



PLANNING COMMITTEE

DATE:	Tuesday, 14 April 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: Thursday, 2 April 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 11 - 28)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Tuesday, 17 March 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 - 25-01066-OUT – Land to The South of Weeley Road, Great Bentley (Pages 29 - 72)

Outline Planning Application (Access to be considered) – for up to 80 dwellings, parking, landscaping, drainage and all other associated infrastructure.

6 Report of the Corporate Director (Planning & Community) - A.2 - 25-01795-FUL – Oak Lodge, Hall Road, Great Bromley, CO7 7TY (Pages 73 - 88)

Change of use from residential dwelling (Use Class C3) to a residential children's home (Use Class C2).

7 Report of the Corporate Director (Planning & Community) - A.3 - 26-00075-FUL – Clacton Leisure Centre, Vista Road, Clacton-on-Sea, CO15 6DB (Pages 89 - 102)

Construction of a floodlit Football Foundation Playzone.

8 Report of the Corporate Director (Planning & Community) - A.4 - 26-00025-FUL – Former Public Convenience/Beach Patrol Unit Existing Shelter and Small Hut Building, Kings Promenade, Clacton-on-Sea, CO15 5AF (Pages 103 - 124)

Change of use and alterations to former public convenience/beach patrol facility and shelter (Sui Generis) to Multi Use Micro Venue (Use Classes E(a), E(c)(iii), E(d), E(g)(ii), F1(b), F1(c), F1E, F2(b) and Sui Generis) and provision of external seating areas and balustrading; new and replacement shutters, cycle parking; refuse storage; repairs to hard landscaping; lighting; external plant and ancillary works.

9 Report of the Corporate Director (Planning & Community) - A.5 - 25-01832-OUT – 59
Harwich Road, Lawford, Manningtree, CO11 2LP (Pages 125 - 148)

Outline Planning Application (all matters reserved) - Provision of one dwelling.

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, 12 May 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

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 17TH MARCH, 2026 AT 5.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Fowler (Chairman), White (Vice-Chairman), Alexander, Bray, Goldman, Smith (except item 72) and Wiggins (except item 70)
Also Present:	Councillor Scott (except item 72)
In Attendance:	Gary Guiver (Corporate Director (Planning & Community)), John Pateman-Gee (Head of Planning & Building Control), Joanne Fisher (Planning Solicitor & Acting Legal Services Manager), Matt Lang (Planning Team Leader) (except item 72), Amy Lang (Senior Planning Officer) (except items 71 & 72), Charlotte Cooper (Planning Officer), Bethany Jones (Democratic Services Officer) and Katie Koppenaar (Democratic Services Officer)
Also in Attendance:	Nina Warren (Trainee Legal Executive)

66. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Codling (with no substitution) and Sudra (with Councillor Smith substituting).

67. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the last meeting of the Committee, held on Thursday 19 February 2026, be approved as a correct record and be signed by the Chairman.

68. DECLARATIONS OF INTEREST

Councillor Wiggins declared an interest, in relation to Planning Applications **25/00374/OUT – Land East of Cockaynes Lane, Alresford, CO7 8BT** and **25/01498/FUL – Land to The North of Avocet Place, Thorrington, CO7 8FH**, in that she was one of the Ward Members for both applications. She informed the Committee that she would speak on application **25/00374/OUT** in her capacity as a Ward Member but that she would then leave the meeting and take no part in the consideration thereof and the voting thereon on the grounds that she was pre-determined. Councillor Wiggins also stated that she was not pre-determined on application **25/01498/FUL** and that she would therefore take part in the deliberations and decision-making process for that application.

Councillor Scott, who was present in the public gallery, declared for the public record, in relation to Planning Applications **25/00374/OUT – Land East of Cockaynes Lane, Alresford, CO7 8BT** and **25/01498/FUL – Land to The North of Avocet Place, Thorrington, CO7 8FH**, in that he was one of the Ward Members for both applications and that he was speaking on both applications in that capacity as well as in the capacity of the caller-in for application **25/01498/FUL**.

Later on in the meeting, as detailed under Minute 72, the Chairman (Councillor Fowler) mentioned for the public record that Councillors Smith and White had not been present

at the last meeting (19 February 2026) and so they would be precluded from taking part in the consideration of application 25/00869/FUL, which had been deferred, after initial consideration and debate, at the last meeting.

69. 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.

70. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.1 - 25/00374/OUT - LAND EAST OF COCKAYNES LANE, ALRESFORD, CO7 8BT

Earlier on in the meeting, as reported under Minute 68 above, Councillor Wiggins had declared that she was one of the local Ward Members for Alresford and that she was also pre-determined. She therefore did not sit as a member of the Committee for this item but instead sat in the public gallery and exercised her right, as Ward Member, to speak on the application. Councillor Wiggins then left the room, whilst the Committee deliberated upon the application and reached its decision.

Also, earlier on in the meeting, as reported under Minute 68, Councillor Scott had declared that he was one of the local Ward Members for Alresford as well as the Caller-In and that he would be speaking on this item in both capacities.

Members were told that this outline proposal sought 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 lay outside of the settlement development boundary, the Council's housing land supply shortfall had engaged the 'tilted balance', and the scheme delivered 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.

The Committee heard that the technical matters included highways, archaeology, drainage, ecology, trees, amenity and minerals which could all be satisfactorily addressed through conditions and planning obligations.

Members were made aware that the benefits of the scheme were considered to outweigh the limited landscape and policy harms, and that the development constituted sustainable development under the NPPF.

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

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

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

"Addendum to the officer report (Principle of Development section):

Agricultural Land Classification

Adopted Local Plan Section 2 Paragraph 7.3.1 states that in order to promote sustainable development, in considering where to select sites for new development in this Local Plan, the Council has taken particular care to assess the value of the landscape and, where practical, allocate sites with the lowest sensitivity, thereby helping to protect valued landscapes and the best and most versatile agricultural land.

The Glossary to the NPPF defines best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification (ALC). Paragraph 187 b) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.

The application site falls within Grade 2 ('very good') agricultural land as indicated on the ALC Map. This is on a scale of 1-5 where Grade 1 is 'excellent' and Grade 5 is 'very poor'.

If approved, the development would result in the loss of 6.70 hectares of arable farmland. The loss of this resource is acknowledged as a material consideration representing both environmental and economic harm.

Natural England's guide to assessing development proposals on agricultural land states that Grade 2 'very good' quality agricultural land is: "Land with minor limitations that affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown. On some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops, such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than grade 1."

A contention under the environmental dimension is that the development is unsustainable because it would lead to a loss of Grade 2 (very good) agricultural land. However, much of the district is within those categories and, given the acknowledged need for housing, it is highly likely that such agricultural land will be required for development. This cannot, in itself, weigh heavily against the proposal. Whilst the development would result in the loss of an expanse of open agricultural land, the illustrative Site Layout Plan shows opportunities for substantial landscaping and the incorporation of green spaces.

The main Committee Report identifies that the scheme delivers a range of significant social, economic and environmental benefits, including up to 60 age-restricted dwellings, 30% affordable housing, self-build plots, extensive green infrastructure, public open space, and substantial Biodiversity Net Gain (above the mandatory 10% requirement).

Given the Council's 3.22-year housing land supply position, paragraph 11(d) of the NPPF is engaged, requiring permission to be granted unless adverse impacts significantly and demonstrably outweigh the benefits. As set out in the main report, the identified benefits, particularly the delivery of specialist older persons' housing where there is a demonstrable need, carry considerable weight.

Furthermore, as explained in the main Committee Report 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. 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 harm arising from the loss of Grade 2 land is limited in scale relative to the district's wider agricultural land resource and housing need and is not considered to outweigh the cumulative benefits of the scheme when assessed as a whole.

For these reasons, and as concluded in the main Committee Report, the loss of "very good" agricultural land does not alter the recommendation, and the proposal remains recommended for outline approval, subject to the further archaeology works, conditions and planning obligations set out in the report.

Paragraph 9.1 – Addition to Recommendation:

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 (as required by resolution 1) 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.
5. **That in the event that the required archaeological trial trenching reveals the presence of non-designated heritage**

assets of archaeological interest which, on the advice of Essex County Council Place Services Archaeology, are demonstrably of equivalent significance to a scheduled monument, the grant of planning permission will be withheld pending the return to the Planning Committee of a revised report setting out the implication of these findings both on the applicability of the 'tilted balance' to the presumption in favour of sustainable development in the National Planning Policy Framework and, if necessary, revised recommendations for either the imposition of planning conditions or for the overall decision to be taken again by members of the Planning Committee.

Paragraph 9.2 – Amendment to 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. Conditions added instead
BNG Monitoring Fee	Securing a financial contribution towards the 30-year monitoring of the Biodiversity Net Gain Plan and implemented scheme.

Paragraph 9.3 – Addition to conditions:

(I) FURTHER APPROVAL: BIODIVERSITY NET GAIN PHASED DEVELOPMENT

CONDITION 23: BNG OVERALL PLAN

The development may not be begun unless (a) a biodiversity gain plan for the overall development has been submitted to the local planning authority for approval, and (b) the local planning authority has approved the plan.

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.

CONDITION 24: BNG PHASE PLAN

No phase of development may be begun unless (a) a biodiversity gain plan for that phase (which shall be in accordance with the approved Overall Biodiversity Gain Plan under condition 23), of the development has been submitted to the local planning authority for approval, and (b) the local planning authority have approved that plan

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 FOR THE ABOVE DEEMED CONDITIONS:

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(s) operate(s) under a distinct statutory framework, specifically outlined in paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

These conditions are 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 these conditions in decision notices to avoid confusion. However, for clarity and accountability, we have opted to highlight these conditions 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, these conditions 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.

There is a modified regime for phased development (The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024):

- i) under an outline planning permission, where reserved matters for subsequent approval has the effect of requiring or permitting development to proceed in phases;*

or

- ii) any planning permission which is subject to conditions having the effect of requiring or permitting development to proceed in phases.*

This permission is for phased development requiring the approval of an Overall Plan for the development and a Phased Plan for each phase of the development. Please refer to the modifications set out in The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024 and the National Planning Policy Guidance issued by the government for Biodiversity Net Gain.

Note: There are specific modifications to the deemed conditions for phased development where development is granted under Section 73 of the Town and Country Planning Act 1990 (as amended).

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.

BIODIVERSITY GAIN PLAN REQUIREMENTS:

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

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

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

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

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

Ways to achieve 10% BNG may include:

- 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.

(II) FURTHER APPROVAL: HABITAT MANAGEMENT AND MONITORING PLAN

Unless all biodiversity net gain for the development is achieved via the purchase of offsite biodiversity units or statutory biodiversity credits, no phase of development shall commence on the site until a 30 year Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Phased Biodiversity Gain Plan for that phase under condition 24, has been submitted to and approved in writing by the local planning authority for the site, and shall contain the following unless otherwise agreed in writing by the Local Planning Authority:

- a) 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 Phased Biodiversity Gain Plan;
- b) the management measures to maintain the onsite habitat creation and/or enhancement works for a period of a least 30 years from the completion (defined for this purpose as first use and/or occupation unless otherwise agreed in writing by the LPA) of the development including:
 - I. ecological trends and constraints on the site that may influence management;
 - II. aims, objectives and targets for management e.g. links with local and national species and habitat action plans;
 - III. a description of the management operations necessary to achieving the aims and objectives;
 - IV. prescriptions for management actions;
 - V. preparation of a works schedule, including annual works schedule;
 - VI. mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets;
- 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 scheme shall be first implemented with provision for monitoring reports to be provided to the local planning authority in writing on year 1, 2, 3, 5, 7, 10, 15, 20, 25 and 30, with biodiversity reconciliation calculations at each stage; and

- d) details of the roles and responsibilities of the people or organisation(s) delivering the HMMP including implementation and monitoring.*

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

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

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

William Page, the representative for the applicant, spoke in support of the application.

Councillor Gary Scott, caller-in and one of the Ward Members for Alresford, spoke against the application.

