oral healthcare at every stage of their life.

Health & Wellbeing Statement

As an Integrated Care System it is our ambition that every one of the one million people living in Suffolk and North East Essex is able to live as healthy a life as possible and has access to the help and treatment that they need in the right place, with good outcomes and experience of the care they receive.

Suffolk and North East Essex Integrated Care System, recognises and supports the role of planning to create healthy, inclusive communities and reduce health inequalities whilst supporting local strategies to improve health, social and cultural wellbeing for all aligned to the guidance in the NPPF section 91.

The way health and care are being delivered is evolving, partly due to advances in digital technology and workforce challenges. Infrastructure changes and funds received as a result of this development may incorporate not only extensions, refurbishments, reconfigurations or new buildings but will also look to address workforce issues, allow for future digital innovations and support initiatives that prevent poor health or improve health and wellbeing.

The NHS Long term plan requires a move to increase investment in the wider health and care system and support reducing health inequalities in the population. This includes investment in primary medical, community health services, the voluntary and community sector and services provided by local authorities so to boost out of hospital care and dissolve the historic divide between primary and community health services. As such, a move to health hubs incorporating health and wellbeing teams delivering a number of primary and secondary care services including mental health professionals, are being developed. The Acute hospitals will be focussing on providing specialist treatments and will need to expand these services to cope with additional growth. Any services which do not need to be delivered in an acute setting will look to be delivered in the community, closer to people's homes.

The health impact assessment (HIA) submitted with the planning application will be used to assess the application. This HIA will be cross-referenced with local health evidence/needs assessments and commissioners/providers own strategies so to ensure that the proposal impacts positively on health and wellbeing whilst any unintended consequences arising are suitably mitigated against.

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

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

Existing Primary Care Premise	Additional Population Growth (INSERT NO OF dwellings) ⁵	Additional floorspace required to meet growth (m²)⁶ MUST BE TO TWO DECIMAL PLACES	Spare Capacity (NIA)⁷	Capital required to create additional floor space (£)⁸
Great Bentley Surgery	30	2.06	-606	£8,000.00
Colne Medical Centre	30	2.06	-244	£8,000.00
Total	60	4.12	-850	£16,000.00

A developer contribution will be required to mitigate the impacts of this proposal. Suffolk and North East Essex ICB calculates the level of contribution required, in this instance to be £16,000.00. Payment should be made before the development commences.

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

Conclusions

In its capacity as the primary healthcare commissioner, Suffolk and North East Essex ICB has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Assuming the above is considered in conjunction with the current application process, Suffolk and North East Essex ICB would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that Suffolk and North East Essex ICB deem appropriate having regard to the formulated needs arising from the development.

Suffolk and North East Essex ICB is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

ECC Planner Minerals

11.11.2025

Thank you for your email received 21st October 2025 consulting the Mineral and Waste Planning Authority (MWPA) on the above proposals.

The 'application site' forms the basis for the minerals and waste safeguarding assessment set out below.

This response deals with mineral policy matters and waste policy matters in turn. A spatial representation of the application site and the matters discussed can be found in Appendix One.

Mineral Matters

Safeguarding Mineral Resources

The entirety of the application site is located within land which is designated as a Mineral Safeguarding Area (MSA) and therefore the application is subject to Policy S8 of the Essex Minerals Local Plan 2014 (MLP). The MLP can be viewed on the County Council's website via the following link:

<https://www.essex.gov.uk/minerals-waste-planning-policy/minerals-local-plan>

Policy S8 of the MLP requires that a non-mineral proposal located within an MSA which exceeds defined thresholds must be supported by a Minerals Resource Assessment to establish the existence, or otherwise, of a mineral resource capable of having economic importance. This will ascertain whether there is an opportunity for the prior extraction of that mineral to avoid the sterilisation of the resource, as required by the National Planning Policy Framework (Paragraph 223). The NPPF requires policies that encourage the prior extraction of mineral where it is practical and environmentally feasible.

At 4.19ha, the area of land associated with the proposed development that lies within an MSA for sand and gravel is below the 5ha threshold upon which local resource safeguarding provisions are applied for this mineral (please see Appendix One). The threshold is defined in Policy S8 of the MLP. Policy S8 of the MLP therefore applies, and this states "... Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development or Preferred Mineral site allocation shall be opposed."

This is below the 5ha threshold applied for this mineral and therefore a Minerals Resource Assessment (MRA) would not be required as part of a planning application on this site.

Finally, Map 1 shows sites in proximity to the proposed development which have come forward

through the Essex Minerals Local Plan Call for Sites 2014 engagement. Site proposals received through the Call for Sites engagement are currently being considered for allocation in a revised Minerals Local Plan. They have been included on this map to provide a complete picture of minerals and waste safeguarding implications. Where a proposal is allocated through the plan making process in the future, they will fall under the provisions of safeguarding policy in the emerging minerals local plan.

Mineral Infrastructure Matters

With regard to Mineral Consultation Areas, Policy S8 of the MLP seeks to ensure that existing and allocated mineral sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation or ability to carry out their allocated function in the future. Policy S8 of the MLP defines Mineral Consultation Areas as extending up to 250m from the boundary of an infrastructure site or allocation for the same.

The application site does not pass through a Mineral Consultation Area (MCA) and therefore, a Mineral Infrastructure Impact Assessment (MIIA) would not be required as part of a planning application on this site.

Waste Matters

Safeguarding Waste Infrastructure

Policy 2 of the WLP seeks to ensure that existing and allocated waste sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation or ability to carry out their allocated function in the future. Policy 2 defines Waste Consultation Areas as extending up to 250m from the boundary of existing or allocated waste infrastructure, unless they are Water Recycling Centres, where the distance increases to 400m.

The WLP can be viewed on the County Council's website via the following link:
<https://www.essex.gov.uk/minerals-waste-planning-policy/waste-local-plan>

The application site does not pass through a Waste Consultation Area (WCA) and therefore, a Waste Infrastructure Impact Assessment (WIIA) is not required as part of the planning application.

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 and in conjunction with a site visit. Access to the site would be formed through Avocet Place, which has been constructed as part of the Phase 1 and Phase 2 developments that were previously acceptable to the Highway Authority. Avocet Place forms a priority-controlled T-junction with Clacton Road, while the proposed development will form an extension of this and will provide suitable internal connections. Parking would be provided in line with the adopted guidance contained in the EPOA Parking Guidance (2024) document, while cycle parking would be provided within the curtilage of each dwelling. It is anticipated that the development could generate up to 32 two-way movements in the AM peak and 26 in the PM peak, based on bespoke trip rates obtained from the existing access. The access junction has been tested with the development trips added in the 2030 future year, which demonstrates it would continue to operate well within capacity, considering these factors:

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning

authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. vehicle routing,
- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. wheel and underbody washing facilities.
- vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense when caused by developer.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1.

2. As indicated on drawing no. 7149-1102-P4, and prior to occupation of the development, the proposed road shall be constructed to a width of 5.5 metres within the site and shall be provided with 2 x 2-metre-wide footways to the satisfaction of the Local Planning Authority.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, and to provide appropriate infrastructure for the new pedestrians, in the interests of highway safety in accordance with policy DM1.

3. Prior to the occupation of the development the internal layout and parking shall be provided in principle with drawing numbers:

- 7149-1102-P4 - Proposed illustrative site layout
- 7149-1104-P3 - Proposed vehicle and cycle parking

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

4. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

5. All single garages should have a minimum internal measurement of 7m x 3.4m, while all double garages should have a minimum internal measurement of 7m x 5.8m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, incorporating an element of storage and cycle parking, in the interests of highway safety and in accordance with Policy DM8.

(Note: Any detached garage not being counted towards the overall parking requirements should have a minimum internal measurement of 7m x 3m).

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

the relevant local public transport operator)

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

7. The public's rights and ease of passage over public footpath no. 3 (Thorrington_181) shall be maintained free and unobstructed at all times.

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

8. Prior to the occupation of the development, the two following items shall be provided entirely at the Developer's expense, to be agreed in advance with the Local Planning Authority in consultation with the Highway Authority:

- Two new bus stops, shelters x2, timetables, raised kerbs on Clacton Road in the vicinity of its junction with Avocet Place.
- Associated pedestrian drop kerbs and tactile paving x2 giving pedestrian access to the new bus stops on either side of the road.

Reason: To ensure the proposal site is accessible by more sustainable modes of transport, such as public transport, in accordance with policy DM1 and DM9.

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

Waste Management

21.10.2025

All access roads to be constructed to suitable standard for 26 tonne refuse collection vehicles.

Environmental Protection

24.10.2025

Noise & Land Contamination:

I have reviewed the application including the Phase 2 Site investigation report dated 21st August 2025, I have no adverse comment to make on report but and would recommend the following conditions:

Recommended conditions

- A scheme to ensure that the internal noise levels within the residential units and the external noise levels in back garden will conform to the 'indoor ambient noise levels for dwellings guideline values' specified within BS8233:2014. 'Guidance on sound insulation and noise reduction for buildings', shall be submitted to and approved in writing by the Local Planning Authority. No residential units shall be occupied until the approved scheme is implemented.

- A detailed scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall only be installed in strict accordance with the approved details. The scheme shall be maintained and shall not be altered without the prior written approval of the Local Planning Authority.

In order to minimise potential nuisance caused by construction works, the applicant (or their contractors) shall submit a full construction method statement to Pollution and Environmental Control. The statement shall include the following:

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holidays
- The use of barriers to mitigate the impact of noisy operations will be used where possible.
- No materials produced as a result of the site development or clearance shall be burned on site.
- All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- The selection and use of machinery to operate on site, and working practices to be adopted will as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.
- Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.
- Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

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

ECC SuDS Consultee

13.11.2025

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:

- Limiting the discharge from the site to 2.8l/s.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in

accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective treatment of surface water runoff to prevent pollution.

Condition 2

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 3

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Housing Services

No comments received

Open Spaces Team **03.11.2025**

Public Realm Assessment

Play Space - current deficit: - Deficit of 0.07 hectares of equipped play in Thorrington

Formal Play - current deficit: - Deficit of 0.40 hectares of Open Space in Thorrington

Settlement provision

- LEAP and Open Space provided Chapel Lane, Thorrington 0.4 miles from the proposed development

Officer Conclusions and Recommendations

- No contribution is being requested on this occasion, the application is including on site public open space

Royal Society For The Protection of Birds

No comments received.