Councillor Ann Wiggins, one of the Ward Members for Alresford, spoke against the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Could Officers direct the Committee to the relevant legislation that says that the rule does not apply if you happen to be in a District with a lot of Class 2 agricultural land?</i>	<i>There is no specific legislation that would restrict the loss of agricultural land, it is just a consideration in the overall balance.</i> <i>There are no specific policies in the Local Plan regarding best and most versatile agricultural land and to be specifically protected against development. Officers 'go to' is the current NPPF and under the environmental section, it says “recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most</i>

	<i>versatile agricultural land, and of trees and woodland” – it does not provide Members with any help on what to do with that so therefore it is the Committee’s judgement as decision makers what weight to give ‘best and versatile land’ and it recognises in the glossary that ‘best and versatile land’ is grade 2.</i>
<i>If this was a District that did not have a lot of grade 2 land, would the rules be different?</i>	<i>The rules would not be any different but the weighting in respect of that may be different. It would be better for the Committee to not focus on the word ‘contention’ and focus instead on all the information provided.</i>
<i>Has the Committee understood the layout correctly and is it therefore restricting residents of Alresford to use Cockaynes Lane?</i>	<i>The proposals are for allowing traffic in from the top of Cockaynes Lane and all of the existing properties along the first section of Cockaynes Lane can enter and leave from that site. If residents wanted to visit one of the properties along the northern stretch of Cockaynes Lane, they would not be able to go down Cockaynes Lane to get to the properties, they would have to come out onto Station Road and go up the main road and back in, but residents can enter the new development from both sides – so the answer to the question is yes.</i>
<i>If the Committee were to grant this entrance and exit proposal, it would be doing away with the rights that have been there for years, is that correct?</i>	<i>The proposal applies to vehicle traffic, not pedestrian traffic. Whilst remembering the width of the lane and whether two-way traffic in a modern age is appropriate. If Members are talking about a second access at the top point of the lane, it would encourage the residents living on that estate to use the junction that the Officers do not want them to use in terms of going onto the main road. To encourage people to come in from the junction is a safer option than going out of the junction.</i>
<i>Are Members right in saying that Essex County Council Highways put forward the idea of the road access and exit?</i>	<i>Officers would not be able to confirm that unfortunately. That would have been a discussion between the applicant and Essex Highways.</i>
<i>Could Members have that confirmed please and let Members know if this is a suitable layout?</i>	<i>With the proposal in front of Members, the Highways authority have confirmed they are in agreement with it. Officers also have a stage one safety audit that came with the application as well and that has been agreed. If the Highways authority or the applicant suggested it in the first place, that does not mean anything. Officers and Members are dealing with the proposal that is before them and the merits have to be dealt with in that proposal.</i>
<i>Are one of the roads a one-way system and can farm machinery get down the lane?</i>	<i>In respect to farm machinery going down the lane, Officers are not aware, with looking at the proposal, that this would inherently restrict the machinery any further than the current restrictions of a small lane that are currently in place. In one respect, to improve the situation, the farm machinery will less</i>

	<i>likely come into conflict with other vehicles coming the other way.</i>
<i>Will the middle part of the road/junction be shut/inaccessible?</i>	<i>Yes, only to vehicular traffic.</i>
<i>Coming from the top of the lane, down the road, vehicles will only be able to go one way, but they cannot get back up the road, is that correct?</i>	<i>Yes, that is correct.</i>
<i>Could Officers explain how heavy machinery will navigate this narrow road?</i>	<i>The buildings on the left of the Officer presentation (industrial estate) have HGV vehicles that probably need to get in and out of the road. If they came out and turned left and go up and down the road, they would have no problems at all, but if they came out of that industrial estate and turn right onto the road they would have to go through the village through the new junction being proposed. If the vehicles were coming to the industrial estate, they could not come via the village, they could only come from the top of the main road. Basically, farm machinery and large vehicles can go up and down the lane except for the gate house area at the bottom which is only one section of a one-way system. The only reason that section is one-way, is to stop all the residents of the new estate from piling out of the estate, double backing on themselves and getting onto the main road that way. This proposal persuades residents to go down through the village and come out of the appropriate Station Road junction which is adequate and capable of taking the additional traffic. There is no detriment here in any way to traffic safety, there is only potential benefits.</i>
<i>With the road widening, will there be any loss of trees or will this be dealt with at the reserved level?</i>	<i>There is only one tree being removed which is a Category C right at the back of the site, near where the sub-station is to be located. That is the only tree being removed. The Tree Officer has not objected to the scheme; they have recommended conditions but no objection.</i>
<i>It seems that most journeys by the residents would need to be made by private car, can Officers satisfy Members that this is not the case?</i>	<i>The train station is 500m from the site which is reasonably sustainable. The main bus stops are along the main road of Alresford (Wivenhoe Road) and along Station Road there is one bus stop not far from the lane which is about 330m away.</i>
<i>Can Officers agree that the grade 2 for the agricultural land does weigh against the proposal?</i>	<i>This is a greenfield site; there is a degree of argument that every development on a greenfield site is a negative. This is also agricultural land which has a value. If this was a low-grade agricultural land it would be better than if it is not – that is a degree of weight. The degree of weight is for Members' judgement.</i>
<i>Can it be agreed that this proposal will change the character substantially?</i>	<i>Yes. This is an allocated site in the emergent Local Plan which is out for consultation but not currently</i>

	<i>adopted and that has very limited weight, but that process would have gone through a sustainability study as well.</i>
<i>Is there/are Officers aware of any heritage standing in this particular area?</i>	<i>No, there is no nearby listed building. There are no historical matters to be raised other than what has been raised already. Officers are not aware of any other heritage in this area.</i>
<i>Could an Officer explain why putting houses on an empty field with wildlife adds 10% to the Biodiversity Net Gain?</i>	<i>The farm field has been evaluated, which has a complicated process that was designed by Government and ecologists, and the outcome can work out the value which can then work out what the net 10% would be. The applicant can add trees etc and that is what is being secured in the evaluation. The modifications and enhancements will be secured for the 30-year period to give Officers the on-site 10% which is conditioned, monitored and enforced by the Planning team.</i>
<i>Why is the Committee making a decision ahead of the archaeological appraisal?</i>	<i>Archaeological works are extraordinarily expensive. If Members were to refuse it on other grounds such as the principle of development is a 'no-go', that is what Officers are trying to get from Members at this point. This is an outline application, so other matters are reserved anyway. There is also another type of planning application which is called 'planning in principle' where there would not be half of the information that Members have before them today and unfortunately that still has to be dealt with. In this case, it is a technical issue asking if there is a matter there or not and if there is, Officers would be coming back to Committee with those issues.</i>
<i>Would it that mean that the application would come back to the Committee is there was an issue?</i>	<i>Yes, that is correct.</i>
<i>Has there been a feasibility study done by Essex Highways at all?</i>	<i>Yes, the application is supported by all the necessary technical document assessments in terms of traffic flow, traffic movements and the amount of traffic – that is included in the application and that has formed part of the Essex Highways assessment. They have deemed the road realignment and the potential for the Station Road junction to accommodate the additional traffic as acceptable and that is why they have raised no objection.</i>
<i>Are Officers satisfied that the footpaths for people to walk conform to the standards of the Local Plan.</i>	<i>Layout is a reserved matter. The layout does indicate some connectivity points so there are pedestrian and cycle points being added to allow a better connection to the public rights of way that are near the site and within the site there will be a walking route as well. There is a section that is closed to vehicular traffic but will be available for pedestrians, cyclists and horse-riders.</i>

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

RESOLVED that:-

- 1) on appropriate terms as detailed in the Officer report (A.1) together with those that 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 (the S106 Agreement) dealing with the matters as summarised at paragraph 9.2 of the Officer report (A.1) and amended by the Officer Update Sheet;
- 2) the Head of Planning and Building Control be authorised to grant outline consent subject to the following:
 - (i) the completion of the agreed Section 106 Agreement (as required by resolution 1 above) and the conditions as stated at paragraph 9.3 of Officer report (A.1) and amended by the Officer Update 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;
 - (ii) the receipt of a '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); and
 - (iii) to submit all future reserved matters applications made in respect of the outline consent to the Planning Committee for determination.
- 3) the sending of informative notes to the applicant as may be deemed necessary;
- 4) in the event of the planning obligations or requirements referred to in resolutions (1) and (2) above not being secured within 12 months from the date of this meeting, the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion; and
- 5) in the event that the required archaeological trial trenching reveals the presence of non-designated heritage assets of archaeological interest which, on the advice of Essex County Council Place Services Archaeology, are demonstrably of equivalent significance to a scheduled monument, the grant of planning permission will be withheld pending the submission to the Planning Committee of a revised report setting out the implication of these findings both on the applicability of the 'titled balance' to the presumption in favour of sustainable development in the National Planning Policy Framework and, if necessary, revised recommendations for either the imposition of planning conditions or for the overall decision to be taken again by the Planning Committee.

71. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.2 - 25/01498/FUL - LAND TO THE NORTH OF AVOCET PLACE, THORRINGTON, CO7 8FH

Earlier on in the meeting, as detailed under Minute 68 above, Councillor Wiggins had declared that she was one of the local Ward Members but that she was not pre-

determined and therefore she took part in the deliberations and decision-making on this application.

Also, Councillor Scott had declared, under Minute 68, that he was also one of the local Ward Members and that would be speaking on the item in that capacity.

Members were informed that this application proposed 60 age restricted bungalows with open space and infrastructure on land north of Avocet Place, which would deliver specialist accommodation including 18 affordable units. Although located outside of the settlement development boundary, the Council's lack of a five-year housing land supply had engaged the 'tilted balance' in favour of sustainable development.

In the opinion of Officers, all technical matters, highways, drainage, ecology, landscaping and amenity had been demonstrated as acceptable or could be mitigated through conditions and/or a Section 106 agreement. The proposal was therefore recommended by Officers for approval, subject to conditions and the completion of the required legal agreement.

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

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

There were no updates circulated to Members on this application.

Martin Scott, the applicant, spoke in support of the application.

Councillor Scott, one of the Ward Members, spoke in relation to the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Is the land Class 3, is that correct?</i>	<i>Yes, in terms of classification.</i>
<i>Is there a reason why the affordable housing homes are so close together?</i>	<i>There are a few principles that have been about over the years. The debate here is that ideally it would be better to have affordable housing scattered across a development. It comes down to what is a good design and layout. The affordable housing in this case is towards the centre of the development. The other balance here is Officers have to get to the situation where they have a Housing Association take them on board. Housing Associations like to have such houses together because they like to take on board the land. Housing Associations do not usually like to wait for houses to be built across a development.</i>
<i>Is there a footpath that can go from Station Road into this estate?</i>	<i>There is a public right of way at the northern end of the site. This development will lead through to the public right of way and provide a pedestrian access onto that public right of way and then onto Station Road.</i>
<i>Will the age rule still apply to the affordable housing?</i>	<i>Yes, that will be part of the Section 106 agreement.</i>

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

RESOLVED that:-

- 1) on appropriate terms as detailed within the Officer report (A.2) 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 (the S106 Agreement) dealing with the matters as summarised at paragraph 9.2 of the Officer report (A.2);
- 2) the Head of Planning and Building Control be authorised to grant planning permission subject to the agreed Section 106 Agreement and the conditions as stated at paragraph 9.3 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;
- 3) the sending of informative notes to the applicant as may be deemed necessary; and

in the event of the planning obligations or requirements referred to in resolution (1) above not being secured within 12 months of the date of this meeting the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion.

72. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.3 - 25/00869/FUL 54 CONNAUGHT AVENUE, FRINTON-ON-SEA, CO13 9PR

It was noted for the public record that because Councillors Smith and White had been not present when this application was first debated (and subsequently deferred) at the last meeting (19 February 2026), they were precluded from taking part in the deliberations or decision-making process for this item.

Members recalled that this application sought a change of use from Class E to hot food takeaway (sui generis) with no external alterations. The unit was currently vacant, and the proposal would return it to active use, contributing positively to the vitality of the town centre.

The Committee was reminded that the application had been deferred to enable re-consultation with the Town Council and to consider a potential access blockage for the flat above. Updates to the Officer report (A.3) were in bold italic font and included an objection from the Town Council.

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:-

“Revision to Heritage Assessment (Paras 8.21–8.22):

Following further review and for the avoidance of doubt, the assessment of the proposal against the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 has been expanded. While no external alterations are proposed, other than bin and cycle stores to the rear, and the visual impact remains negligible, recent case law confirms that the duty is not confined solely to appearance.

In Historic England v Milton Keynes Council [2018] EWHC 2007 (Admin), the High Court clarified that the terms “character or appearance” encompass more than built form, extending to historic uses and activity patterns that contribute to how a Conservation Area is understood and experienced. A change of use can therefore have implications for character even in the absence of physical works.

Accordingly, your officers have considered the proposal’s effects on the character of the Frinton and Walton Conservation Area. The Conservation Area Management Plan identifies this part of Connaught Avenue as forming a busier gateway area close to the station, with an established commercial character and significant pedestrian activity. This context supports a mix of active ground-floor uses and reflects an evolving history of retail and service-based activity.

The Management Plan also highlights the contribution of nearby key unlisted buildings at 53 and 55 Connaught Avenue, whose architectural interest enhances the street scene. As the application site is separate from these buildings and no external works are proposed, other than bin and cycle stores to the rear, the proposal would not alter their setting or diminish their contribution to the area.

Taking these factors together, the introduction of a hot food takeaway within an existing commercial frontage is not judged to erode the historic character or experience of this part of the Conservation Area. The proposal therefore preserves the character and appearance of the Conservation Area for the purposes of Section 72(1).

Updated Parking Plan:

Drawing No. 5119-F01 Revision B – Proposed Car Parking, has been received by the Council and uploaded to the application file. This updated drawing shows the parking arrangements of the site, the location of the bin store and the location of the existing access to the flats.

Amended Condition 03:

ACTION REQUIRED CYCLE/POWERED TWO-WHEELER PARKING

CONDITION: 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 which shall be submitted to and 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.”

There were no speakers on this application.

There were no Member questions on this application.

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

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 10.2 of the Officer report (A.3), or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and
- 2) the sending of informative notes to the applicant as may be deemed necessary.

The meeting was declared closed at 7.09 pm

Chairman

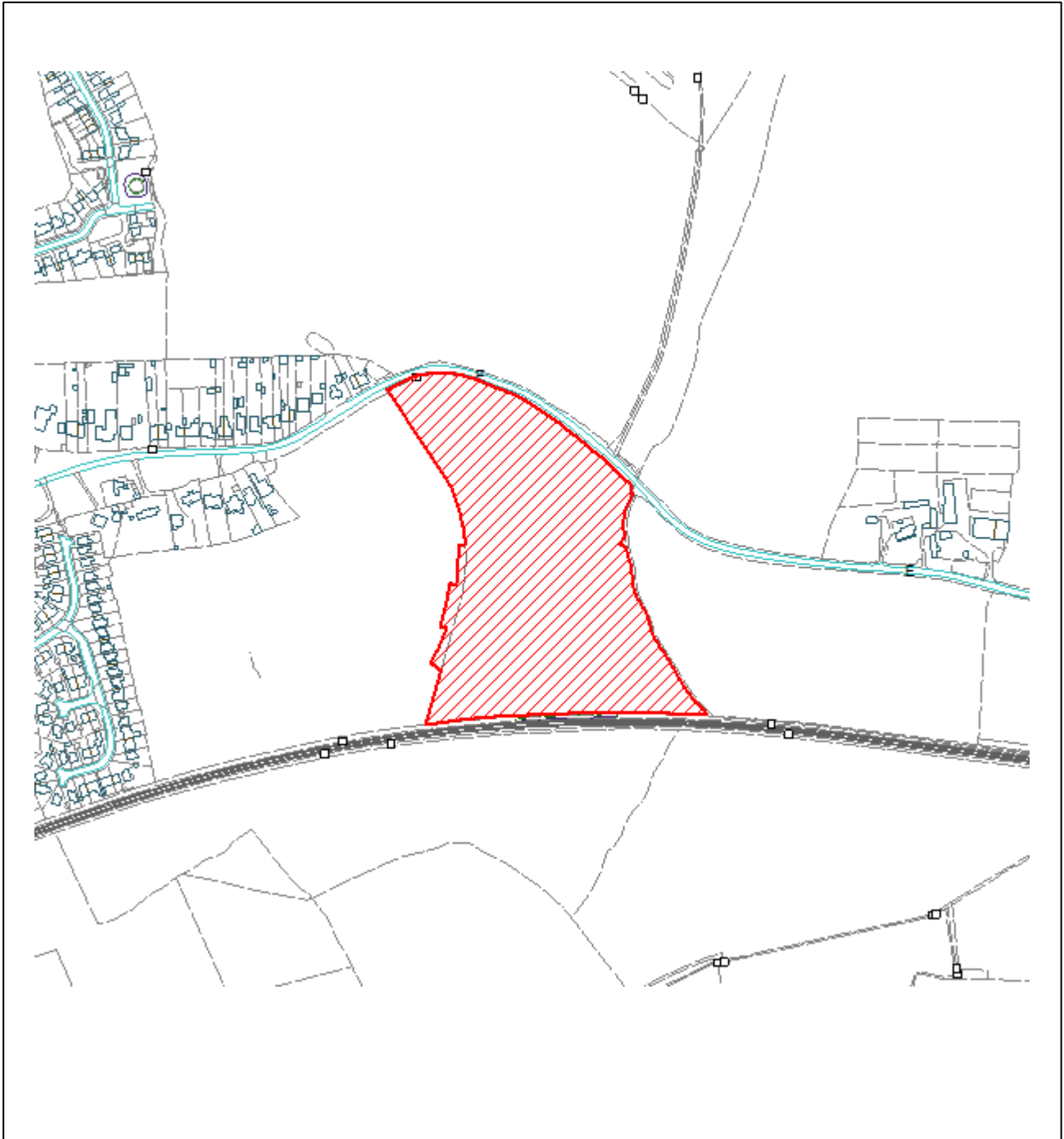
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PLANNING COMMITTEE

14TH APRIL 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.1 PLANNING APPLICATION – 25/01066/OUT – LAND TO THE SOUTH OF WEELEY ROAD GREAT BENTLEY ESSEX



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Application:	25/01066/OUT	Expiry Date:	16th April 2026
Case Officer:	Alison Newland		
Town/ Parish:	Great Bentley Parish Council		
Applicant:	Taylor Wimpey London		
Address:	Land to The South of Weeley Road Great Bentley Essex		
Development:	Outline Planning Application (Access to be considered) - for up to 80 dwellings, parking, landscaping, drainage and all other associated infrastructure.		
Referral Reason:	Call in by Councillor Keteca. Local Plan departure.		
Recommendation:	Outline approval subject to conditions (and S106 agreement)		

1. Executive Summary

- 1.1 This outline application proposes up to 80 dwellings with only access to be considered at this stage. The site is located outside but abutting the settlement development boundary. The Council's lack of a five-year housing land supply engages the tilted balance in favour of sustainable development. The site is included as a potential housing allocation in the emerging Local Plan. Technical matters including highways, archaeology, drainage, ecology, landscaping and amenity are demonstrated as acceptable or can be mitigated through conditions and a S106 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 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

HP2 Community Facilities

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

PPL8 Conservation Areas

PPL9 Listed Buildings
PPL10 Renewable Energy Generation and Energy efficiency Measures
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network
DI1 Infrastructure Delivery and Impact Mitigation

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**

Neighbouring Phase 1 site (Hartford Green)

17/01881/OUT	Outline planning permission for up to 136 dwellings, informal recreation space, a local area of play and associated development.	Refused Allowed at appeal	21.12.2018
20/01176/OUT	Removal of condition 4d for planning application 17/01881/OUT (allowed at appeal APP/P1560/W/19/3231554) as off-site works no longer required.	Approved	30.11.2020
21/00977/DETAIL	Proposed application for approval of all reserved matters including access, layout, scale, appearance and landscaping in relation to outline planning application for up to 136 dwellings, allowed on appeal (ref APP/P1560/W/19/3231554) dated 15/05/2020 as amended by 20/01176/OUT .	Approved	08.08.2022
21/00978/FUL	Proposed engineering operations required in support of application for Reserved Matters submitted on adjacent land (136 dwellings) including attenuation basin, public footpath, access visibility and construction access.	Approved	08.09.2022
21/01257/OUT	Variation of condition 12 of application 17/01881/OUT (allowed on appeal APP/P1560/W/19/3231554) to remove the reference within condition 12 which requires the pedestrian/cycle link between the site and Birch Avenue to be 3 metres in width. Also allowing for this link	Refused	22.12.2021

between the site and Birch Avenue to be a pedestrian link only.

22/01596/VOC	Application under Section 73 of the Town and Country Planning Act, to allow a variation of condition 4 of 20/01176/OUT: 4(a) to change the form of junction specified in the Condition from a priority junction with right turn lane to a simple priority junction. 4(c) to re-word the Condition to specify footway provision and dropped kerb / tactile crossing points on Weeley Road.	Approved	22.05.2023
22/01768/VOC	Application under Section 73 of the Town and Country Planning Act, to allow a variation of conditions 1 (Approved plans and documents), 2 (Clear to ground visibility splay) and 3 (Internal road site access and footway layout) of 21/00977/DETAIL to reflect the latest plan reference.	Approved	17.08.2023
22/01818/FUL	Full planning permission for the erection of 154 dwellings, informal recreation space, a local area of play and associated development.	Approved	11.03.2024
23/00419/DOVU5	Deed of variation, under Town and Country Planning Act 1990 Section 106A, of the terms of the original legal agreement dated 3rd October 2019 (linked to 17/01881/OUT allowed on appeal ref. APP/P1560/W/19/3231554 and subsequent S73 application 20/01176/OUT) and the subsequent Deed of Variation dated 4 August 2022 to allow for an update to, Appendix 1 Land Use Plan 310 Rev. A (replacing drawing 311 Rev. J) and Appendix 2 Non-adoptable Highways Plan drawing number 003 Rev F (replacing drawing 003 Rev E).	Approved	11.05.2023
23/00622/VOC	Application under Section 73 of the Town and Country Planning Act, for the variation of Condition 17 (Landscape Scheme) of 21/00978/FUL to allow for the removal of the landscaping buffer alongside Plots 119 and 136 (alternative planting to be provided within the red line area of the residential portion of the site).	Approved	10.11.2023

5. Consultations

Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been

submitted to address previous issues, only the latest comments are included below.

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

ECC Highways Dept

23.03.2026

No objection subject to conditions for 1) Construction Management Plan 2) Proposed road junction constructed to a minimum width of 5.5 metres within the site and provided with 2 x 2-metre-wide footways 3) Road junction at its centre line provided with minimum clear to ground visibility splay of 2.4 metres by 25 metres in both directions 4) Parking and turning provision 5) Contribution of up to £100,000 for Passenger Transport improvements for the new bus services between Great Bentley, Brightlingsea, Clacton-on Sea, and/or Colchester. 6) Residential travel plan and £1817.00 annual monitoring fee.

Since the time lapse between Phase 1 and current application an updated trip generation assessment has been calculated to provide a robust analysis. It is predicted that the proposed development could generate up to 62 two-way movements in the AM peak and 49 in the PM peak, based on bespoke trip rates obtained from the existing access. Capacity assessments have been undertaken at the site access, the additional information provided has demonstrated that the proposed access junction would operate satisfactorily at the 2033 Growth Year with the proposed development and potential development at Land North of Weeley Road in place.

Essex County Council Ecology

06.02.2026

No objection subject to conditions for 1) Compliance with mitigation measures in EIA 2) submission of Biodiversity Enhancement Strategy 3) Wildlife Sensitive Lighting Design Scheme

Have reviewed the Preliminary Ecological Appraisal (PEA) and Ecological Impact Assessment (EIA) which provide certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats. With the proposed mitigation measures and conditions secured, the development can be made acceptable.

ECC Schools Service

10.09.2025

Expected to generate the need for up to 7.2 Early Years and Childcare (EY&C) places; 24 Primary School places, and 16 Secondary School places.

Although there is some EY&C capacity in the area (4 spaces), it is likely that the current capacity will be taken up by families already living within the locality. It is thereby proposed that a contribution towards the creation of 7.2 new places is requested totalling £147,240

A contribution towards new primary, secondary and Post 16 education places will not be required for this application.

Seek a Primary School Transport contribution as there are no current safe walking routes from the proposed development to the nearest Primary School (Great Bentley Primary School), totalling £634,569.60

As the closest secondary school (Colne Community School) is over 3 miles away seek a Secondary School Transport contribution totalling £95,152

A contribution of £6,224 is considered necessary to improve, enhance and extend the local library facilities and services provided and to expand the reach of the mobile library and outreach services.

Environmental Protection

12.09.2025

No comments to make during this planning phase.

Tree & Landscape Officer

05.09.2025

Part of the site is in agricultural use and part is used as a construction compound. There are no trees in the main body of the application site but there is relatively strong boundary vegetation on both the eastern and southern boundaries of the site. The Arboricultural Impact Assessment (AIA) and Tree Constraints Plan (TCP) show that all trees will be retained and that there is sufficient separation between built development and the trees to support their retention.

A Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) should be secured by condition to ensure that the Root Protection Areas (RPA's) of the retained trees will be physically protected for the duration of the construction phase.

The site is situated within the Clacton and the Sokens Clay Plateau Landscape Character Area (LCA). The application site is directly adjacent to The Tendring and Wix Clay Plateau LCA to the west. The LCA within which the application site is situated is described as 'gently undulating agricultural plateau drained by The Holland Brook Valley System in the southeast of the district with low gappy hedgerows with occasional hedgerow trees that divide arable fields'

To show the potential impact of the development proposal on the area a Landscape and Visual Impact Assessment (LVIA) has been provided which accurately describes the impact of the proposed development. The LVIA states that: 'The Proposed Development would bring about a change in land use for the Site that would contrast with the prevailing agricultural land use in the surrounding area.' 'There is potential for green infrastructure within the public open space of the parameters plan to mitigate landscape and visual effects. Green infrastructure provision could reinforce and strengthen landscape character within the Site and its immediate context.' The LVIA recognises that there will be harm to both the character and visual qualities of the local landscape but, although permanent and irreversible the harm arising is mainly low and moderate at worst.

On balance and considering existing nearby development adjacent to the application site and further afield, that is visually prominent, it is considered that the development would not be unduly incongruous or cause significant harm to the local landscape character. If details of comprehensive landscaping were to be secured as a reserved matter then any harm will be satisfactorily mitigated. Special attention should be given to the planting of a landscape buffer on the eastern boundary as described in the Conclusions section of the LVIA.

Housing Services

No comments received

Essex County Fire Officer

No comments received

ECC Green Infrastructure

09.09.2025

Do not object. Provide recommendations to enhance the green infrastructure provision for the detailed proposal.

Recommend securing the following as planning conditions: Construction Environmental Management Plan (CEMP) Landscape and Ecological Management Plan (LEMP) and Biodiversity Gain Plan

Anglian Water Services Ltd

11.09.2025

No known assets within the site boundary.

Thorrington Water Recycling Centre can accommodate the wastewater flows from the development.