Essex County Council Ecology

07.11.2025

No ecological objection	☐
No ecological objection subject to attached conditions	☒
Further information required/Temporary holding objection	☐
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

Summary

We have reviewed the Preliminary Ecological Appraisal (Geosphere Environmental, October 2025), Breeding Bird Survey (Geosphere Environmental, October 2025) and Habitat Regulation Assessment Record (Tendring District Council, November 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We are satisfied that there is sufficient ecological information available to support determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal (Geosphere Environmental, October 2025) and Breeding Bird Survey (Geosphere Environmental, October 2025) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

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

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

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

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained

in the Preliminary Ecological Appraisal (Geosphere Environmental, October 2025) and Breeding Bird Survey (Geosphere Environmental, 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 STRATEGY

Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Geosphere Environmental, October 2025) and Breeding Bird Survey (Geosphere Environmental, October 2025), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of 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).

Arch. Liaison Off, Essex Police

29.10.2025

The 'Essex Police - Designing out Crime Office (DOCO) welcomes the opportunity to make comment on the planning application 25/01498/FUL, relating to the erection of 60 single storey dwellings for those aged 55 and those with or supporting someone with a disability, with associated site infrastructure and public open space.

The Essex Police Designing Out Crime team have had a constructive, in-person meeting at the pre-planning stage with the applicant's design team. Discussions have been held to ensure that crime has been considered a material consideration throughout the design process and that 'Crime Prevention Through Environmental Design' (CPTED) principles are folded into every aspect of this project.

Good design and early co-ordination, incorporating CPTED principles, for which Secured by Design (SBD) is the preferred enabler will ensure safety and security has been addressed and designed in at the earliest planning stages. SBD is a national, official police security initiative that works to improve the security of a structure and their immediate surroundings to provide a safe and secure environment to help reduce the opportunities for crime and minimise the fear of crime, as referenced in the NPPF and the Essex Design Guide.

The applicant has previously successfully achieved Secured by Design Gold accreditation for the previous Phase 1 and 2 of this development; they have indicated they intend to apply for SBD Gold compliance for Phase 3, thereby demonstrating to residents that their security has been considered and incorporated "by design" to the current approved, and therefore proven effective, standard.

Natural England

20.11.2025

Designated Sites [European] – No Objection Subject to Securing Appropriate Mitigation

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as Essex Coast RAMS. It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

Natural England advises that the specific measures (including financial contributions) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those European Site within the ZOI.

Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of those European Site(s) within the ZOI for the duration of the proposed development.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of its conservation objectives) with regards to recreational disturbance, on the basis that the strategic solution will be implemented by way of mitigation.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

Anglian Water Services Ltd

19.11.2025

Section 1 - Assets Affected

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

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

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

When assessing the receiving water recycling centre's (WRC) dry weather flow (DWF) headroom we take the latest Q90 DWF figures, as verified by the Environment Agency, and add to this sites with planning consent. Based on the above assessment, Thorrington WRC is within the acceptance parameters and can accommodate the flows from the proposed growth.

Section 3 - Used Water Network

This response has been based on the following submitted documents:

- FLOOD RISK ASSESSMENT 1324.03/SC/FRA/10-25 REV B October 2025
- PROPOSED DRAINAGE STRATEGY drawing no. 1324.03/PLN/102 REV B September 2025

The sewerage network at present has available capacity for the anticipated foul flows. If the developer wishes to connect to our sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Section 4 - Surface Water Disposal

Anglian Water has reviewed the submitted documents FLOOD RISK ASSESSMENT 1324.03/SC/FRA/10-25 REV B October 2025 and PROPOSED DRAINAGE STRATEGY drawing no. 1324.03/PLN/102 REV B September 2025 and can confirm that these are acceptable to us. We require these documents to be listed as approved plans/documents if permission is granted.

6. Representations

6.1 Thorrington Parish Council – Formal Response to Planning Application 25/01498/FUL

Thorrington Parish Council would like to begin by expressing its genuine appreciation to Scott Residential for engaging with the Council ahead of submitting this planning application. The early communication was very welcome and helped to establish a positive, open dialogue. The Parish Council values this collaborative approach and is keen to continue working closely with Scott Residential to achieve the best possible outcomes for Thorrington.

We believe that, by continuing to work together, there is a real opportunity to bring meaningful benefits to the village. These could include:

1. the replacement of existing bus shelters with new, inclusive and accessible designs;
2. improvements to the village tennis court and wider recreational facilities;
3. and ensuring that trees, hedgerows, green buffers and biodiversity protections are woven into the development from the earliest design stages.

Such enhancements would help to support the wellbeing of residents and leave a positive legacy for the community.

Feedback From November Parish Council Meeting

Several key concerns were raised by members of the public during the November Parish Council meeting. These points have directly informed the Council's position:

1. Concerns that the number of properties proposed in Phase 3 is excessive and that age restrictions should remain consistent with those applied in Phases 1 and 2.
2. Clarification that Phase 3 is designed to link fully with Phases 1 and 2, using the same entry and exit routes.
3. Questions regarding local infrastructure capacity, the adequacy of garden sizes, and whether proposed three-bedroom units comply with relevant planning standards.
4. Concerns relating to the scale, location and management of affordable housing, including how age-restrictions would apply and how properties would be allocated.
5. Concerns about construction impacts, including mud on roads, dust on homes and vehicles, and the need for daily road cleaning during the build phase.

Overall Position

The Parish Council objects to the planning application as it currently stands. However, the Council would support the application with a reduced number of dwellings, together with stronger assurances regarding environmental protections, age consistency, community benefits, and construction management.

We recognise that some development of this land was expected and we are open to supporting an appropriately scaled and sensitively designed scheme. However, the proposed 60 dwellings are considered too many for the village and for the surrounding community.

The Council believes that a significant reduction, of approximately 30 homes, resulting in 30–35 dwellings, would be more suitable. This scale would align more naturally with Phases 1 and 2 and address key concerns raised by both the Council and residents.

In addition, the Parish Council considers the following essential:

1. the Clacton Road junction must be properly addressed;
2. the planting of new hedgerows and trees must be prioritised;

3. damaged hedgerows and trees within Phases 1 and 2 must be replaced;
4. hedgehog homes and wider biodiversity features must be included;
5. consideration should be given to continuing the gifting of units to TDC to meet affordable housing requirements, consistent with Phases 1 and 2.

Key Factors Behind the Council's Position

1. Scale and Character of the Village

Thorrington is a small rural village with a gentle, low-density character. A 60-home scheme would more than double the size of the existing Avocet Place development and create a density inconsistent with its surroundings.

2. Traffic and Access Considerations

A development of this scale would significantly increase traffic movements. The existing access through Phases 1 and 2, and the Clacton Road junction, may not be able to accommodate this safely.

The Parish Council therefore expects the Clacton Road junction to be addressed as part of any revised submission.

3. Alignment With Existing Age-Provision

Residents and the Council are aligned in expecting consistency across all phases. A 60+ age restriction across all tenures, including affordable housing, is considered essential for community cohesion.

4. Affordable Housing Balance and Placement

The proposed 30% affordable housing is higher than expected and is not evenly integrated. The Council encourages continued consideration of gifted units to TDC, as was done in previous phases, to ensure an appropriate balance.

5. Local Infrastructure

Residents expressed concerns about the limited availability of local services, including healthcare capacity and public transport. A smaller number of dwellings would help keep development sustainable.

6. Environmental and Biodiversity Considerations

The Parish Council emphasises the need to:

1. prioritise planting of new hedgerows and trees,
2. replace any damaged landscaping from earlier phases,
3. incorporate hedgehog homes and other habitat features,
4. maintain meaningful green buffers.

7. Construction Management

In response to resident concerns, the revised application should include:

1. daily road cleaning,
2. dust management measures,
3. a clear construction management plan to mitigate disruption.

Conclusion and Willingness to Work Together

Thorrington Parish Council values its constructive relationship with Scott Residential and appreciates the positive engagement to date. We remain committed to working collaboratively to shape a development that respects village character and brings long-term benefit to the community.

However, the Parish Council cannot support the proposal in its current form due to concerns regarding scale, infrastructure pressure, environmental impacts, age-provision inconsistency and construction impacts.

The Parish Council would welcome a revised proposal that:

1. reduces the number of homes to approximately 30–35;
2. applies a consistent 60+ age criterion across all tenures;
3. offers a more proportionate and well-integrated affordable housing approach, including the potential gifting of units to TDC;
4. protects and enhances hedgerows, trees and biodiversity, including hedgehog homes;
5. addresses the Clacton Road junction in full;
6. commits to a clear construction management plan, including daily road cleaning;
7. delivers community improvements such as accessible bus shelters and upgraded recreational facilities.

Neighbour / Local Representations

6.2 A total of 30 objection representations have been received raising concerns (officer response in italics);

- Increased vehicle movements and congestion.
(ECC Highways raise no objection. The Transport Statement demonstrates the local network can safely accommodate the development).
- Concerns over highway safety, junction capacity and pedestrian access.
(Visibility splays, pedestrian routes and parking arrangements are secured through the submitted layout).
- Existing localised flooding.
(A full Flood Risk Assessment and SuDS strategy accompany the application and have been reviewed as acceptable).
- Doubts about the effectiveness of proposed SuDS and drainage infrastructure.
(ECC SuDS confirm the drainage strategy is acceptable subject to standard conditions ensuring runoff rates do not exceed existing levels).
- Potential impact on wildlife and habitats.
(A Preliminary Ecological Appraisal, breeding bird survey and BNG report were submitted and reviewed with no objection from Place Services (Ecology) and Natural England).
- Concerns over adequacy of ecological mitigation and biodiversity net gain.
(Mitigation and habitat enhancements are proposed, and the scheme achieves a measurable biodiversity net gain secured by condition).
- Perceived overdevelopment of a rural edge of settlement site.
(The scheme consists of single storey dwellings with spacing and landscape buffers helping to reduce visual impact).
- Harm to landscape character and visual amenity.
(The Landscape and Visual Appraisal conclude effects are limited and localised, with additional planting secured via the landscaping scheme).
- Pressure on healthcare provision and local facilities.
(The NHS has been consulted, and any necessary mitigation can be secured through planning obligations where justified).
- Capacity concerns relating to the needs of older residents.
(The age restricted nature of the development typically generates lower demand for education

- *and certain services, supported by on-site open space and accessible design).*
- Potential overlooking, noise and disturbance, particularly during construction.
(The single storey form limits overlooking and dominance, and a Construction Management Plan will control noise, dust and construction impacts).
- Requests for robust construction management and mitigation if permission is granted.
(Construction and operational management measures will be secured through appropriate planning conditions).
- Lack of consistency in respect of age limitation and previous phases
(Age limits from previous phases do not automatically apply to new proposals, and each application must be assessed on its own merits unless specific policies dictate otherwise).
- Quantum of development is too high, 60 units should be reduced to bring more in line with the density of previous phases of development.
(The proposed density is comparable to that of the earlier phases on this site, and the number of units is considered appropriate in that context).

6.3 2 letters of support have been received stating no objections providing the units are bungalows and outlining that the development is of a nice design, in a sustainable location and a strong need for home especially bungalows for older people.

7. **Assessment**

Site Context

- 7.1 The site is located to the north and west of Avocet Place, and east of Station Road. The site is located outside, but directly adjacent to the SDB of Thorrington. Thorrington is classified as a 'Small Rural Settlement' in the current Local Plan. The site is located adjacent to existing housing development to the southeast, east and west. The site itself is agricultural land (Grade 3) although it is not clear if it is currently cultivated. Directly due north and south of the site is more agricultural land. The entirety of the site falls in a Minerals Safeguarding Area (Sand and Gravel). Part of the southern boundary of the site consists of a well-established and wide hedgerow, and immediately to the north of the northern boundary of the site is a public right of way (PROW) ('Thorrington 3' - running in an east-west direction), this PROW connects the small linear residential pocket along Station Road with the remainder of the village to the east.
- 7.2 The prevailing pattern of the properties along Station Road is linear consisting of predominantly two storey and chalet style bungalows set in spacious plots. To the south and south-east of the site the build form is predominantly bungalows set on modest plots.
- 7.3 The site is not neighbouring or near to any listed buildings or conservation areas. There are no protected trees on site although there are several trees covered by preservation orders along Church Road and Station Road further to the north. The site is largely flat with a very gentle gradient sloping down from north-west to south-east.

Planning History

- 7.4 The application site forms the third phase of the development at Avocet Place. Phase 1 (Planning Reference: 16/01137/FUL) was approved in January 2017. The development consisted of 16 bungalows.
- 7.5 Phase 2 was, again, a full application for 29 specialist bungalows (for those aged over 60 and/or those with or supporting someone with a disability) as well as associated roads, parking and garages. This was submitted in February 2018 (Planning Reference: 18/00163/FUL) and approved in September 2019.

Proposal

- 7.6 The application seeks full planning permission for 60 specialist single-storey dwellings on land north of Avocet Place, designed for residents aged 55 and over as well as those with, or supporting someone with a disability. The scheme delivers a mix of one-, two- and three-bedroom bungalows, with 18 affordable properties.
- 7.7 Access is proposed from the existing highway from the south within previous phases, completing a looped spine road. Pedestrian links/footpaths are proposed through to the Public Right of Way that runs to the north of the site.
- 7.8 The dwellings meet M4(2) accessible and adaptable standards, with four affordable units achieving M4(3) wheelchair-user compliance. The proposed housing mix is highlighted within the schedule below;

ACCOMMODATION SCHEDULE					
NAME	TENURE	OCCUPANCY	AREA (SQM)	NO.	TOTAL AREA (SQM)
1B AFFORDABLE (TERRACE)	AFFORDABLE	1B2P	50	4	300
1B AFFORDABLE (SEMI DETACHED)	AFFORDABLE	1B2P	50	2	100
2B AFFORDABLE (TERRACE)	AFFORDABLE	2B3P	61	2	122
2B AFFORDABLE (SEMI DETACHED)	AFFORDABLE	2B4P	70	6	420
3B AFFORDABLE	AFFORDABLE	3B5P	99	4	396
CAMELLIA	PRIVATE	2B3P	72	6	432
LILY	PRIVATE	2B4P	76	5	380
DAISY	PRIVATE	2B4P	73	4	292
LAVENDAR	PRIVATE	2B3P	75	2	150
BEGONIA	PRIVATE	2B3P	88	1	88
JASMINE	PRIVATE	3B4P	100	1	100
JASMINE CORNER	PRIVATE	3B4P	101	6	606
AZALEA	PRIVATE	3B5P	112	2	224
HIBISCUS	PRIVATE	3B4P	97	5	485
MAGNOLIA	PRIVATE	3B5P	97	6	582
WISTERIA	PRIVATE	3B5P	104	2	208
WISTERIA GARDEN ROOM	PRIVATE	3B5P	117	1	117
WISTERIA V2	PRIVATE	3B5P	103	1	103
TOTAL				60	5,105

Principle of Development

- 7.9 The development plan comprises the Tendring District Local Plan (LP) 2013-2033, Section 1 which was adopted on 26 January 2021 (TDLP1) and Section 2 of the Tendring District Local Plan 2013-2033 and Beyond which was adopted on 25 January 2022 (TDLP2).
- 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 Tending 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 Tending settlement hierarchy and address development outside of settlement development boundaries.
- 7.12 The proposal seeks full planning permission for the construction of 60 single-storey dwellings for people aged 55 and over and those with or supporting a person with disabilities, together with associated infrastructure and open space. The site is located outside the adopted Settlement Development Boundary (SDB) for Thorrington, but directly abutting it to the south and west, and therefore constitutes development in the countryside for the purposes of the adopted Local Plan. The scheme is therefore in conflict with Policies SPL1 and SPL2 of the adopted Local Plan, which seek to direct new housing growth to within defined settlement boundaries. Thorrington is classed as a smaller rural settlement acknowledging the relatively limited job opportunities, services and infrastructure in this rural settlement. The proposed residential development would therefore represent a departure from the local plan; however, the housing policies post 26/01/2026 are now out of date.
- 7.13 Paragraph 11 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development, which applies where the most important policies for determining the application are out of date. As the Council cannot currently demonstrate a five-year housing land supply, paragraph 11(d) is engaged, meaning planning permission should be granted unless policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusal (which is not the case here), or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. This approach, known as the “tilted balance”, requires particular regard to be given to directing development to sustainable locations, making efficient use of land, securing well-designed places and delivering affordable homes.

Status of Emerging Local Plan Preferred Options Draft

- 7.14 The site is identified within the Council's Local Plan Preferred Options Draft as a potential housing allocation. While this document is at an early stage and therefore carries very limited weight in decision making at present, its content demonstrates that the site has been considered as part of the Council's emerging future settlement hierarchy and housing growth strategy. This indicates that development of this location is broadly aligned with the direction of future plan-making and is not inconsistent with longer-term spatial objectives.

Three Strands of Sustainable Development

- 7.15 In applying the tilted balance, 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 Role

- 7.16 The development would generate short-term economic benefits through construction activity and would support local suppliers and employment. Longer term benefits include increased expenditure in the village and wider district, assisting the vitality of local services. In addition, providing age-restricted and accessible accommodation can help release under-occupied dwellings elsewhere, improving housing mobility. These economic effects attract moderate weight.

Social Role

- 7.17 The scheme proposes 60 specialist dwellings designed for older persons and individuals with disabilities, addressing a clearly identified housing need within Tendring. This directly assists in balancing the district's housing stock, diversifying tenure and meeting demographic needs in line with NPPF objectives. The layout provides accessible design, open space and opportunities for social cohesion.
- 7.18 Although Thorrington is identified as a Smaller Rural Settlement within the Local Plan, it benefits from a range of services including a convenience store with post office, a public house, a playing field and bus stops providing relatively frequent connections to Brightlingsea, Clacton and Colchester. These facilities are safely accessible on foot for future residents via well-lit pavements. The proposal also delivers two new bus stops on Clacton Road, improving public transport provision at the western end of the village for both new and existing residents. This level of accessibility for day-to-day services and sustainable transport options ensures that the development performs relatively well in sustainability terms, reducing reliance on private vehicles and supporting more inclusive patterns of movement for older and disabled residents.
- 7.19 Given the district's significant housing shortfall, the specialised nature of the accommodation proposed and the scheme's sustainable location with good access to services and public transport, the social benefits of the development are considered to carry substantial weight.

Environmental Role

- 7.20 The development would extend the built form into the countryside and therefore results in some landscape impact. However, the proposed dwellings are single-storey, and the scheme incorporates structural planting and landscaping to soften views from surrounding vantage points. As detailed further below, technical assessments confirm that highway impacts, ecology, drainage, flood risk and amenity issues can be mitigated through design and planning conditions. Biodiversity Net Gain is demonstrated, with mitigation to protect habitats and species. Environmental effects are therefore limited and manageable.

Overall Balance and Conclusion on Principle

- 7.21 Although the scheme conflicts with the Local Plan's spatial strategy by being located outside the SDB, the Council's lack of a five-year housing land supply engages the tilted balance in favour of sustainable development. The specialist housing proposed delivers significant social benefits, and economic advantages, while environmental impacts can be satisfactorily mitigated.
- 7.22 The identification of the site within the Local Plan Preferred Options Draft, while carrying limited weight at this stage, provides support that this location aligns with the Council's emerging long-term settlement strategy.
- 7.23 When assessed against the NPPF as a whole, the adverse impacts of the development do not significantly or demonstrably outweigh the benefits, meaning the proposal is acceptable in principle under the presumption in favour of sustainable development. Furthermore, the scheme for up to 60 dwellings represents an efficient use of land in a sustainable location and reflects the density of surrounding development; therefore, the principle of development is accepted, subject to the detailed considerations set out below.

Housing Mix

- 7.24 The applicant has submitted a Housing Mix Note in support of the application. It explains that, while the proposed mix does not mirror the Strategic Housing Market Assessment (SHMA) figures for general market housing, the scheme is intentionally designed as an all-bungalow development aimed predominantly at older residents (55yrs old and above). This demographic generally seeks

2/3 bedroom accommodation rather than larger family homes.