Object to any connection into our foul network due to capacity constraints and pollution risk. Require the applicant continues to engage Anglian Water in order to define a Sustainable Point of Connection (SPOC). However, if the LPA are minded to approve the application, despite our objection and risk of pollution, we recommend a pre-commencement condition securing a strategic foul water strategy. Prior to occupation, the foul water drainage works must have been carried out in complete accordance with the approved scheme.

Arch. Liaison Off, Essex Police

19.08.2025

Provide crime prevention recommendations in relation to the detailed layout and design.

Police Strategic Planning Consultation

22.08.2025

Essex Police provide recommendations to deliver a safe, secure, and sustainable development.

Environment Agency

17.09.2025

No objection.

Flood Risk Activity Permit information for works in proximity of main rivers.

Network Rail

24.09.2025

No objection in relation to Level Crossing Safety.

Currently in discussions with Great Bentley Primary School to identify measures to improve safety for parents and children around the school and the nearby level crossing. Note that this development is likely to increase pupil numbers and associated pedestrian activity, which will be factored into these ongoing discussions.

The existing railway boundary in this location appears to consist of post-and-wire fencing, which is not considered adequate for a residential development of this scale. Therefore strongly recommends that the applicant upgrades the boundary fencing to a higher standard in order to maintain safety and prevent unauthorised access to the operational railway.

Essex County Council Archaeology

12.09.2025

Recommend conditions for archaeological trial trenching and excavation to understand the potential for, and significance of, archaeological deposits impacted by the proposal.

The proposed development lies to the east of the historic village of Great Bentley on the edge of the former green which is likely to be medieval in origin. Records show linear cropmark features in the north of the site, the nature, date and origin of which is unknown. Further cropmark features and recent excavation in the surrounding area suggest a thriving Late iron Age/early Roman settlement and postmedieval activity.

ECC SuDS Consultee

12.09.2025

No objection subject to conditions for 1) Detailed surface water drainage scheme 2) Scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction 3) Maintenance plan 4) Yearly logs of maintenance

UU Open Spaces

09.12.2025

Current deficit of 1.78 hectares of equipped play in Great Bentley

Adequate formal open space in the area to cope with some future development

Settlement provision: Heckford Road/Forge Lane Play Area LEAP 0.6miles from development

Great Bentley has adequate formal open space, and a large village play area. With additional play space provided on recent new developments.

The village hall is a big part of the community that would benefit from the support of the development to accommodate the additional residents, and requires modernisation

Identified project: Modernisation of the village hall, to ensure that it can continue to function and accommodate a growing community. Please see attached document containing possible project along with costings.

NHS Suffolk & North East Essex Integrated Care Board (ICB)**07.11.2025**

The existing GP practice (Great Bentley Surgery) does not have capacity to accommodate this additional growth of approximately 176 residents and subsequently increase demand upon existing constrained services.

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.

The way health and care is 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 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 Great Bentley Surgery or through other solutions that address capacity and increased demand. For this a proportion of the cost would need to be met by the developer totalling £46,800.00

East of England Ambulance Service**24.10.2025**

This application could generate another 176 residents and will generate an anticipated additional 40 calls per annum on already constrained ambulance services. This is an increase of 3.8% per annum compared to existing activity, postcode area CO78 indicates 1,063 incidents per annum between 1st April 2024 and 31st March 2025.

This development will affect ambulance Colchester Hub which respond to emergency incidents within the local area as well as impact on the regional call centres. The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £27,200 and are for the impact of this development only and will be used to support: Relocation and expansion of existing Colchester Ambulance Hub including EV charging /power to meet the increased local demand arising from this housing development.

Place Services Heritage**10.09.2025 and 04.12.2025**

Eden's Farmhouse a Grade II Listed Building has a historic functional relationship with the agricultural land that forms the site, given that the 1838 Tithe Map records this land to have been in the same ownership, and the 1910 Lloyd George Domesday Map shows it to still be part of the farm holding. The land makes a positive contribution to the setting of the Listed Building because its agrarian/undeveloped appearance helps to reveal how the Listed Building was a part of an isolated farmstead. This can still be appreciated and experienced despite the encroachment of the modern housing, that has reduced the degree of separation between the Listed Building and the settlement.

As the proposal is considered to cause a low-level 'less than substantial' harm to the significance of Eden's Farmhouse, this harm should be weighed against any public benefits of the proposal whilst accounting for the great weight that Paragraph 212 gives to the conservation of the heritage asset, and the need to provide clear and convincing justification for any harm resulting from the

development within its setting.

The proposal is not considered to have a detrimental impact upon St Mary's Farmhouse (Grade II) located to the southwest of the site. Nor is there any harm to the setting of the Great Bentley Conservation Area and Church of St Mary (Grade I).

Further to the previous heritage comments (10/09/2025), the applicant has submitted a heritage statement which sufficiently describes the significance of the heritage assets affected, including any contribution made by their setting, as per the requirements of paragraph 207 of the NPPF. The heritage statement identified a low level of less than substantial harm to the grade II listed Eden's Farmhouse, which corresponds to our previous heritage comments. This harm should be considered under paragraph 215 of the NPPF.

The proposals will therefore fail to preserve the contribution made by setting to the special interest of the grade II listed Eden's Farmhouse, contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Should the proposals be permitted, I suggest a condition is attached detailing the proposed planting along the eastern and northern boundaries of the site.

6. Representations

6.1 Great Bentley Parish Council – Make observations

Original comments (Proposed Weeley Road access)

The parish council would like to request clarification on how public consultation feedback has been addressed within the proposal as it is not noted. They would like to raise a concern over the lack of safe pedestrian access from the site into the village, as Weeley Road has no pavement and the alternative route is long and indirect, creating a sense of segregation from the main village. There are inconsistencies in the 60mph and 30mph speed limits along Weeley Road and the parish council recommend that, if the application is approved, the village gateway and speed signage be relocated to accommodate the new access before construction begins. Also will the developers consider a different S106 contribution to the village, rather than the a 10% open space provision and an on-site LEAP (Local Equipped Area for Play) that the developer is proposing as part of this application, as the new estate is right next to the 43 acre village green and a very well maintained large play area, the parish council are asking for a contribution to the modernisation required of the village hall and/or a contribution towards getting water to the new allotment site, both of these are worthwhile community projects these are directly related to the application as the increase in residents leads to an increased use on the village hall, and also more allotment holders, there is a waiting list so work to get the new site open will benefit any new residents. The Council would like it noted that at this time the proposed site is outside of the current settlement boundary, but they do note that this may change with the updates to the local plan from January 2026.

Officer comments: A Statement of Community Involvement has been submitted detailing the public consultation undertaken by the applicant and their detailed responses to the comments made.

The proposal is considered to provide the most direct walking route (via Phase 1 and its link onto Birch Avenue) towards the school, village hall and train station to the south west. A slightly more direct route towards the centre/north of the village (e.g. to the doctors surgery and playground) would be via Weeley Road. Phase 1 secured footpaths along the Weeley Road site frontage however pedestrians would then need to cross the road to continue on a footpath for a very short distance before both sides revert to grass verges. These verges are wide and are clearly used informally by pedestrians but would not be suitable for prams or wheelchair users. At appeal for Phase 1 the Inspector acknowledged the new pedestrian and cycle link onto Birch Avenue as bringing the facilities and services in the village within a reasonable walking distance and providing a realistic

alternative to travel by car. This situation remains the case for the current proposal which provides the same satisfactory walking and cycling routes to the village but at a slightly increased distance. The vehicular access onto Weeley Road has now been removed.

The request for a village hall improvement financial contribution in lieu of the play area has now been agreed. This was the preferred option above the allotment improvement works as that is a more limited benefit only available to allotment holders.

Great Bentley Parish Council – No objection

This application was brought back to our full council meeting in December due to the large scale petition raised against the application. It was discussed after the agreement was made on which sites to recommend in the new Local Plan - of which this site is one of those. However the council wished to make a further comment in that improvements need to be made for the provision of a more straight forward walking route into the village - as it is very segregated now. Also, that the 30mph gateway needs to be moved further eastward before any building takes place to make the entrance road way safer for motorists.

Officer comments: The recent inclusion of this site within the emerging local plan is noted. The concern regarding the walking route to the village is addressed above. Regarding extending the 30mph speed limit, the Highway Authority have confirmed this has been temporarily extended for the construction phase of development only. Under Phase 1 it was agreed it could be extended permanently by a maximum of 50 metres. The Safer Speeds Strategy is many months away so any further extension is unknown at this time. However, the vehicular access onto Weeley Road has now been removed from the proposal so once construction is complete there would be no vehicular access from the proposal directly onto Weeley Road.

The statutory reconsultation for the proposed access into Phase 1 has now finished however further comments are expected from the Parish Council following their next meeting and will be provided on the Update sheet.

6.2 Member call-in

Councillor Keteca has called the application in for determination at Planning Committee for the following reasons:

- Archaeology evidence of Pre Roman settlement on the site
- Flood Risk (near river)
- Railway line safety (open to railway track)
- Overdevelopment of the village

Officer comment: These points are all addressed in the report.

6.3 Neighbour / Local Representations

Originally proposed Weeley Road access

A total of 13 objections have been received raising the following summarised concerns (with officer response in italics where not addressed within the report);

- 80 dwellings in addition to recent developments will overload local services, roads, school, water, sewage and infrastructure
- Access point on a blind bend with inadequate visibility splays. *This Weeley Road access point has been removed from the proposal.*
- Existing drainage system will not be able to cope
- Will exacerbate the congestion and parking pressure in village centre.
- Loss of arable farmland

- Would destroy one of the most attractive approaches to the village
- Effect on natural environment and wildlife
- Outside settlement development boundary and not part of current local plan for development
- No safe walking route to school or shops
- Turning onto the A133 is very dangerous. *This has not been raised as a concern by the Highway Authority and there are alternative connection points towards Colchester and Clacton.*

Three petitions of approximately 453, 246 and 36 (total 735) signatures have been received objecting to the proposal: In particular due to the potential increase in traffic this will generate in the centre of the village and around the primary school.

Proposed Phase 1 access reconsultation

Two objections have been received raising the following summarised concerns which have been addressed within the report;

- Concerns regarding distance to the centre of the village are unchanged and will result in reliance on private cars exacerbating traffic and parking problems.
- In Highways earlier objection they state the site is not considered to be in walking distance of the railway station referring to DfT Document, Building Sustainable Transport with New Developments (2008) which states that people will walk up to 800 metres to get to a railway station. The applicant's consultant confirms the centre of the site is around 1000 metres walking distance from the station. The southeast corner of the site will therefore certainly exceed this. We fail to see how ECC Highways concerns seem now not to apply as the change of vehicular access does not change their original point concerning travel to the railway station.

7. Assessment

Site Context

- 7.1 The site is located on the eastern edge of Great Bentley outside but abutting the settlement development boundary to its full western edge. Part of the site contains the permanent surface water attenuation basin and the temporary construction compound for the abutting Phase 1 development. To the southern boundary is the railway line with countryside beyond. To the eastern boundary is Weeley Brook with countryside and the Grade II listed Edens Farmhouse beyond. To the northern boundary is Weeley Road with countryside opposite subject to pending application 25/01633/OUT for up to 120 dwellings and cricket pitch/pavilion. There is also a public right of way opposite the north east corner of the site. The abutting Phase 1 development comprises two storey detached and semi-detached houses which face the application site, with the exception of the two northern most plots which are side on.
- 7.2 The northern and eastern edges of the site lie within flood zones 2 and 3. Part of the northern edge of the site lies within the minerals safeguarding area however it is significantly below the 5 hectare threshold for consultation with ECC Minerals.

Planning History

- 7.3 There is no relevant history on the application site. However, the proposal forms Phase 2 of the abutting Phase 1 Hartford Green development of 154 dwellings which is currently under construction.
- 7.4 Phase 1 for 136 dwellings was initially refused under 17/01881/OUT but subsequently allowed at appeal. It was then subject to numerous variations with the implemented consent being a full planning permission (22/01818/FUL) for 154 dwellings. That site is at an advanced stage of construction and is partly occupied.
- 7.5 The appeal for the 136 dwelling proposal on 15/05/2020 was determined at a time when the housing

supply policies were out of date and only a 4 year housing supply could be demonstrated. The Inspector acknowledged a new pedestrian and cycle link onto Birch Avenue as bringing the facilities and services in the village within a reasonable walking distance and providing a realistic alternative to travel by car. The Inspector concluded: “The development conflicts with the Council’s spatial strategy regarding the location of new housing. However, the shortfall in the 5YHLS is significant. When considered in terms of the size of the development, providing up to 136 market and affordable homes, relative to the modest harm (bearing in mind that the development strategy is out of date), the collective harm, including the loss of BMVL [Best and Most Versatile agricultural Land] does not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Proposal

- 7.6 The proposal seeks outline planning permission for up to 80 dwellings with only access to be considered at this stage (appearance, landscaping, layout and scale are reserved). Originally a new vehicular access was proposed to the north eastern site boundary onto Weeley Road. However, this attracted an objection from the Highway Authority and vehicular access is now proposed to the western site boundary directly into the Phase 1 development and sharing that existing junction onto Weeley Road. Full neighbour reconsultation has been undertaken, including an additional site notice at the new access point, this consultation has now expired.
- 7.7 A pedestrian access is proposed to the north eastern site boundary onto Weeley Road opposite the Public Right of Way, and onto the western site boundary with Phase 1. This maintains a general connection through the application site to the PROW which was secured as part of the Phase 1 development.
- 7.8 There are no detailed plans for appearance, landscaping, layout and scale as these matters are reserved for later consideration. However, parameter plans indicate how the site could be developed and show public open space to the north and south, landscaping buffer to the east and the central area of the site divided into five residential areas. The indicative density of development is lower to the outer eastern boundary, increasing to medium in the centre and higher density adjacent to Phase 1.
- 7.9 56 market dwellings and 24 affordable homes (30%) are proposed. No housing mix is specified at this stage so forms a recommended condition.
- 7.10 The proposal has been screened under the Environmental Impact Assessment regulations and concluded that the project is not likely to lead to any significant environmental effects either in isolation, or cumulatively and an Environmental Impact Assessment is not required.