- 7.25 The SHMA identifies that within “older person only” housing, the requirement for 4-bedroom properties is significantly reduced, while there is a strong demand for 2 and 3 bedroom units. The proposed mix corresponds well with this identified need. The applicant has also provided evidence from other recent bungalow developments in the district, demonstrating minimal demand for market sale 1 bedroom units and consistently stronger interest in 2 and 3 bedroom bungalows. Consequently, the scheme focuses 1 bedroom provision within the affordable housing element, where the SHMA indicates the greatest need.
- 7.26 Overall, the Housing Mix Note concludes that the proposed mix is appropriate, supported by both local market evidence and the SHMA’s findings for older households. Officers consider that the mix satisfactorily accords with Local Plan Policy LP2 by contributing positively to the overall balance and choice of housing within the district.

Scale, Layout & Appearance

- 7.27 Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and landscape setting. Local Plan Policy SP7 states all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs.
- 7.28 Paragraph 136 of the NPPF sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 7.29 Section 1 Policy SP7 of the Tendring Local Plan 2013-2033 seeks high standards of urban and architectural design which respond positively to local character and context. Section 2 Policies SPL3 of the Local Plan also require, amongst other things, that developments should deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place.
- 7.30 TDLPS2 Policy LP4 relates to housing layout and states; to ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential developments will be expected to incorporate and maximise the use of green infrastructure, verges, trees and other vegetation. Furthermore, TDLP2 Policy PPL3 states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.
- 7.31 The layout delivers a spacious and well-structured form of development. Properties are positioned to create an attractive street frontage with good sized rear gardens. The density and spacing of the properties have been designed to reflect the character established by the previous phases to the south, ensuring good separation distances and logical groupings of different bungalow types. Market and affordable homes are distributed evenly across the site rather than concentrated in isolated clusters, helping to promote a mixed, inclusive and socially integrated community.
- 7.32 The movement plan for the site supports safe access for all users. The layout is arranged around a main access road with pedestrian footpaths that runs through the centre of the site and links back into the existing development to the south, creating a continuous loop. From this main access route, a series of smaller side roads and private drives branch off to serve small groups of properties. This will assist in keeping traffic speeds low and maintains a residential character. A series of pedestrian footpaths run throughout the site, providing direct connectivity between properties, open spaces, the

site entrance and the Public Right of Way to the north. Overall, the layout encourages walking, limits reliance on cars and creates a well-connected place.

- 7.33 The development provides a good balance of private garden space and public open space, meeting policy requirements and offering a high standard of outdoor provision for residents. Each property has its own private garden, all of which are sized to meet day-to-day needs. Garden sizes range from approximately 69sqm to over 397sqm, meaning that all future occupants, regardless of plot size, will have access to a good-sized and useable outdoor space.
- 7.34 Alongside the private space, the scheme also provides a significant amount of public open space totalling just over 1.02ha. This is split into three main areas measuring 0.3ha, 0.07ha and 0.65ha. As the policy requirement is for 10% on-site public open space, the proposal exceeds this threshold. This creates a connected network of green areas across the site, offering opportunities for recreation while also supporting local biodiversity.
- 7.35 The proposed bungalows have been designed to be consistent with earlier phases of the development to the south whilst reflecting the traditional architectural character of the surrounding village. A sympathetic palette of materials has been selected, including Sandtoft double pantile roofing in dark grey and rustic finishes, two brick types (TBS St Andrews Multi and Wienerberger Mardale Antique with matching plinth bricks), and areas of light render. These materials provide appropriate variation and visual interest whilst maintaining consistency with existing properties located adjacent to the site. The bungalows adopt a simple and traditional hipped-roof form and incorporate a range of design features that add visual interest. These include bay windows, brick plinths, modest entrance canopies and brick detailing around openings.
- 7.36 In summary, it is considered that the proposed development delivers a well-designed, well-connected and landscape led layout that reflects national and local design policies, provides generous public and private open space, integrates tree planting, and uses traditional bungalow designs and materials to respect local character and the surrounding built form.

Highway Safety/Parking

- 7.37 NPPF Paragraph 109 states that transport issues should be considered from the earliest stages of development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places. This should involve (a) making transport considerations an important part of early engagement with local communities; b) ensuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places; and ... (d) realising opportunities from existing or proposed transport infrastructure, and changing transport technology and usage – for example in relation to the scale, location or density of development that can be accommodated; e) identifying and pursuing opportunities to promote walking, cycling and public transport use.
- 7.38 Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that (a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code.
- 7.39 Paragraph 117 of the NPPF states that applications for development should: (a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second, so far as possible, to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street

clutter, and respond to local character and design standards.

- 7.40 Adopted Local Plan Section 1 Policy SP7 states that new development proposals should create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above use of the private car. Adopted Local Plan Section 2 Policy SPL3 Part B seeks to ensure that the design and layout of the development maintains and/or provides safe and convenient access for people with mobility impairments.
- 7.41 Adopted Local Plan Section 2 Policy CP1 states that Proposals for new development must be sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.
- 7.42 The existing access road will be extended to form a loop through the site, comprising of a 5.5m carriageway and 2m footways. From the spine road, access to smaller cluster of properties will be provided via lower order streets, including 6m wide shared surface routes intended for adoption. A limited number of dwellings will be served by shared private drives, which are 6m wide for the first 14m, narrowing thereafter to 4.2m, and are not proposed for adoption by the Highway Authority.
- 7.43 Parking has been provided in line with the adopted guidance contained within the EPOA Parking Guidance document (September 2024). Based on the proposed development schedule, the total number of spaces required is 114 on-plot spaces, with 15 unallocated visitor spaces spread throughout the site. The proposal includes 115 on-plot spaces, including garage spaces, and 15 unallocated visitor spaces. This demonstrates that sufficient parking is proposed within the development.
- 7.44 Cycle parking has been provided within the curtilage of each dwelling, either within the garages or a secure garden building (shed).
- 7.45 A Transport Assessment has been provided as part of the application. The assessment concludes that the development can be safely and efficiently accommodated, with no existing highway safety issues, compliant parking and servicing arrangements, and an access junction that continues to operate well within capacity. It concludes that the development aligns with national and local transport policy, prioritises pedestrian movement, has a negligible impact on the wider network.
- 7.46 ECC-Highways have agreed with the findings of the assessment and have confirmed that they have no objections to the development subject to the following requirements;
- Submission and approval of a Construction Management Plan covering routing, parking, loading, storage and wheel-washing facilities;
 - Delivery of the 5.5 m spine road with 2 m footways prior to occupation.
 - Internal layout and parking areas to be implemented as per approved plans.
 - Garages to meet minimum internal dimensions (7 m × 3.4 m singles; 7 m × 5.8 m doubles).
 - Provision of Residential Travel Information Packs for each dwelling, including travel vouchers.
 - Public Right of Way (Footpath 3) to remain unobstructed at all times.
 - Installation of two new bus stops with shelters, raised kerbs, and associated tactile paving on Clacton Road.
- 7.47 Conditions will be included to secure the delivery of the approved parking areas, the submission of a Construction Management Plan, the provision of Residential Travel Information Packs, and the installation of two new bus stops on Clacton Road, while matters relating to garage dimensions, access road width and the Public Right of Way (PROW) do not require conditions, as the plans already demonstrate compliance in terms of garage size/road layout width and the obstruction of a PROW is not within the Local Planning Authority's control.

- 7.48 The requirement for two new bus stops on Clacton Road is considered reasonable, necessary and directly related to the development, reflecting the distance to existing public transport provision and the need to support sustainable travel for future residents, as such, the obligation is proportionate, fairly related in scale and kind, and fully meets the requirements of the Community Infrastructure Levy Regulations. This obligation will be secured via the legal agreement.

Landscaping/Tree Impacts

- 7.49 Paragraph 136 of the NPPF 2024 sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible.
- 7.50 The application site is set to meadow grass containing a high percentage of Red Clover and appears to be in agricultural use. At the present time the application site forms part of the countryside.
- 7.51 Regarding the potential impact of the proposed development on existing trees there are no trees or other significant vegetation in the main body of the land however there are established trees of a mixed age range situated on the perimeter of the site. To quantify the amenity value and condition of trees and other vegetation on the perimeter of the application site an Arboricultural Impact Assessment (AIA) has been provided. The AIA contains an assessment of the trees and hedgerows and sets out the extent to which they are a constraint on the development potential of the land. The proposed development will not necessitate the removal of any important trees on the land.
- 7.52 The AIA sets out the measures that will be put in place to physically protect trees and hedgerows for the duration of the construction phase of the development on the Tree Removals and Protection Plan submitted in support of the application. The information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction and will be secured via condition.
- 7.53 In terms of the potential impact of the proposed development on the local landscape character the application site is rural in character and situated wholly in the St Bromley Heaths Landscape Character Area (LCA). The Bromley Heaths LCA is an exposed windswept plateau corresponding to the highest part of the district. It has large scale productive arable fields divided by low, gappy hedgerows where hedgerow Oaks are prominent features in the landscape. The plateau landscape is visually sensitive because of its open and rural character and long views, although it should be noted that the character and visual qualities of the application site is heavily influenced by its contained nature and adjacent built development.
- 7.54 To show the potential impact of the proposed development on the local landscape character and to inform the level of mitigation required to remediate any harm the applicant has provided a Landscape and Visual Appraisal (LVA). The LVA provides an accurate description of the baseline visual qualities and characteristics of the landscape and identifies several receptor viewpoints from where the application site can potentially be seen. The conclusion section of the LVA accurately describes the residual impact of the development on the local landscape character. A fair and reasonable conclusion is drawn that 'the landscape and visual implications of the proposed bungalows development are limited and of a benign nature. The character and appearance of the local area should not be notably harmed by this development'. As such it is concluded that in landscape terms the development would not cause substantive harm to the character or visual qualities of the local landscape character.
- 7.55 In summary, the development does not require the removal of any important trees, and the visual and landscape effects are assessed as limited and acceptable. Boundary trees and hedgerows will be protected during construction, and a detailed soft and hard landscaping scheme (including boundary treatments) will be secured by condition to ensure the development is well integrated, softened and enhanced over time.

Impact on Residential Amenity

- 7.56 Paragraph 135 of the NPPF 2024 includes that planning decisions should ensure developments 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.
- 7.57 Section 1 Policy SP7 of the Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 Part C seeks to ensure that development will not have a materially damaging impact on the privacy, daylight, or other amenities of occupiers of nearby properties. Section 2 Policy SPL 3 Part B requires that new development meets practical requirements and that structures should be designed and orientated to ensure adequate daylight, outlook, and privacy for future and existing residents.
- 7.58 Due to the single storey nature of the proposed properties, alongside intended separation distances, it is considered that the development would not cause an unacceptable impact on the residential amenity of existing occupiers surrounding the site in respect of loss of outlook, light or privacy. The majority of the bungalows situated in the western section of the site maintain a back-to-back distance with those existing properties to the west onto Station Road of at least 35 metres. Plot 37 is set closer to the shared boundary but still maintains a separation distance of between 25m – 32 metres to the rear elevation of those properties parallel to the west. To the south the back-to-back distances of plots 3-6 to existing properties to the south are approximately 23 metres, but again as the properties are single storey in nature any impact upon loss of privacy and outlook would be minimal. Plot 1 is located 'side on' to the rear boundaries of existing properties to the south in relatively close proximity, however, as the bungalow angles away from the shared boundary and its roof is hipped away from the neighbouring property, any loss of outlook or light to the adjacent properties would not be significantly harmful. To the north of the development plots 49-56 would be located around the far end of a rear garden serving a dwelling onto Station Road to the west. However, given the significant depth of the rear garden, single storey nature of the properties and separation distances to the dwellings, any impacts upon the occupier's amenity would be negligible. To further protect surrounding resident's amenity permitted development rights pertaining to roof additions will be removed to ensure the Council retains control in respect of protecting adjacent occupier's privacy levels.
- 7.59 The single-storey form of the proposed dwellings, combined with the separation distances achieved throughout the layout, ensures that the development would not result in unacceptable harm to the residential amenity of neighbouring occupiers in terms of outlook, light or privacy. Along the western boundary, the majority of proposed bungalows maintain back-to-back distances of at least 35 metres from existing properties on Station Road. Although Plot 37 is positioned closer to the shared boundary, the separation to the nearest rear elevations still ranges between 25 and 32 metres, which remains sufficient to prevent undue overlooking or loss of outlook. To the south, Plots 3–6 achieve back-to-back distances of approximately 23 metres. Given the single-storey height of the proposed dwellings, any impact on privacy or outlook for neighbouring residents would be limited. Plot 1 sits side-on to the southern boundary and is relatively close to existing rear gardens; however, its angled position and hipped roof form ensures that no materially harmful loss of light or outlook would occur to adjacent occupiers. Plot 34 would be located directly adjacent to an existing property on Avocet Place facing south. However, again due to the hipped roof form of the property, its limited depth and the presence of a 2m high fencing on the shared boundary, the impact upon the adjacent occupier's amenity would be minimal. At the northern end of the site, Plots 49–56 are located at the far end of a long rear garden associated with an existing Station Road property. The depth of this garden, together with the modest scale of the proposed bungalows, ensures that any impact on residential amenity would be negligible.
- 7.60 To further protect neighbouring residents, it is proposed that permitted development rights for roof additions are removed, allowing the Council to retain control over any future alterations that could affect privacy or overlooking.

- 7.61 The additional vehicular movements associated with the proposed development will inevitably result in some increase in noise and general activity within the surrounding area. However, given the scale and nature of the scheme, this increase is not considered significant and would not give rise to material harm to the amenity of existing residents.
- 7.62 Some temporary disturbance may also occur during the construction phase. To minimise these impacts, a Construction Method Statement (CMS) will be required by condition. This will secure appropriate mitigation measures, including controls over hours of working, dust suppression methods, delivery times, and the siting of construction compounds, thereby ensuring that any disruption is appropriately managed and kept to acceptable levels.
- 7.63 All proposed dwellings meet the requirements of the Nationally Described Space Standards ensuring that each unit provides appropriate internal floorspace, room sizes and storage provision. The layout and orientation of the properties also allow for suitable levels of natural light and outlook to all habitable rooms. As a result, the scheme delivers a high standard of living conditions for future occupants in accordance with national guidance.

Drainage/Flood Risk

- 7.64 Paragraph 178 of the NPPF states: When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Policy PPL1 of the TDLP confirms: All development proposals should include appropriate measures to respond to the risk of flooding on and/or off site. All major development proposals should consider the potential for new Blue and Green Infrastructure to help mitigate potential flood risk and include such Green Infrastructure, where appropriate. 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.
- 7.65 The site lies within Flood Zone 1 at low risk of flooding and exceeds 1 hectare, a flood risk assessment is therefore required. The site has a very small area of identified low surface water flood risk in the northern section of the site.
- 7.66 The Flood Risk Assessment summarises that surface water cannot infiltrate on site and will therefore be discharged to the existing Anglian Water surface water sewer on the eastern boundary. Runoff from impermeable areas will be conveyed via a gravity-fed piped network to a new attenuation basin in the southeast public open space. Flows will be restricted to the 1-year greenfield rate before out falling to the sewer. The drainage system, including the basin, provides storage for the 1 in 100-year + 45% climate change event with no above-ground flooding and has been designed for adoption by Anglian Water.
- 7.67 Foul water flows will be drained via a proposed foul water gravity piped network, to two existing foul manholes and network within the site to the southwest and southeast. The foul connection points are within the Phase 2 network and the downstream Phase 1 foul pumping station with capacity for Phase 2 and 3. The catchment area for the proposed development falls within the Thorrington Water Recycling Centre, which Anglian Water confirm has sufficient capacity to accept flows from this development.
- 7.68 Anglian Water and the Lead Local Flood Authority (ECC) have both confirmed that they have no objections to the drainage strategy proposed subject to the inclusion of conditions securing the satisfactory implementation of the proposed drainage system alongside maintenance details.

Sustainable Construction & Energy Efficiency

- 7.69 TDLP Policy PPL10 states that all development proposals should demonstrate how renewable energy solutions, appropriate to the buildings, site, and location have been included in the scheme

and for new buildings, be designed to facilitate the retro-fitting of renewable energy installations. This should also address water conservation measures such as rain water harvesting.

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

Archaeology

- 7.71 The site lies within the historic settlement area of Thorington Heath, which has medieval origins and includes surviving 16th-century buildings nearby. The wider landscape also contains cropmark evidence of prehistoric and Roman-period activity, indicating the potential for archaeological remains within the development area.
- 7.72 As there is a reasonable likelihood of medieval or earlier deposits being present, the proposal requires appropriate investigation in line with paragraph 218 of the NPPF (2024). A programme of trial trenching, followed by any necessary targeted excavation has been recommended by ECC-Archaeology, and will ensure that any archaeological interest is properly understood and recorded before construction begins.
- 7.73 Subject to pre-commencement conditions securing this work, the proposal is considered to comply with Local Plan Policy PPL7 (Archaeology) and national policy requirements.

Loss of Agricultural Land

- 7.74 Paragraph 112 of the NPPF requires authorities to consider the economic and other benefits of Best and Most Versatile (BMV) agricultural land, and, where development of agricultural land is necessary, to prioritise poorer quality land.
- 7.75 The site is classified as Grade 3 agricultural land, which is not considered Best and Most Versatile (BMV). Therefore, in accordance with NPPF Paragraph 112, development on poorer quality agricultural land is preferred where agricultural land must be developed. The proposal therefore aligns with national policy by directing development to lower grade land.

Section 106 – Legal Obligations

- 7.76 Paragraph 56 of the NPPF states: Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. A legal agreement securing the below will be completed prior to determination;

Public Open Space

- 7.77 TDL Policy HP5 requires major new residential development to provide a minimum 10% of the gross site area as open space. The development would provide for in excess of the 10% requirement and it is the developer's intention to transfer this area onto a management company to maintain once implemented. The associated S106 will therefore need to include a clause to secure the details and timings of implementation and transfer of the public open alongside associated maintenance responsibilities thereafter.

Affordable housing

- 7.78 Paragraph 64 of the NPPF states: Where a need for affordable housing is identified, planning policies

should specify the type of affordable housing required, and expect it to be met on-site... Paragraph 66 of the NPPF states: Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.

- 7.79 TDLP Policy LP5 states: To promote a mix of housing tenure in the District and address the housing needs of people and families with lower incomes who cannot afford to buy or rent housing on the open market, the Council will work with the development industry to provide new affordable housing. For proposals of 11 or more (net) homes the Council will expect 30% of new dwellings, (including conversions) to be made available to Tendring District Council or its nominated partners to acquire at a proportionate discounted value for use as affordable housing. The size and type of affordable housing will be specified by the Council on a case-by-case basis having regard to the latest Strategic Housing Market Assessment (SHMA) and housing needs register and will be the subject of negotiation between the Council and the developer or applicant.
- 7.80 The proposal includes 60 dwellings so 30% would be 18 dwellings. The submitted plans show that 18 dwellings are proposed to be secured as affordable housing to be taken on by a Register Provider. The mix proposed is 6 x 1 bed, 8 x 2 bed and 4 x 3 bed units. These will be offered to over 55yr old persons first, but the S106 will be drafted to include a cascading range of options (including being offered to those not over 55yrs and the gifting of units or off-site contributions if no Registered Provider can be identified and evidence has been provided robustly demonstrating this scenario).

RAMS

- 7.81 As detailed above a financial contribution of £169.45 per dwelling is also required towards the Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS) to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with TDLP Policies SP2 and PPL4 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Education

- 7.82 TDLP Policy PP12 states: Planning permission will not be granted for new residential development unless the individual or cumulative impacts of development on education provision can be addressed, at the developer's cost, either on-site or through financial contributions towards off-site improvements. ECC Education have been consulted but no request for an education contribution has been received, reflecting the age restricted nature of the application proposal.

Health

- 7.83 TDLP Policy HP 1 states that the Council will work to improve the health and wellbeing of residents in Tendring by seeking mitigation towards new or enhanced health facilities from developers where new housing development would result in a shortfall or worsening of health provision.
- 7.84 The NHS CCG have commented to confirm a developer contribution will be required to mitigate the impacts of this proposal upon the capacity of Great Bentley GP Surgery and Colne Medical Centre. Suffolk and North East Essex ICB calculates the level of contribution is £16,000, which is to be secured via the required legal agreement.