Principle of Development

- 7.11 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).
- 7.12 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.
- 7.13 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 but abutting the adopted SDB for Great Bentley. Great

Bentley is identified as a Rural Service Centre within the Local Plan, reflecting its relative level of services, facilities and employment opportunities and acknowledging 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.

- 7.14 The location therefore constitutes development in the countryside for the purposes of the Local Plan. The scheme is therefore in conflict with Local Plan Policies SPL1 and SPL2, which seek to direct new housing growth to within defined settlement boundaries. However, the housing policies post 26/01/2026 are now out of date and the 3.22 year supply represents a significant shortfall against the minimum five year requirement.
- 7.15 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

- 7.16 The site is identified as a potential strategic housing allocation in the Council's Emerging Local Plan Preferred Options Draft under proposed Policy MSA10 for 80 dwellings. This document has recently been out for public consultation (ending 23.03.2026).
- 7.17 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 Great Bentley, 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

- 7.18 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

- 7.19 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 including the new bus service. These economic benefits attract moderate weight.
- 7.20 The permanent loss of Grade 2 (very good) agricultural land represents an economic disbenefit. However, this large field (5.5 hectares) is already dissected by the footpath approved under Phase

1 and contains the Phase 1 attenuation basin reducing the area and ease of cultivation. It is therefore considered that the economic benefits associated with up to 80 new dwellings would outweigh this loss of very good agricultural land.

Social Role

- 7.21 The proposal will provide up to 80 dwellings including 30% affordable housing and significantly exceeds the policy requirement for public open space. The proposal also contributes towards improvements to the local village hall, libraries and local bus service provision which represent significant social benefits for future occupiers of the development and existing residents in the locality. The proposal would mitigate its impacts upon education, healthcare, and habitats sites through the associated legal agreement.
- 7.22 Concern is raised by local residents that the proposal will exacerbate the congestion and parking pressure in the village centre. However, the site is considered to be within reasonable walking distance of the shops, train station, primary school, doctors surgery, and bus stops within the village therefore offering a reasonable alternative to private transport. The financial contribution to extend the new bus service linking Great Bentley with Clacton and Brightlingsea also increases the accessibility of services and facilities in these two other larger settlements.
- 7.23 Given the district's significant housing shortfall 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

- 7.24 The development would extend the built form into the countryside and therefore results in some landscape impact and loss of very good agricultural land. However, the technical assessments confirm that impacts on landscape, highways, ecology, trees, drainage, archaeology, flood risk and amenity can be mitigated through design and/or planning conditions. Biodiversity Net Gain is demonstrated, with mitigation to protect habitats and species. A low level less than substantial harm would result to the significance and setting of the Grade II listed Eden's Farmhouse however this harm would be outweighed by the public benefits of the proposal and the tilted balance is therefore still engaged. Environmental effects are therefore limited and capable of being satisfactorily managed and mitigated.

Overall Balance and Conclusion on Principle

- 7.25 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, alongside the scheme's economic and social benefits and the capacity to mitigate environmental impacts through design and conditions.
- 7.26 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.
- 7.27 When assessed against the NPPF as a whole, the adverse impacts, principally the landscape impact of extending built form into the countryside and the less than substantial harm to the setting of the Grade II listed Eden's Farmhouse, do not significantly or demonstrably outweigh the benefits, meaning the proposal is acceptable in principle under the presumption in favour of sustainable development. Therefore, the principle of development is accepted, subject to the detailed considerations set out below.

Loss of agricultural land

- 7.28 The Glossary to the NPPF defines best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification (ALC). Paragraph 180 b) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land”.
- 7.29 The application site is indicated in the ALC map as Grade 2 (very good). This is on a scale of 1-5 where Grade 1 is ‘excellent’ and Grade 5 is ‘very poor’. Natural England’s guide to assessing development proposals on agricultural land states that Grade 2 ‘very good’ quality agricultural land is: “Land with minor limitations that affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown. On some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops, such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than grade 1.”
- 7.30 The site comprises 5.5 hectares but this large field is already dissected by the footpath approved under Phase 1 and contains the Phase 1 attenuation basin reducing the area and ease of cultivation. The proposal, will result in the loss of very good agricultural land and there is therefore assessed in respect of Paragraph 180 b) of the NPPF. This position will be weighed with the benefits of the scheme as part of the ultimate planning balance.

Scale, Layout & Appearance

- 7.31 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.
- 7.32 There are no detailed plans for appearance, landscaping, layout and scale as these matters are reserved for later consideration. However, parameter plans indicate how the site could be developed and show public open space to the north and south, landscaping buffer to the east and the central area of the site divided into five residential areas. The indicative density of development is lower to the outer eastern boundary, increasing to medium in the centre and higher density adjacent to Phase 1.
- 7.33 Given the low density of development (around 14.5 dwellings per hectare) a detailed layout could easily ensure compliance with back to back separation distances and also provide ample private amenity space and off street parking to meet the needs of up to 80 dwellings on this site.
- 7.34 No concerns are therefore raised at this stage that these matters could not be satisfactorily addressed at reserved matters stage.

Heritage Assets

- 7.35 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. 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.
- 7.36 Paragraph 205 of the NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s

conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 7.37 Local Plan Policy PPL8 states new development will only be permitted where it has regard to the desirability of preserving and enhancing the special character and appearance of the conservation area. Local Plan Policy PPL9 states proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal will cause harm to a listed building, the relevant paragraphs of the NPPF should be applied.
- 7.38 The Grade II listed Eden's Farmhouse is located around 255 metres to the east. The Grade II listed St Mary's Farmhouse is located around 405 metres to the south. The Grade I Church of St Mary is located around 1043 metres to the west. The Great Bentley Conservation Area is located around 235 metres to the west.
- 7.39 Place Services Heritage confirm the proposal would not have a detrimental impact upon the setting or significance of St Mary's Farmhouse, Church of St Mary or the Great Bentley Conservation Area due to the distance and no known historic relationship. Their initial comments confirmed the lack of a Heritage Assessment and raised concern in relation to the impact upon the significance and setting of Eden's Farmhouse. A Heritage Statement was then submitted.
- 7.40 Eden's Farmhouse has a historic functional relationship with the agricultural land that forms the site as the 1838 Tithe Map records them to have been in the same ownership, and the 1910 Map shows it to still be part of the farm holding. The land makes a positive contribution to the setting of the Listed Building because its agrarian/undeveloped appearance helps to reveal how the Listed Building was part of an isolated farmstead. The Phase 1 proposal preserves the wider setting of Edens Farmhouse due to the retention of the current application site as agricultural land.
- 7.41 The Heritage Statement confirms the proposed development forms part of the wider rural setting of Eden's Farmhouse however the contribution that the wider setting makes to the significance of the asset is considered to be limited as the asset's significance is most perceivable/appreciable from within its immediate setting and the farm complex will continue to be appreciated as isolated from the nearby built up area and surrounded by farmland. The principal elevation of the farmhouse is orientated away from the site, facing the fields to the southeast at Weeley Road. They claim that through considered design elements such as additional tree planting, inclusion of the new footpath and open space within the southern extent of the site, these levels of less than substantial harm can be confined to the lowest levels possible.
- 7.42 Place Services Heritage confirm that the heritage statement sufficiently describes the significance of the heritage assets affected, including any contribution made by their setting. It identifies a low level less than substantial harm to Eden's Farmhouse which should be considered under paragraph 215 of the NPPF. The proposals will therefore fail to preserve the contribution made by setting to the special interest of the grade II listed Eden's Farmhouse, contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Place Services add should the proposals be permitted, they suggest a condition is attached detailing the proposed planting along the eastern and northern boundaries of the site.
- 7.43 Paragraph 215 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.44 In this case significant public benefits will arise in the form of 30% affordable housing; public open space in excess of the policy requirement; minimum 10% Biodiversity Net Gain; financial contributions towards village hall improvements, libraries and the longevity of a new bus service; construction jobs; and increased local expenditure by new residents. These public benefits are

considered to outweigh the low level less than substantial harm to the significance and setting of Eden's Farmhouse. Landscaping is a reserved matter and the detail of the proposed planting along the eastern and northern boundaries of the site will be secured at that stage to ensure appropriate screening to the listed building. As harm to heritage assets would not provide a clear reason for refusal the tilted balance is still engaged.

Archaeology

- 7.45 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).
- 7.46 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.
- 7.47 ECC Archaeology confirm the existence of cropmarks and recent excavation in the local area indicating likely archaeological activity on the site. They therefore request pre-commencement conditions for trial trenching and excavation to understand the potential for, and significance of, archaeological deposits impacted by the proposal. ECC Archaeology are satisfied that this matter can be addressed by pre-commencement conditions and do not request additional information prior to determination in this case. Furthermore, the fact that the proposal is for up to 80 dwellings means there is flexibility at reserved matters stage should this number need to be reduced in order to preserve any below ground archaeological assets in situ. These conditions are included in the recommendation.

Highway Safety/Parking

- 7.48 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.
- 7.49 Local Plan Policy SPL3 Part B 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.
- 7.50 The proposal seeks outline planning permission for up to 80 dwellings with only access to be considered at this stage. Originally a new vehicular access was proposed to the north eastern site boundary onto Weeley Road. However, this attracted an objection from the Highway Authority and vehicular access is now proposed to the western site boundary directly into the Phase 1 development and sharing that existing junction onto Weeley Road. Full neighbour reconsultation has been undertaken, including an additional site notice at the new access point, this consultation has now expired.
- 7.51 Detailed access plans are provided which show that three visitor parking bays in Phase 1 will have to be repositioned to allow for the new vehicular access, this will be addressed at reserved matters

stage for Layout. A Transport Assessment and an Addendum were also provided to demonstrate the acceptability of the new access.

- 7.52 A pedestrian access is proposed to the north eastern site boundary onto Weeley Road opposite the Public Right of Way (PROW 11), and onto the western site boundary with Phase 1. This maintains a general connection through the application site to the PROW which was secured as part of the Phase 1 development.
- 7.53 Given the low density of development Officers are satisfied that ample car, cycle and visitor parking can be provided in accordance with the Essex Parking Guidance.
- 7.54 The Highway Authority confirm an updated trip generation assessment has been calculated to provide a robust analysis. It is predicted that the proposed development could generate up to 62 two-way movements in the AM peak and 49 in the PM peak, based on bespoke trip rates obtained from the existing access. Capacity assessments have been undertaken at the site access, the additional information provided has demonstrated that the proposed access junction would operate satisfactorily. That assessment also includes the potential development (pending application 25/01633/OUT) at Land North of Weeley Road for up to 120 dwellings and cricket pitch/pavilion.
- 7.55 The Highway Authority confirms no objection subject to conditions for 1) Construction Management Plan 2) Proposed road junction constructed to a minimum width of 5.5 metres within the site and provided with 2 x 2-metre-wide footways 3) Road junction at its centre line provided with minimum clear to ground visibility splay of 2.4 metres by 25 metres in both directions 4) Parking and turning provision 5) Contribution of up to £100,000 for Passenger Transport improvements for the new bus services between Great Bentley, Brightlingsea, Clacton-on Sea, and/or Colchester. 6) Residential travel plan and £1817.00 annual monitoring fee.
- 7.56 Requested condition 4) Parking and turning provision is not imposed at this stage as this will be addressed under the reserved matters application for Layout. The bus service contribution is secured under the S106 as detailed further below. The residential travel plan condition is imposed, adding reference to the requirement for Residential Travel Packs. However, the residential travel plan monitoring fee is not secured as explained under the Planning Obligations section further below.
- 7.57 Concerns are raised locally that the site is too distant to be walkable to the train station, being around 1000 metres from the centre of the site. Whilst greater than a preferred distance of 800 metres, the applicant's transport consultant states it is not considered that this will put many people off as this still represents a short walk or cycle. Linked trips (e.g. as a car passenger) are also a potential method of travel. Given the short increase in distance to local services in comparison to the approved Phase 1 development, the site is considered to be suitably located in terms of pedestrian and cycle access.

Landscaping and Trees

- 7.58 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.
- 7.59 Local Plan Policy LP4 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.
- 7.60 The application is accompanied by an Arboricultural Impact Assessment (AIA) and Tree Constraints Report which confirm there are 57 individual trees around the site boundaries which will all be retained in the proposed layout with no incursion into their root protection areas. Conditions secure a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) to ensure physical

protection during construction. The proposed layout also shows retention of the boundary hedgerows which provide good screening and habitat around the northern, eastern and southern site boundaries. A small section will need to be removed to allow the pedestrian access to the PROW however this was already approved under the Phase 1 development.

- 7.61 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which recognises that there will be harm to both the character and visual qualities of the local landscape but, although permanent and irreversible, the harm arising is mainly low and moderate at worst. There is potential for green infrastructure to mitigate landscape and visual effects as it matures. Visual effects would be limited in their scale and extent for most receptor groups in the surrounding landscape due to the screening effects of boundary vegetation in the wider landscape.
- 7.62 The proposal would have no effect on important views from within the Great Bentley Conservation Area. Public Right of Way users would have notable views southwards from footpath 11 which meets Weeley Road directly opposite the site. The change in point of access since the LVIA was produced mean that the temporary construction access will no longer remain permanently open and this can be replanted to reduce views from the north. On balance and considering existing nearby development adjacent to the application site and further afield, that is visually prominent, it is considered that the development would not be unduly incongruous or cause significant harm to the local landscape character. Comprehensive landscaping will be assessed and secured at reserved matters stage to satisfactorily mitigate landscape harm from the proposal. Special attention should be given to the planting of a 12 metre landscape buffer on the eastern boundary as described in the LVIA, this would serve the dual purpose of reducing the impact upon the setting of the Grade II listed Eden's Farmhouse which lies around 255 metres to the east.
- 7.63 The indicative plans show public open space to the north and south of the site significantly exceeding the 10% Local Plan requirement. The proposal originally included a small equipped play area in the northern area of open space but this has now been removed in favour of a village hall improvement contribution as discussed in the Planning Obligations paragraph below. The southern area of public open space contains the existing attenuation basin for the Phase 1 development, and the proposed attenuation basin for the current proposal. This indicative layout maximises the retention and potential enhancement of existing vegetation to the northern boundary with Weeley Road, eastern boundary with the countryside and the southern boundary with the railway line.
- 7.64 The Council's Tree and Landscape Officer and ECC Green Infrastructure Team raise no objection to the proposal providing recommendations for the reserved matters application for layout and landscaping. The Green Infrastructure Team request conditions however these are satisfactorily addressed by the recommended conditions for BNG, Habitat Management and Monitoring Plan (HMMP), tree protection, SuDS, ecology and the reserved matters for Landscaping and Layout.

Impact on Residential Amenity

- 7.65 Paragraph 135 of the 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.
- 7.66 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.
- 7.67 The existing Phase 1 development is still under construction and comprises detached and semi-detached two storey dwellings to the west of the application site. There are nine Phase 1 dwellings that face onto the site (other dwellings further south face the existing attenuation basin) and two

dwelling which are oriented side on to the site. All of these dwellings will experience a loss of outlook, which under the Phase 1 approval would be across agricultural land. The proposal will significantly change that outlook replacing it with up to 80 dwellings. However, these properties except the northern most dwelling (1 Gordon Lord Close) are still under construction/not occupied. They are also separated from the application site by their access road and soft landscaping strip ensuring two storey development on the application site would not result in any material loss of light or privacy due to the separation distance. It is considered that this harm to their outlook could be adequately mitigated at reserved matters stage for layout given the low density of the development and the capacity to secure soft landscaping in this area. Significant harm to outlook amounting to grounds for refusal would not therefore result.

- 7.68 The relocation of the vehicular access via Phase 1 will increase the traffic and associated disturbance for Phase 1 properties (along Marvin Way, Middletown Road and Gordon Lord Close) and the properties opposite the existing access on Weeley Road as the proposed residents access the main junction out onto Weeley Road. Pedestrian and cycle traffic from the proposal would also likely travel through Phase 1 to the link onto Birch Avenue to more directly access the centre of the village. However, given the significant number of Phase 1 properties which will already use these routes this increase in traffic would not amount to significant harm to amenity.
- 7.69 There are no detailed plans for appearance, layout and scale as these matters are reserved for later consideration. However, given the low density of development (around 14.5 dwellings per hectare) a detailed layout could easily ensure compliance with back to back separation distances to preserve privacy and to provide ample private amenity space and internal space standards to meet the needs of up to 80 dwellings on this site. Public open space is shown to the south ensuring sufficient separation from the railway noise can be achieved for future occupiers.
- 7.70 Construction phase noise, dust and traffic impacts can be effectively managed by the proposed Construction Management Plan condition. 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.

Flood Risk, Surface Water Drainage and Foul Sewage Disposal

- 7.71 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.
- 7.72 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 confirms that connection to the mains sewer is the preferred option, in line with the drainage hierarchy and building regulations.
- 7.73 Weeley Brook (a Main River) runs along the Eastern site boundary flowing south easterly. The majority of the site is located in Flood Zone 1 at low risk of flooding. However, the northern and eastern edges of the site lie within flood zones 2 and 3 at medium/high risk of flooding. The majority of the site is at very low risk of surface water flooding with areas of medium/high risk along the eastern boundary attributable to the Brook.
- 7.74 The application is accompanied by a Preliminary Flood Risk Assessment and Drainage Strategy which confirms that the areas surrounding the Brook will remain as greenspace with all residential development located outside of flood zones 2 and 3.
- 7.75 A proposed attenuation basin is located in the southern area of open space to the south east, which

also contains the existing Phase 1 attenuation basin to the south west. A foul water pumping station is also indicated in this area to raise the flows from the development. Swales (shallow channels) are indicated along the outer roads. The vehicular and pedestrian/cycle access points to the west of the site are also wholly outside of flood zones 2 and 3.

- 7.76 The Environment Agency confirm no objection and provide advice relating to the permit required for works within 8 metres of Weeley Brook. This is added as an informative.
- 7.77 ECC SuDS originally objected to the proposal requesting additional surface water drainage information. This was provided and SuDS confirm no objection subject to conditions securing 1) Detailed surface water drainage scheme 2) Scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction 3) Maintenance plan and 4) Yearly logs of maintenance. These conditions are included within the recommendation.
- 7.78 The proposal is to connect to the main foul sewer in accordance with Policy PPL5 and the NPPF. Anglian Water confirm sufficient wastewater treatment capacity for the development. However, they object to connection to their foul sewer due to capacity constraints and pollution risk. Conversations with Anglian Water and the applicant are ongoing to agree a Sustainable Point of Connection.
- 7.79 Although applicants have a statutory right to connect to the public sewer under Section 45 of the Water Industry Act 1991, this right does not remove the ability of the planning system to manage development where infrastructure constraints exist. Nevertheless, water companies cannot refuse a connection on capacity grounds, and the regulatory framework, through environmental permitting and the Water (Special Measures) Act 2025, already governs pollution control and compliance.
- 7.80 Anglian Water state if we are minded to approve the application a pre-commencement condition requiring approval of a strategic foul water strategy identifying a Sustainable Point of Connection to the public foul network should be imposed. The foul water drainage condition that has been included within our recommendation secures details prior to the beginning of any above ground works to the dwellings it would serve are commenced. This is considered a reasonable alternative that will still secure details of the sustainable point of connection to the public foul network, in consultation with Anglian Water, but will give the applicant more time to agree this i.e. not prior to commencement of any works on site. This will still prevent pollution and ensure water quality is protected but will enable the applicant to commence site groundworks while this is still being negotiated if necessary.

Railway line

- 7.81 The southern site boundary is adjacent to the railway line but there is no crossing point in this location. Network Rail confirm a minimal effect on crossing safety but highlight that the existing railway boundary is post and wire fencing. They strongly recommend the applicant upgrades the boundary fencing to maintain safety and a condition is imposed to secure this in consultation with Network Rail.

Planning Obligations

- 7.82 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. A legal agreement securing the below will be completed prior to determination;

Affordable Housing

- 7.83 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.

- 7.84 The proposal includes up to 24 affordable homes, equating to 30% of the total 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 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 as required by the S106 agreement.

Public Open Space

- 7.85 Policy HP5 requires major new residential development to provide a minimum 10% of the gross site area as open space. The indicative plans show 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 S106 therefore includes a clause to secure the details and timings of implementation and transfer of the public open alongside associated maintenance responsibilities thereafter.
- 7.86 There is a deficit of 1.78 hectares of equipped play in Great Bentley. However, comments from the Open Space Team confirm that there is a large village play area with additional play space provided on recent new developments. This includes a play area (Local Area of Play) within the Phase 1 development only around 150 metres from the proposed vehicular access to the site. The Parish Council have therefore identified the village hall modernisation project to ensure that it can continue to function and accommodate a growing community.
- 7.87 The proposal originally included a play area in the northern area of open space but this has now been removed in favour of a village hall improvement contribution. Given the existing play provision within close proximity of the site, the absence of an on site play area is not considered unacceptable in this case given the alternative village hall contribution.

Village Hall Improvement Contribution

- 7.88 Local Plan Policy HP2 states the Council will work with the development industry and key partners to deliver and maintain a range of new community facilities. New development should support and enhance community facilities where appropriate by: a. providing on site, where necessary, or contributing towards new or enhanced community facilities to meet needs arising from the proposed development or growth and where possible, encourage co-location.
- 7.89 Great Bentley Village Hall was built in 1987 and is in need of substantial modernisation. The Parish Council have provided a detailed list of works which include new flooring, new kitchen, and toilet and entrance lobby upgrades totalling £104,500 plus VAT. The applicant will secure this and it would result in an enhanced community facility for the proposed occupiers of the development and the wider community. As confirmed above there is sufficient local equipped play provision in the vicinity and the village hall contribution is therefore considered a preferable alternative which is considered reasonable and necessary to make the development acceptable and is to be secured by the S106 agreement.

Recreational Disturbance Mitigation (RAMS)

- 7.90 A financial contribution of £175.55 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

- 7.91 Local Plan 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.
- 7.92 ECC Schools confirm the proposal will generate the need for up to 7.2 Early Years and Childcare (EY&C) places; 24 Primary School places, and 16 Secondary School places. A contribution towards new primary, secondary and Post 16 education places will not be required.
- 7.93 A contribution of £147,240 is requested for EY&C. As the closest secondary school (Colne Community School) is over 3 miles away they seek a Secondary School Transport contribution of £95,152. A contribution of £6,224 is considered necessary to improve, enhance and extend the local library facilities and services provided and to expand the reach of the mobile library and outreach services. These contributions are all considered reasonable and necessary to make the development acceptable and are to be secured by the S106 agreement.
- 7.94 ECC Schools also seek a Primary School Transport contribution stating there are no current safe walking routes from the development to Great Bentley Primary School. However, the development will link directly into Phase 1 which has footpath connections to the Primary School which is approximately 0.65 miles away and was deemed acceptable for Phase 1. Only the last section through New Cut does not have footpaths. This is the same situation for children/adults travelling from existing dwellings from this direction and this part of New Cut is a straight road of approximately 68 metres in length. The requested contribution of £634,569.60 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).

Health

- 7.95 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.
- 7.96 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. They calculate the level of contribution to be £46,800, which is to be secured via the legal agreement.
- 7.97 The East of England Ambulance Service has requested a contribution of £27,200 towards a future purpose-built ambulance hub in Colchester. However, this request fails the tests as it would not be directly related to the impacts of this development, 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.

Highways

- 7.98 Local Plan Policy CP1 states 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. In order to reduce dependence upon private car transport, improve the quality of life for local residents, facilitate business and improve the experience for visitors, all such applications should include proposals for

walking and cycling routes and new or improved bus-stops/services.

- 7.99 A new bus service linking Great Bentley with Brightlingsea and Clacton has recently been introduced with a two hourly service Monday to Saturday. The initial funding is for two years and an up to £100,000 contribution is therefore requested by the Highway Authority to extend the initial contractual period and help assure the longevity of the new service which improves sustainable access to and from the village and train station. The provision of such will be secured via the legal agreement.
- 7.100 The Highway Authority has also 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, they have 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 is not secured through the Section 106 agreement.

Biodiversity Net Gain (BNG) Monitoring

- 7.101 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 with the monitoring fee secured through the S106.

Ecology and Biodiversity

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

- 7.102 General duty on all authorities

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

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

The application includes a Preliminary Ecological Appraisal (PEA) with mitigation measures and conditions also recommended securing submission of a Biodiversity Enhancement Strategy and Wildlife Sensitive Lighting Design Scheme. Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

- 7.103 Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a

measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals.

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

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

The application is accompanied by the BNG Metric. The Green Infrastructure Team provide comments on the Metric however these are satisfactorily addressed by the conditions for BNG and Habitat Management and Monitoring Plan (HMMP), and the reserved matter for Landscaping.