Highways

- 7.85 As detailed above the Highway Authority request the provision of 2no. new bus stops along Clacton Road, to meet the needs of future residents of the development. The provision of such will be secured via the legal agreement.

Habitats, Protected Species and Biodiversity Enhancement

Ecology and Biodiversity

- 7.86 This report addresses the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

General duty on all authorities

- 7.87 Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended by the Environment Act 2021) places a duty on public authorities to have regard to the need to conserve and enhance biodiversity when exercising their functions. In determining this application, the Local Planning Authority must therefore be satisfied that the development contributes positively towards the general biodiversity objective.
- 7.88 This scheme is subject to that duty, and the submitted Preliminary Ecological Appraisal identifies several measures that secure biodiversity conservation and enhancement on site. These include:
- Retention and protection of existing boundary trees and hedgerows, which provide foraging and commuting habitat for birds, bats and hedgehogs.
 - Integration of ecological enhancement features such as bat boxes, bird boxes and log piles to support roosting, nesting and invertebrate habitat.
 - Use of native and wildlife-beneficial planting throughout landscaped areas to strengthen ecological connectivity and improve foraging resources.
 - Delivery of a sensitive lighting strategy to avoid illumination of key boundary habitats used by bats.
 - Adoption of species protection measures through the Construction Environmental Management Plan, including safeguards for breeding birds, reptiles, hedgehogs and great crested newts.
 - Commitment to achieving the statutory 10% Biodiversity Net Gain requirement through habitat creation and enhancement.
- 7.89 Taking the site's baseline conditions and proposed mitigation and enhancement measures into account, it is considered that the development would, on balance, conserve and enhance biodiversity interests, in accordance with the statutory duty.

Biodiversity net gain

- 7.90 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).
- 7.91 For this proposal, the statutory framework for BNG applies. This involves the imposition 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.
- 7.92 Government guidance makes clear that refusal of planning permission on the basis of BNG alone is

generally inappropriate, as the question of whether the 10% gain can be achieved is resolved through the BGP at the pre-commencement stage. This reflects the flexibility available to applicants in how the gain is ultimately delivered.

- 7.93 In this case, the submitted Biodiversity Net Gain Assessment demonstrates that the development can meet the statutory requirement. The scheme achieves a +10.04% increase in habitat units and +10.53% increase in hedgerow units, delivered through retention of boundary vegetation and creation of new habitats including neutral grassland, mixed scrub, SuDS features, a new pond, and native tree planting. These habitats will be managed over 30 years through a Habitat Management and Monitoring Plan secured via condition, with implementation secured via the Biodiversity Gain Plan. The proposals therefore result in a measurable net improvement to site biodiversity and comply with statutory BNG requirements.

Protected Designated Habitats

- 7.94 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.
- 7.95 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. Prior to any approval, a S106 Legal Agreement/Unilateral Undertaking will be sought 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.

Protected Species

- 7.96 In accordance with Natural England's standing advice, the application site and surrounding habitats have been assessed for their potential to support protected species. The Preliminary Ecological Appraisal confirms that the site contains habitats of limited but present suitability for several protected species, including great crested newt, reptiles, breeding birds, foraging and roosting bats, hedgehog, and badger.
- 7.97 Comprehensive survey work undertaken as part of the appraisal included a Habitat Survey, Protected Species Scoping Survey, Daytime Bat Walkover, Preliminary Roost Assessment, Habitat Suitability Index assessments for nearby ponds and Breeding Birds Survey. These surveys identified no evidence of roosting bats, no great crested newts, and no reptiles, but confirmed suitable habitat for breeding birds, foraging bats, hedgehog, and occasional badger use, albeit at a low level.
- 7.98 Although some habitat loss will occur, the appraisal concludes that significant adverse effects can be avoided through the implementation of proportionate and standard mitigation measures. These include:
- Vegetation and building clearance outside the bird nesting season, or supervision by a qualified ecologist where this is not possible.
 - Method statements for Great Crested Newt, Reptiles and Bats to ensure works cease if any species are unexpectedly encountered.
 - Sensitive lighting design to safeguard Bat foraging corridors.
 - Hedgehog-friendly fencing and safe excavation practices.

- Pre-construction Badger check due to the potential for new transient activity.
- Securing all measures within a Construction Environmental Management Plan.

7.99 In addition, the development incorporates biodiversity enhancement features, including native planting, integrated bat and bird boxes, and log piles, which collectively improve the site's post-development ecological value.

7.100 Place Services (Ecology) have no objections and confirm that the submitted Preliminary Ecological Appraisal, Breeding Bird Survey and Habitat Regulations Assessment provide sufficient information to assess the ecological impacts of the proposal. They confirm that, with appropriate mitigation secured by condition, the development can avoid significant harm to designated sites and to protected and Priority species and habitats.

7.101 The identified mitigation measures will be conditioned and implemented in full, and the recommended biodiversity enhancements are to be secured through a condition requiring the submission of a Biodiversity Enhancement Strategy.

7.102 Subject to the above safeguards and enhancements, secured by condition, the proposal is considered compliant with relevant wildlife legislation and planning policy, and it is concluded that the development will not result in significant harm to protected species interests.

Conclusion (Ecology)

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

8. Conclusion/Planning Balance

8.1 The Council cannot currently demonstrate a five-year housing land supply, and therefore the presumption in favour of sustainable development (the "tilted balance") applies. In this context, planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. The local plan does not have a specific provision for age restriction housing in the countryside, and this development remains a development contrary to policy. However, the specific market sought can be considered a material consideration to be given some weight in the balance below. In turn the development being secured as age restrictive results in reduced burden on educational need.

8.2 The proposal would deliver 60 specialist, accessible bungalows, including 18 affordable homes, addressing a clear local need for older persons and disability-adapted accommodation. The scheme would generate economic benefits through construction activity and increased local expenditure, while the layout, good level of public open space, improved pedestrian connections and provision of new bus stops would contribute positively to resident's wellbeing and sustainable travel. The development also secures Biodiversity Net Gain and incorporates a sensitive, bungalow design that complements the surrounding built form.

8.3 Although the site lies outside the settlement development boundary, the landscape and countryside impacts are relatively limited and are effectively mitigated through structural planting, single-storey built form and the integration of open space. All technical matters, including drainage, ecology and highway impacts, can be satisfactorily addressed through conditions or legal obligations.

8.4 Taking the economic, social and environmental objectives of the NPPF together, the significant benefits of the proposal clearly outweigh the relatively limited identified harm. The adverse impacts

do not significantly and demonstrably outweigh the benefits, and the development therefore constitutes sustainable development under the NPPF.

- 8.5 Accordingly, approval is justified, subject to conditions and the completion of the Section 106 agreement outlined below.

9. Recommendation

9.1 Approval (inc. S106 requirements)

Recommendation: Approval subject to securing Planning Obligations outlined below.

On appropriate terms below and those as may be deemed necessary to the satisfaction of the Head of Planning and Building Control to secure the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 dealing with the matters as summarised at paragraph 9.2:

That the Head of Planning and Building Control be authorised to grant planning permission subject to the agreed section 106 agreement and conditions as stated at paragraph 9.3, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,

The informative notes as may be deemed necessary.

Or;

That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 12 months that the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion.

9.2 Planning Obligations - Heads of Terms

CATEGORY	TERMS
Affordable Housing Provision	30% on-site provision as per affordable housing plan.
NHS financial contribution	£16,000 contribution towards GP Surgery upgrades.
Highways	Provision of 2 no. bus stops on Clacton Road.
RAMS financial contribution	£169.45p per dwelling.
Open Space provision	Provision of on-site Open Space/Maintenance Responsibilities.
Occupation Restriction	Occupation limited to those over 55yrs or with or supporting someone with a disability (to avoid educational burden).
BNG & BNG HMMP	Securing precise details of net gain plan (10% gain) and the implementation, management and monitoring of such plan (if applicant decides to secure via legal agreement rather than condition – see Conditions 14 and 15 below).
BNG Monitoring Fee	Securing a financial contribution towards the 30-year monitoring of the Biodiversity Net Gain Plan and implemented scheme.

9.3 Conditions and Reasons

1. COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

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

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

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2. APPROVED PLANS & DOCUMENTS

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

- Drawing no. 7149-1231-P2
- Drawing no. 7149-1230-P2
- Drawing no. 7149-1229-P2
- Drawing no. 7149-1219-P3
- Drawing no. 7149-1218-P3
- Drawing no. 7149-1217-P3
- Drawing no. 7149-1216-P3
- Drawing no. 7149-1215-P3
- Drawing no. 7149-1209-P4
- Drawing no. 7149-1401-P4
- Drawing no. 7149-1109-P3
- Drawing no. 7149-1108-P3
- Drawing no. 7149-1106-P3
- Drawing no. 7149-1105-P3
- Drawing no. 7149-1104-P3
- Drawing no. 7149-1103-P3
- Drawing no. 7149-1102-P4
- Drawing no. 7149-1101-P3
- Drawing no. 7149-1233-P3
- Drawing no. 7149-1232-P3
- Drawing no. 7149-1231-P3
- Drawing no. 7149-1230-P3
- Drawing no. 7149-1229-P3
- Drawing no. 7149-1228-P3
- Drawing no. 7149-1227-P4