7.104 Protected Designated Habitats

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

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

7.105 Protected Species

In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. The site comprises mainly modified grassland, hedgerows, and ditches, with potential to support protected species such as bats, birds, reptiles, badgers, and hedgehogs. A Preliminary Ecological Appraisal (PEA) has been provided which recommends additional surveys for bats, breeding birds and reptiles. ECC Ecology therefore initially issued a holding objection requesting these additional surveys. An Ecological Impact Assessment (EIA) was then provided and ECC Ecology confirmed sufficient ecological information is provided to enable determination of the application subject to three conditions securing compliance with the mitigation specified in the EIA, submission of a Biodiversity Enhancement Strategy and Wildlife Sensitive Lighting Design Scheme.

The northern part of the site is the construction compound for the abutting Phase 1 development and the southern boundary is the railway line. The remainder of the site is predominantly modified grassland with native hedgerows and trees to the boundaries and Weeley Brook to the East. The PEA details precautionary measures during construction and habitat enhancement features - the

details of which would be secured by the Biodiversity Enhancement Strategy condition.

The EIA has been produced following reptile presence/likely absence surveys, bat activity transect and static deployment surveys, and breeding bird surveys. A low population of slow worm (3 individuals) were detected across the seven surveys. Mitigation and enhancement is proposed for badgers, bats, breeding birds, reptiles and hedgehogs to ensure any significant negative ecological impacts from the proposal are mitigated including bat and bird boxes, appropriate planting, reptile hibernacula and hedgehog highways. Native hedgerows, important for foraging and commuting bats and breeding birds, are retained in full except for a small section to enable pedestrian access onto Weeley Road to connect to the Public Right of Way opposite.

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

7.106 Ecology conclusion

In accordance with the overarching duty outlined above, this development is committed to actively contributing to the conservation and enhancement of biodiversity as set out above and within the planning conditions. 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

7.107 TDL P 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.

7.108 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. These matters can be satisfactorily addressed through the detailed design stage as part of the reserved matters application.

8. Planning Balance and Conclusion

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.

8.2 While the proposal lies outside the settlement development boundary and therefore conflicts with Policies SPL1 and SPL2 landscape impact is contained and can be mitigated effectively through reserved matters design, landscaping and layout. It would deliver up to 80 homes including 30% affordable housing. The scheme would generate economic benefits during construction and through additional local expenditure. It provides extensive public open space in excess of the policy requirement, Biodiversity Net Gain, and improvements to the village hall, libraries and bus service. These public benefits are considered to outweigh the low level less than substantial harm to the Grade II listed Eden’s Farmhouse and the loss of very good agricultural land.

8.3 Technical assessments confirm that matters relating to highways, drainage, flood risk, ecology, residential amenity and archaeology can all be satisfactorily addressed through conditions or planning obligations. No statutory consultee objects to the proposal, subject to appropriate

mitigation. 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.

9. **Recommendation**

9.1 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 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,
3. The informative notes as may be deemed necessary.

Or;

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

9.2 Planning Obligations - Heads of Terms

CATEGORY	TERMS
Affordable Housing	30% on site provision through an Affordable Housing Scheme
NHS financial contribution	£46,800 for Great Bentley Surgery or other solutions that address increased capacity and demand
Education financial contribution	Early Years and Childcare £147,240. Secondary school transport £95,152
Libraries financial contribution	£6,224
RAMS financial contribution	£175.55 per dwelling
Open Space provision	Provision of on-site Open Space and Maintenance Responsibilities.
Village Hall Improvement Contribution	£104,000 plus VAT
Highways	Up to £100,000 bus service contribution
Biodiversity Net Gain 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: 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 COMPLIANCE: APPROVED PLANS & DOCUMENTS

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

- Site Location Plan received 02.03.26
- Proposed Site Access Drawing Number 2502590_B-ACE-XX-00-DR-C-0502 A
- Arboricultural Impact Assessment received 18.07.25
- Tree Constraints Report received 18.07.25
- BNG Metric Calculator received 18.07.25
- Landscape and Visual Impact Assessment received 18.07.25
- Flood Risk Assessment and Drainage Strategy received 18.07.25
- Preliminary Drainage Strategy Drawing Number 2502590-ACE-XX-00-DR-C-0001 received 18.07.25
- Additional drainage information in email sent 04 September 2025 15:41
- Preliminary Ecological Appraisal received 18.07.25
- Statement of Community Involvement received 18.07.25
- Transport Assessment received 18.07.25
- Transport Assessment Addendum received 27.01.26
- Heritage Statement received 14.11.25
- Great Bentley Village Hall S106 list received 09.12.25
- Ecological Impact Assessment received 22.12.25

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.

4 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 portalooos.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Site waste management plan (that shall include reuse and recycling of materials)
- k) Scheme for sustainable construction management to ensure effective water and energy use.
- l) Scheme of review of complaints from neighbours.
- m) Registration and details of a Considerate Constructors Scheme to be joined prior to the commencement of development, and confirmation of registration to be provided in writing to the LPA before the start of works, or similar scheme for which full details shall be provided and complied with
- n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).
- 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.

5 FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN

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

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

NOTE - CONTEXT AND APPLICATION:

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

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

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

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

For further details, please consult the officer report as needed. If you believe this condition does not apply, we strongly recommend contacting the Local Planning Authority (LPA) for clarification.

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.

6 FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN MANAGEMENT & MONITORING PLAN

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 5 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).

7 FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 1

CONDITION: No development or preliminary groundworks 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 to and approved in writing by the Local Planning Authority. 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.

8 FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 2

CONDITION: No development or preliminary groundworks shall take place until a written report on the results of the archaeology evaluation of the site identified in the WSI 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.

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.

9 FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 3

CONDITION: No building shall be occupied until the archaeology evaluation and 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 FURTHER APPROVAL: SUDS WATER DRAINAGE SCHEME

CONDITION: No development 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 accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 7.3l/s for the 1 in 2 year event, 19.9l/s for the 1 in 30 year event and 26.4l/s for the 1 in 100 year event including 45% climate change 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.

Unless a timetable is agreed as part of the surface water management scheme submitted, no part of the development shall be first occupied or brought into use until the scheme is fully installed and is functionally available for use, unless alternative timing for installation is otherwise agreed in writing by the Local Planning Authority. The drainage scheme shall thereafter be maintained as approved.

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.

11 FURTHER APPROVAL - SUDS WATER DRAINAGE DETAILS (FOR CONSTRUCTION)

CONDITION: No development shall commence until details of a construction surface water management plan, including timetable, detailing how surface water and storm water will be managed on the site during construction, are submitted to and agreed in writing by the local planning authority. No part of the development shall be commenced and/or developed except as may be agreed and in accord with the approved timetable. The drainage scheme shall thereafter be maintained as approved or as be agreed to be retained by the local planning authority in writing.

REASON: To safeguard the ground water environment and minimise the risk of flooding. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm by reason of flood risk.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to the commencement of development. This condition is imposed to ensure the potential impact on a sensitive area is considered and harm avoided that may be detrimental to amenity and the environment. 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.

12 FURTHER APPROVAL - SUDS WATER DRAINAGE MAINTENANCE DETAILS

CONDITION: 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.

13 FURTHER APPROVAL - SUDS WATER DRAINAGE MAINTENANCE LOG DETAILS

CONDITION: 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.

14 FURTHER APPROVAL – FOUL WATER DRAINAGE DETAILS

CONDITION: Full details of foul water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority prior to the beginning of any above ground works to the

dwelling it would serve are commenced. This strategy will identify a sustainable point of connection to the public foul network. No dwelling shall be first occupied until the agreed method of foul water drainage has been fully installed and is functionally available for use. The foul water drainage scheme shall thereafter be maintained as approved.

REASON: To protect water quality, prevent pollution and secure sustainable development.

15 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 and Ecological Impact Assessment 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).

16 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).

17 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 crepuscular and nocturnal species 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 show how and where external lighting will be installed (through the provision of appropriate lighting 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).

18 HIGHWAYS PROVISION OF JUNCTION AND FOOTWAYS

CONDITION: Prior to the commencement of any above ground works details of the proposed access and footways, as indicated on drawing no. 2502590_B-ACE-XX-00-DR-C-0502 A, shall be submitted to and approved, in writing, by the Local Planning Authority. The proposed road junction shall be constructed to a minimum width of 5.5 metres within the site and shall be provided with 2 x 2-metre wide footways. Prior to first occupation of the development, the approved access and footways shall be laid out and constructed in their entirety and shall then be retained in this approved form.

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.

19 HIGHWAYS PROVISION OF VISIBILITY SPLAYS

CONDITION: Prior to first occupation of the development, the road junction at its centre line shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 25 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

20 FURTHER APPROVAL – RESIDENTIAL TRAVEL PLAN

CONDITION: Prior to the first occupation of the development, a residential travel plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include a Residential Travel Information Pack including as a minimum, six one-day travel vouchers for use with a local public transport operator which shall be provided to the first occupiers of each dwelling prior to its first occupation. Such approved travel plan shall then be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation.

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

21 FURTHER APPROVAL: TREE PROTECTION

CONDITION: No development, including any groundworks, tree works, or site clearance, shall commence until a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) 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.

22 FURTHER APPROVAL: RAILWAY FENCING

CONDITION: Prior to first occupation of the development, a strategy to ensure that there is a boundary fence between the proposed development and the railway line which conforms to Network Rail design standards, shall be submitted to and approved in writing by the Local Planning Authority. The strategy will include full details of the location, construction and condition of the current boundary fence on the railway boundary and in the event that the part or all the existing fence does not conform to current Network Rail standards, details of how an appropriate boundary fence will be provided. Any works specified in the approved strategy shall be carried out in accordance with the approved strategy prior to the first occupation of the development.

REASON: To ensure that the increase in public activity resulting from the development does not result in an increase in trespass or anti-social behaviour on the railway line that would be detrimental to the safety of members of the public and railway users.

23 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.

24 AGREEMENT OF HOUSING MIX

CONDITION: Concurrent with the first reserved matter, the housing mix both in terms of house type and number of bedrooms for both market and affordable housing shall be submitted, in writing, for approval by the Local Planning Authority and carried out entirely as may be approved. The size of bedrooms shall comply entirely with the nationally adopted "Technical housing standards – nationally described space standard".

REASON: To ensure 1) a mix of dwelling sizes to reflect the overarching vision for growth within the District and the evidence of housing need contained in the latest Strategic Housing Market Assessment 2) to allow for consideration of the development's impact on local highways.

NOTES FOR CONDITION:

The housing mix shall broadly reflect the housing need identified in the latest Strategic Housing Market Assessment unless there are specific housing mix requirements for a particular site, as set out in site-specific policies in the Local Plan, or genuine physical or economic viability reasons why this mix cannot be achieved.

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.

Flood Risk Activity Permit

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Anyone carrying out these activities without a permit where one is required, is breaking the law. FRAP applications for activities should be sent to: flood.permitting@environment@agency.gov.uk

SUDS

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.

Highways

- Prior to any works taking place in the highway, the developer should enter into an S278 agreement or Minor Works Authorisation with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
- All highway related details should be agreed with the Highway Authority.
- The internal layout shall be designed and subject to a 20mph Zone.
- Minimum centre line radius of 13.6m for the internal access road.
- Forward visibility distances of 25-metres within 20mph zones.
- 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.
- 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
- 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.

- 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.

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/>.