- Drawing no. 7149-1226-P4
- Drawing no. 7149-1225-P4
- Drawing no. 7149-1224-P4
- Drawing no. 7149-1223-P3
- Drawing no. 7149-1222-P4
- Drawing no. 7149-1221-P4
- Drawing no. 7149-1220-P4
- Drawing no. 7149-1219-P4
- Drawing no. 7149-1218-P4
- Drawing no. 7149-1217-P4
- Drawing no. 7149-1216-P4
- Drawing no. 7149-1215-P4
- Drawing no. 7149-1214-P5
- Drawing no. 7149-1213-P5
- Drawing no. 7149-1212-P5
- Drawing no. 7149-1211-P4
- Drawing no. 7149-1210-P4
- Drawing no. 7149-1209-P5
- Drawing no. 7149-1208-P5
- Drawing no. 7149-1207-P4
- Drawing no. 7149-1206-P4
- Drawing no. 7149-1205-P5
- Drawing no. 7149-1204-P5
- Drawing no. 7149-1203-P4
- Drawing no. 7149-1202-P4
- Drawing no. 7149-1201-P4
- Arboricultural Survey and Implications Assessment (Geosphere Environmental - Dated 02/10/2025)
- Transport Statement (Cannon Consulting Engineers - Dated September 2025)
- Shadow Habitat Regulations Screening Assessment (Geosphere Environmental – Dated 02/10/2025)
- Preliminary Ecological Appraisal (Geosphere Environmental – Dated 02/10/2025)
- Planning Design & Access Statement (Issue P4 – Stanley Bragg Architects)
- Phase 1 Desktop Study (Geosphere Environmental – Dated 21/08/2025)
- Phase 2 Desktop Study (Geosphere Environmental – Dated 21/08/2025)
- Landscape Design & Access Statement (Liz Lake Associates – Dated September 2025)
- Landscape & Visual Appraisal (Nigel Cowlin Rev B – Dated 01/10/2025)
- Housing Mix Note (Martin Scott Properties – Dated September 2025)
- Flood Risk Assessment (ASD Consultants – Dated October 2025)
- Breeding Bird Survey (Geosphere Environmental – Dated 02/10/2025)
- Biodiversity Net Gain Planning Stage Report (Geosphere Environmental – Dated 03/10/2025)
- Proposed Drainage Strategy Drawing No. 1324.03/Pln/102 Rev B September 2025

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

NOTE/S FOR CONDITION:

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

plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

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

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

3. FURTHER APPROVAL: HARD AND SOFT LANDSCAPING SCHEME

CONDITION: Prior to the commencement of any above ground works, a scheme of hard and soft landscaping for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels, accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with the measures for their protection in compliance with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction". Any new planting adjacent to the highway shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay and retained free of obstruction above 600mm at all times.

REASON: In order to enhance the appearance of the development, in the interests of visual amenity and the quality of the development, and to ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

4. COMPLIANCE: IMPLEMENTATION OF LANDSCAPING SCHEME

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 is implemented in accordance with the approved scheme and has sufficient time to establish, in the interests of visual amenity and the quality of the development.

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

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

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed. This shall include the intended routing of HGV traffic on the surrounding road network, programme of restoration works to soft highway verges, and any directional signs to be installed and where.
- d) Details of any protection measures for footpaths and trees surrounding the site.
- e) Details of all access points to be used to access the site during construction only and any staging of provision.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portaloo's.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Site waste management plan (that shall include reuse and recycling of materials)
- k) Scheme for sustainable construction management to ensure effective water and energy use.
- l) Scheme of review of complaints from neighbours.
- m) Registration and details of a Considerate Constructors Scheme to be joined prior to the commencement of development, and confirmation of registration to be provided in writing to the LPA before the start of works, or similar scheme for which full details shall be provided and complied with
- n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).
- o) Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developers expense when caused by the developer.

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

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development, and to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result in adverse harm on amenity.

NOTE/S FOR CONDITION:

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

6. RESIDENTIAL TRAVEL INFORMATION PACK

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

day travel vouchers for use with a local transport operator.

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

7. COMPLIANCE: VEHICLE PARKING AREAS

CONDITION: No individual dwelling shall be occupied until such time as the vehicle parking area relevant to that property, as indicated on the approved plans, has been hard surfaced, and sealed. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking areas shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

8. COMPLIANCE: PERMEABLE SURFACING & NO UNBOUND MATERIALS

CONDITION: All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site area. No unbound materials shall be used in the surface treatment of the individual private driveways and throughout the development.

REASON: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety, and in the interests of sustainable development to minimise the risk of surface water flooding.

9. COMPLIANCE: SUDS SCHEME

CONDITION: The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:

- Limiting the discharge from the site to 2.8l/s.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution.

11. COMPLIANCE: ECOLOGICAL APPRAISAL RECOMMENDATIONS

CONDITION: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Geosphere Environmental, October 2025) and Breeding Bird Survey (Geosphere Environmental, 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 and enhance protected and Priority species and allow the LPA to discharge

its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended).

12. FURTHER APPROVAL REQUIRED – BIODIVERSITY ENHANCEMENTS

CONDITION: Prior to any works above slab level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

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

13. FURTHER APPROVAL – WILDLIFE SENSITIVE LIGHTING SCHEME

Prior to occupation a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the 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 bats using their territory.

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).

14. FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN (**Condition applied if BNG Gain Plan is not secured via the associated legal agreement instead**).

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 24/01384/OUT determining the approval of a Biodiversity Gain Plan in relation to this permission.

BIODIVERSITY GAIN PLAN REQUIREMENTS:

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

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

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

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

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

Ways to achieve 10% BNG may include:

- i. Enhancement and restoring biodiversity on-site (within the red line boundary of a development site).
- ii. 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.
- iii. 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.

15. FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN MANAGEMENT & MONITORING PLAN (Condition applied if BNG HMMP not secured via the associated legal agreement instead).

CONDITION: No development shall commence until a 30-year Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan under Condition 14 has been submitted to and approved in writing by the local planning authority and shall contain the following:

- a) description and evaluation of the planned habitat works for the creation and/or enhancement of the onsite habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- b) the management measures to maintain the onsite habitat creation and/or enhancement works for a period of at least 30 years from the completion (defined for this purpose as first use and/or occupation unless agreed in writing by the LPA) of the development including:
 - i) ecological trends and constraints on 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 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;
- c) details of the monitoring methodology, to measure the effectiveness of the management of the onsite habitat creation and/or enhancement works together with the timetable for each element of the monitoring programme including when 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
- d) details of the roles and responsibilities of the people or organisation(s) delivering the HMMP including implementation and monitoring;

The approved HMMP shall be strictly adhered to at all times and implemented in full for its duration no later than the first use/occupation of the development.

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).

16. FURTHER APPROVAL: SUSTAINABILITY & ENERGY EFFICIENCY

CONDITION: No development shall commence above slab level until full details of the sustainability and energy efficiency measures to be used in the development has been submitted to and approved in writing by The Local Planning Authority. The detailed 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 for new dwellings
- Agreement of heating of each dwelling/building
- Agreement of scheme for waste reduction
- In line with the Superfast Broadband Statement received 22.07.2025 the provision of a fibre optic broadband connection to the best possible speed installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing. (If the applicant is unable to achieve this standard of connection and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 30mbps) wireless service will be considered.)

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

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

NOTES FOR CONDITION:

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

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

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

17. AGREEMENT OF LOCAL RECRUITMENT STRATEGY

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

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

NOTES FOR CONDITION:

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

18. COMPLIANCE: IN ACCORDANCE WITH AIA

CONDITION: The development shall be carried out in full accordance with the approved

Arboricultural Survey and Implications Assessment and Appendices 1 to 7 - Reference No. 9213,EC,AR,BNG,AIA,TC,SJ,KL,02-10-25,V3 (Geosphere Environmental, 02/10/2025). This shall include full compliance with the Tree Protection Method Statement and Tree Protection Plan during the construction phases of the development.

No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the Local Planning Authority.

REASON: To ensure existing trees, shrubs and hedges that are identified as being retained are not removed and are protected appropriately during the development, as they are considered essential to enhance the character of the development and contribute positively to the appearance of the area.

19. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS EXTENSION AND ALTERATIONS

CONDITION: Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):- no enlargement, improvement, insertion of new openings/roof additions or other alteration of the dwelling house(s) shall be carried out, except pursuant to the grant of planning permission on an application made in that regard.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of protecting the amenity of existing and future residents, as well as the amenity of the locality, and to safeguard local distinctiveness.

20. ACTION REQUIRED: REFUSE BINS AND COLLECTION AREAS

CONDITION: Prior to first use/ occupation of the development, or in accordance with an alternative timetable for provision as may be agreed in writing by the Local Planning Authority, the area/s to be provided for storage of refuse/recycling bins as shown on the approved drawings shall be provided and then retained.

REASON: In the interest of highway safety to ensure that refuse recycling bins do not cause any obstruction or danger on the highway.

NOTE/S FOR CONDITION:

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

21. FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 1

CONDITION: No development shall take place until a scheme of archaeological evaluation of the site, including timetable, has been submitted to and approved in writing by the Local Planning Authority (including any demolition needing to be carried out as necessary in order to carry out the evaluation). The evaluation shall be carried out in its entirety as may be agreed.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement

was sought at any later stage as there is an unacceptable risk of loss and damage to archaeological and historic assets.

22. FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 2

CONDITION: No development shall take place until a written report on the results of the archaeology evaluation of the site has been submitted to the Local Planning Authority and that confirmation by the Local Planning Authority has been provided that no further investigation work is required in writing.

Should the Local Planning Authority require further investigation and works, no development shall take place on site until the implementation of a full programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Details of the provision to be made for analysis of the site investigation and recording.
- d. Details of the provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Details of the provision to be made for archive deposition of the analysis and records of the site investigation; and
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The written scheme of investigation shall be carried out in its entirety prior to any other development taking place, or in such other phased arrangement including a phasing plan as may be previously approved in writing by the Local Planning Authority.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure features of archaeological importance are identified, preserved and secured to avoid damage or loss resulting from the development and/or its construction. If agreement was sought at any later stage, there is an unacceptable risk of loss and damage to archaeological and historic assets.

23. FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 3

CONDITION: No building shall be occupied until the archaeology evaluation, and if required the Written Scheme of Investigation, have been completed, submitted to and approved, in writing, by the Local Planning Authority. Furthermore, no building shall be occupied until analysis, publication and dissemination of results and archive deposition from the archaeology investigations as agreed under the Written Scheme of Investigation has taken place, unless an alternative agreed timetable or phasing for the provision of results is agreed in writing by the Local Planning Authority.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

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

Human Rights

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

- 10.5 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 10.6 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

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

11. Declaration of Interest

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

12. Background Papers

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

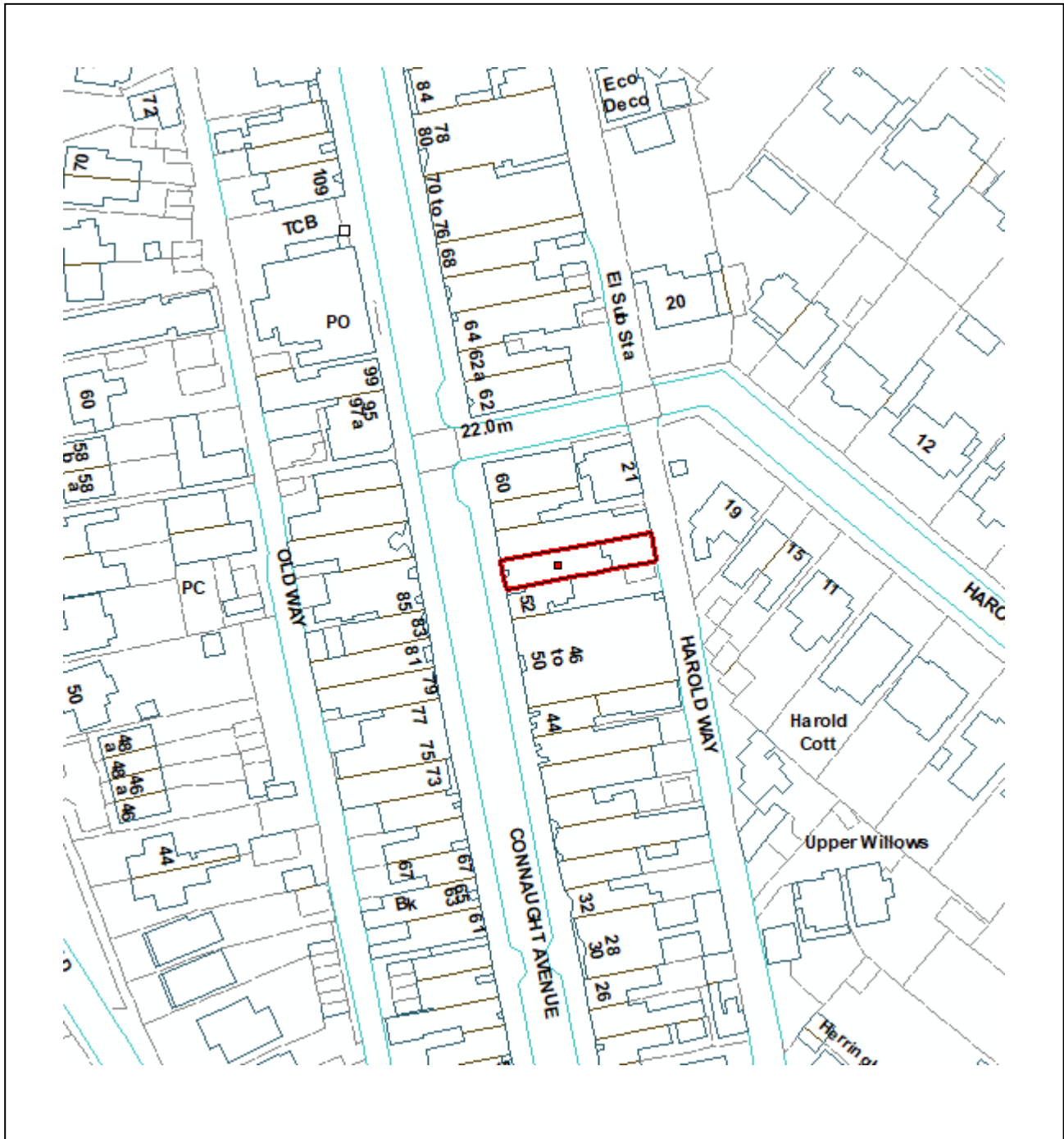
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PLANNING COMMITTEE

17 March 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.3 PLANNING APPLICATION – 25/00869/FUL – 54 CONNAUGHT AVENUE FRINTON ON SEA CO13 9PR



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.
- 1.2 ***The application was deferred from Planning Committee on 19th February 2026 to enable reconsultation with the Town Council and to consider access blockage for the flat above. Updates to the report are in bold italic font and include an objection from the Town Council.***

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	Approved	06.12.2000

use to be used in connection with the adjoining A3 restaurant at Number 54 Connaught Avenue (ground floor only)

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

Original comments

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.

Further comments

Following your re-consultation request, at a meeting held on 26th February 2026, Frinton and Walton Town Council passed a resolution to object to the application 25/00869/FUL.

Introduction – The issues

When Essex Council Highways were consulted on this application, in their originally objection, they stated “From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:” Among their objections they stated that the application was contrary to policy DM1, DM8, and DM13. They also required a Technical Note to be supplied by the applicant.

Among the requirements to the rear of the property the parking spaces required by Highways for the two formal car parking spaces was 3.4m x 5.5m. These can be seen on ‘Plan 3’ provided by Eddisons – (in the technical note). According to the Technical Note the location cannot meet that requirement but can only provide spaces 2.9metres wide. The positioning of these spaces (2.9m) only allows a very small distance between the two parked vehicles, not allowing other vehicles to pass between them.

Another requirement to the rear of the property is that the delivery mopeds and bikes (including motorised e-bikes) need to be accommodated in the space as well. These are indicated to be between the parked vehicles and the building. However this would block the door to the property of residents of no 54A from getting in and out of their first floor flat above the applicants location. This is problematic from the flat owner’s point of view but in this case would be positively dangerous as this is a fire exit – the only route in and out of the flat. Interestingly the applicants plan of the premises shows a door from the kitchen to the outside of the building but does not show the door alongside that is the access to the first floor flat.

The combination of those two issues is fundamental and calls into question whether the proposed condition 3 in the papers before the meeting of the committee, taking place before our re-consultation was received, can actually be achieved. It is quite clear that the mopeds, bikes, and e-bikes will in fact spill onto the highway probably on the footpath at the front of the property exactly what highways were concerned about in their objection.

In addition, there is considerable environmental concern from local residents that the filtering of noxious smells will not be adequate. Experience of another Dominos in the area would suggest that if these filters are not changed regularly these smells will permeate throughout the locality. Consequently, at the very least there needs to be a condition requiring a timetabled regular change of these filters.

The council believes that the ‘fire issue’ of access and egress to 54A also should be investigated and consulted upon by experts given that the proposed location of the delivery vehicles will block this entrance.

The NPPF, Essex Highways Policy and the Local Plan

Although Connaught Avenue is a commercial ‘High Street’ the entirety of this area is characterised by residential dwellings (mostly flats) above the shops. Residential amenity in this location is significantly harmed by the proposal. This would be in contravention of the NPPF Chapter 12 Achieving well designed places. Para 135(f) 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 ...

In terms of the parking of delivery ‘vehicles’ the original concerns of Essex Highways have not been met by the applicants’ transport note specifically that the proposal will inevitably result in highway obstruction and parking impacts. This would be in contravention of policies DM1, DM8, and DM13 contained within the County Highway Authority’s Development Management Policies.

Additionally the issue of blocking access to the upstairs flat is not only a fire risk but would contravene NPPF Chapter 9 Promoting sustainable transport. Para 115 (c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code ... Para 116 and 117(d) allow for the efficient

delivery of goods, and access by service and emergency vehicles...

The applicants' proposal results in the blocking of an access to a first floor flat and this will contravene the Fire Safety Act 2021. The NPPF Chapter 8 Promoting healthy and safe communities Para 102 Planning policies and decisions should promote public safety and take into account wider security and defence requirements a) anticipating and addressing possible malicious threats and other hazards (whether natural or manmade) ... this includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security ...

These issues are also in contravention of the Tendring District Local Plan 2013-2033 policies SPL3 Sustainable Design Part B: (f) provision is made for adequate ... vehicle and cycle parking Part C (a) the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties Finally Tendring District Local Plan 2013-2033 policy states in PP5 ... Within the 'Primary Shopping Area', the use of ground floor shop units will be restricted to uses within Use Class E (commercial, business and service uses) ...

Conclusion

So in conclusion the Frinton and Walton Town Council believes that you should refuse this application 25/00869/FUL on the grounds that the application is in contravention of NPPF paras 102(a), para 115(c), 116, para 117(d), Para 135(f);

Essex Highways Development Management policies DM1, 8 and 13;

Tendring District Local Plan 2013-2033 policies SPL3 Sustainable Design Part B: (f), Part C (a), and PP5

Officer comment: The Town Council refer to the original comments from the Highway Authority (dated 12/11/2025). Following receipt of additional information (Highways Technical Note) that objection was superseded by their comments dated 28/01/2026. The two proposed parking bays comply with the minimum dimensions specified (2.9mx5.5m) in the latest Highway Authority comments. It is noted that the 2024 Essex Parking Guidance refers to a 3.4m width where the bays are adjacent to walls etc for improved manoeuvrability. However, the Highways Technical Note includes evidence of existing on street parking capacity within 80 metres of the site; peak hours for this use being 6pm-8pm when most shops would be closed; swept path analysis; confirms the high accessibility by foot and public transport; highlights the fallback position of a restaurant with the associated staff and customer parking demand which would also have longer duration of stays than the proposal, and the permitted development potential for other Class E uses such as a convenience store with high parking demand. Given the evidence provided, the sustainable location of the site, and the absence of objection from the Highway Authority it is considered that there are no defensible grounds to refuse on highway safety.

The Town Council raise concern regarding the parking of delivery mopeds/bikes/e-bikes between the two car parking spaces and the building which also contains the only entrance to the first floor flat. Condition 3 requires full details however a parking plan has been requested and any update will be provided at the meeting.

The Town Council raise concern regarding odour and the maintenance of filters. Condition 5 requires full details of any ventilation or extraction equipment prior to installation and requires maintenance in accordance with the manufacturer's guidance for the lifetime of the equipment. The Environmental Protection team raise no objection and would be consulted on any ventilation or extraction details in the interests of residential amenity. Odour nuisance is dealt with under Environmental Protection legislation so is regulated outside of the Planning process.

The Town Council raise concern regarding impact on residential amenity and conflict with TDLP Policy PP5 which is addressed below in the report and deemed acceptable.

7.2 Neighbour / Local Representations

Three 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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