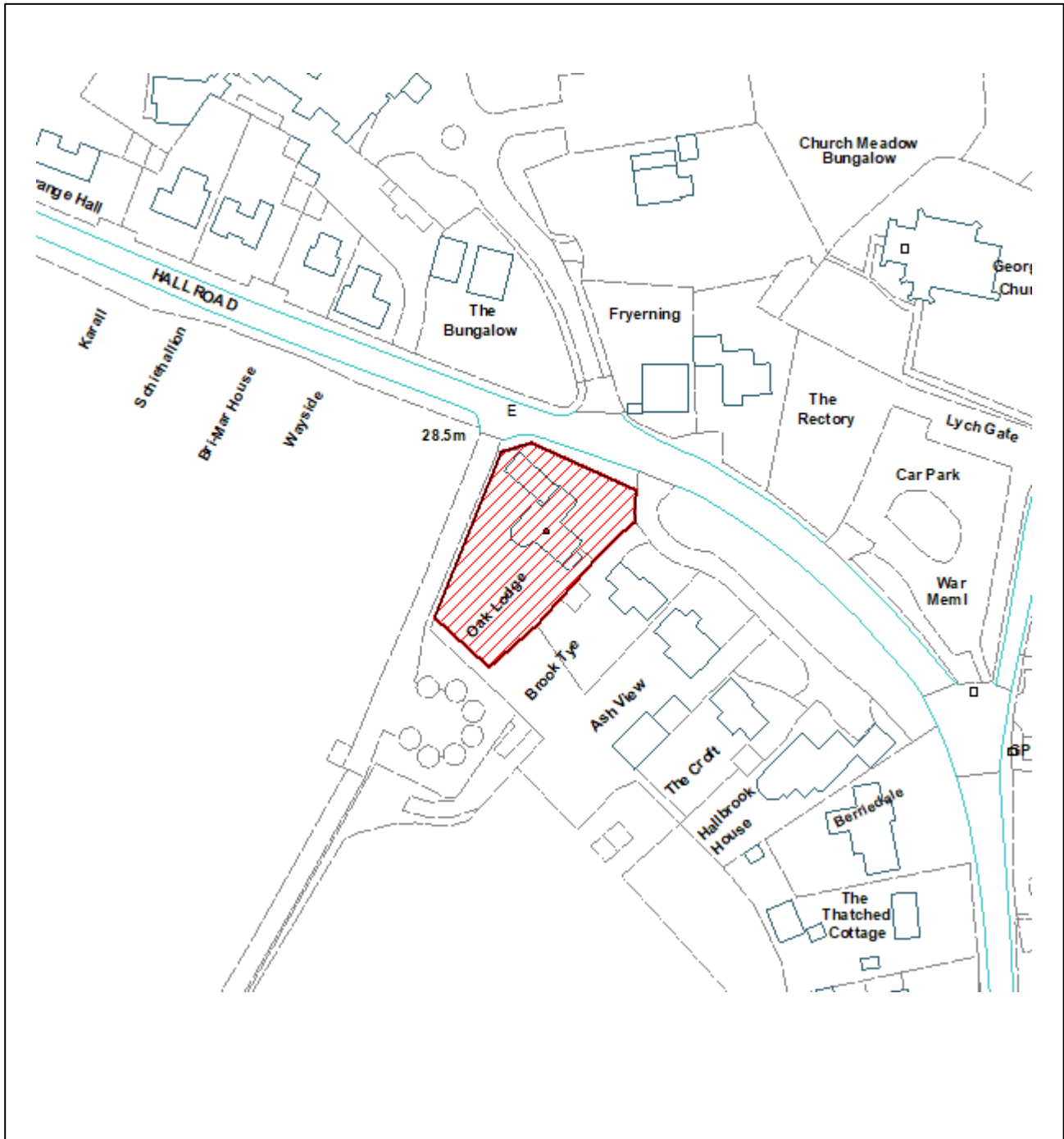
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PLANNING COMMITTEE

14TH APRIL 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.2 PLANNING APPLICATION – 25/01795/FUL – OAK LODGE HALL ROAD GREAT BROMLEY COLCHESTER ESSEX



DO NOT SCALE

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Application:	25/01795/FUL	Expiry Date:	17th April 2026
Case Officer:	Charlotte Cooper		
Town/ Parish:	Great Bromley Parish Council		
Applicant:	Shalamar Children Ltd		
Address:	Oak Lodge Hall Road Great Bromley Colchester Essex CO7 7TY		
Development:	Planning Application - Change of use from residential dwelling (Use Class C3) to a residential children's home (Use Class C2)		
Referral Reason:	Cllr Gary Scott Call In due to the following: - Out of keeping - Lack of facilities - Limited transport - Parking is not sufficient - Not for business use - Concerns in regards to highway movements		
Recommendation:	Approval subject to conditions		

1. Executive Summary

- 1.1 The proposal seeks the change of use of an existing dwelling to a small Class C2 children's home for up to three children, involving only minor external alterations. The development is considered policy-compliant, with no significant adverse impacts identified in relation to residential amenity, heritage, highways, trees, drainage, or biodiversity, and is therefore acceptable.

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 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 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

LP10 Care, Independent Assisted Living

HP4 Safeguarded Open Space

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation and Energy efficiency Measures

CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents

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

[Essex Design Guide](#)

Local Planning Guidance

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

4. **Relevant Planning History**

94/00103/FUL	(Brook Farm, Gt Bromley) Erection of 5 detached dwellings with integral garages	Approved	28.06.1994
95/00109/FUL	(Brook Farm, Great Bromley) Variation to design of dwelling to plot 5 as approved under permission TEN/94/0103	Approved	10.03.1995
95/00713/FUL	(Plot 2, Brook Farm, Great Bromley) Variation to design of dwelling approved under permission TEN/94/0103	Approved	20.07.1995
20/00129/FUL	Proposed two storey side extension with alterations over existing utility.	Approved	27.03.2020

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/>.

Waste Management

05.03.2025

No comments.

ECC Highways Dept

22.12.2026

It is noted that no alterations to the development is required to facilitate the proposed change of use, except for the installation of a small area of hardstanding to form an additional parking space on the drive. Given the site will operate as a residential children's home that will provide care for up to three children, and the property is in a central location, it is not considered that the proposal would result in a material change in the character of the traffic in the vicinity of the site, considering these factors:

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

1. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and if required 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.
2. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
3. The powered two-wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

Environmental Protection**14.01.2026**

Have reviewed the proposal and the submitted documents and have no comments to make.

Tree & Landscape Officer**16.12.2025**

The proposed change of use of the existing residential dwelling will not adversely affect any trees or other vegetation on the application site or adjacent land.

The oak on the adjacent highway that is afforded legal protection by Tendring District Council Tree Preservation Order 92/00023/TPO Land Opposite Seven Rivers Cheshire Homes, Hall Road, Great Bromley will not be adversely affected by the proposed development.

6. Representations**6.1 Great Bromley Parish Council - Objects****1. Policy Context – LP10**

Policy LP10 of the Tendring Local Plan supports, in principle, the provision of new care units within defined settlement boundaries. The site lies within the settlement boundary of Great Bromley, and therefore the principle of a care home use is acknowledged. However, LP10 also requires that proposals do not harm residential amenity, provide adequate parking, and respect the character of the village. On these grounds, the proposal is deficient.

2. Loss of Safeguarded Open Space – Policy HP4

The proposal seeks to extend hardstanding at the front of the property, cutting into land identified as Safeguarded Open Space in the Local Plan.

- Policy HP4 states that such space should only be lost where it is replaced in kind, no longer required, or where its loss would not harm visual amenity.
- The verge in front of the site contributes to the open character at the centre of Great Bromley. Its reduction would erode the village's visual amenity and character.
- The proposal therefore conflicts with Policy HP4.

3. Car Parking Provision and Highway Safety

The management plan indicates:

- Up to 3 children accommodated.
- Two carers on shift at all times, with overlap periods.
- A registered manager and a team of carers on rota.

Based on Essex Parking Standards, the site should provide:

- 1 space per full-time staff member (minimum 5 spaces).
- 1 visitor space per 6 beds.
- Total requirement: at least 6 spaces with turning provision.

The application form states 7 spaces, but the submitted plans do not clearly demonstrate how these can be accommodated. The layout appears cramped, with insufficient turning space to allow vehicles to enter and leave in a forward gear. This raises highway safety concerns and conflicts with LP10's requirement for adequate parking provision. The parking opposite is on private ground and used by

the village school and church, the proposal fails to demonstrate compliance with policies CP1 and CP2 which states the application should not give rise to unacceptable highway safety impacts or congestion.

4. Impact on Village Character

Large areas of hardstanding and multiple parked vehicles at the front of the property would be visually intrusive and harmful to the character of the village street scene. This impact conflicts with both LP10 and HP4, which seek to protect local character and amenity.

5. Residential Amenity

While the number of residents is comparable to a large family, the intensity of staff movements, shift changes, and visiting professionals will increase vehicle activity and noise. This has potential to disturb neighbouring properties contrary to LP10's requirement to protect residential amenity. This application would significantly intensify activities materially different from a private dwelling, this application fails to demonstrate compliance with policy SP7 which requires the development does not materially harm neighbouring residential amenity.

6. Conclusion

Although the principle of care provision is supported by Policy LP10, the proposal fails to comply with key requirements relating to:

- The protection of Safeguarded Open Space (HP4).
- Adequate car parking and highway safety (LP10).
- Protection of village character and residential amenity (LP10 and HP4).

For these reasons, the Parish Council respectfully requests that the application be refused.

6.2 Neighbour / Local Representations

A total of 25 letters of representation have been received raising the following material planning considerations;

- Unsustainable area
- Highway safety / parking issues
- Out of character with local area / impact on local character
- Protected open space
- Harm to residential amenities – noise, loss of privacy
- Refuse and servicing

7. Assessment

Site Context

7.1 The application site is Oak Lodge which is located on the southern side of Hall Road within the Settlement Development Boundary of Great Bromley. The building itself is a two storey residential dwelling with five bedrooms.

7.2 Oak Lodge is the first of five dwellings on this cul-de-sac. Residential properties are located immediately to the south east. To the west are agricultural fields and to the north is St Georges Church which is a Grade I listed building. There is a mature Oak situated on the grassed verge to the north west of the existing dwelling that is afforded formal legal protection under a Tree Preservation Order (ref:92/93/TPO). A public right of way runs outside the western site boundary.

Proposal

7.3 This application seeks full planning permission for the change of use from its existing Class C3

(dwellinghouse) use to Class C2 (Residential Institutions). The site is proposed specifically to be operated as a children's care home that will provide care for up to 3 children between the ages of 4 and 17.

- 7.4 The use will include two carers working a 24.5 hour shift (8am-8.30am the following day incorporating a sleep-in). There will be a short 30 minute window for staff changeover (8am-8.30am). There will be a Home Manager overseeing daily operations working Monday to Friday (8am-4pm).
- 7.5 The only external changes will be for the installation of a small area of hardstanding at the front to form an additional parking space. The internal layout of the building will remain unchanged.

Principle of Development

- 7.6 Paragraph 61 of the National Planning Policy Framework (NPPF) states: To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community. Paragraph 63 of the NPPF seeks to ensure that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; looked after children; older people; students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.
- 7.7 Adopted Local Plan Policy LP10 (Care, Independent Assisted Living) confirms that the Council will support the provision of care homes and extra care housing within settlement development boundaries. Proposals shall have no significant material adverse impact on the landscape, offer a high quality, safe, secure and attractive environment for their residents and provide sufficient external space to accommodate the normal recreation and other needs of residents, visitors or employees. Proposals shall have no significant material adverse impact on the landscape, residential amenity, highway safety, or the form and character of nearby settlements and shall be otherwise appropriate in scale and design for their location, having regard to other policies in the Local Plan.
- 7.8 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 11(d) of the National Planning Policy Framework (NPPF) requires decision-makers to apply the tilted balance, giving added weight to schemes that contribute to meeting identified housing needs. Paragraph 63 of the NPPF confirms the need for housing for looked after children, such as the current application, to be assessed and reflected in planning policy. The proposed C2 care home use is therefore an alternative form of 'housing' in planning terms and the loss of a standard class C3 dwelling to a class C2 residential care home is not considered to materially impact the housing supply for the district. However, the proposal does provide a specialist form of housing and this carries positive weight in the planning balance.
- 7.9 The application site is located within the Settlement Development Boundary for Great Bromley, which is designated as a 'smaller rural settlement' within Policy SPL1 of the adopted Local Plan. Although the smaller rural settlements tend to have fewer local services and facilities the site is in walking distance of a church, primary school, bus stop and care home. The report below confirms no material harm in terms of landscape impact, residential amenity, highway safety, or the form or character of the surrounding area. The proposal therefore complies with Local Plan Policy LP10.
- 7.10 In addition, it is important to consider any potential fallback position. Similar cases in the District and across the country have been granted lawful development certificates which confirm that the proposed change of use from a C3 dwelling to a small C2 residential care home does not require planning permission.

- 7.11 In this case the proposal seeks to change from a standard dwelling to a small residential children's care home accommodating three children with up to 3 staff who do not permanently live at the property. The proposed use falls within Use Class C2 as a residential children's care home. The change of use from C3 to C2 is not an automatically permitted change. However, it is nevertheless considered that there is little material difference between the current and proposed uses, meaning that this doesn't constitute a material change and planning permission is not therefore required. This is because the day-to-day activity, staffing arrangements, comings and goings, and overall pattern of occupation would closely mirror that of a traditional or extended five bedroom family household.
- 7.12 No internal or external changes are proposed except for an extended area of hardsurfacing for additional parking. If these works were carried out prior to any change of use then they would fall within the permitted development rights under Part 1 Class F of the General Permitted Development Order (provided the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse) and would not require planning permission.
- 7.13 In this case a lawful development certificate has not been applied for or granted. However, the Local Planning Authority must consider any potential fallback position in assessing an application for planning permission as a significant material consideration. If a lawful development certificate is likely to be granted, as in this case, for the same development then it would be unreasonable to refuse planning permission. This further supports the acceptability of the proposed change of use, and also enables the Council the opportunity to impose conditions which is not possible on lawful development certificates. The principle of development is therefore accepted, subject to the more detailed considerations below.

Scale, Layout & Appearance

- 7.14 Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place. Paragraph 135 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.
- 7.15 The proposed development includes no internal or external changes except an extended area of hardstanding to the front to accommodate additional parking. While this change will be publicly visible from the streetscene along Hall Road, it would not be materially harmful to the area's character and appearance. Furthermore, as stated above such works could be carried out under permitted development without the requirement for planning permission. The proposal will therefore result in no material harm to visual amenity or landscape quality.

Highway Safety/Parking

- 7.16 Paragraph 115 of the National Planning Policy Framework seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 116 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.17 Policy SPL3 (Part B) of the Adopted Local Plan seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.
- 7.18 Essex Car Parking Standards state that for C2 uses there should be one parking space per full time equivalent member of staff, plus one visitor space per six beds. Given that there will be a maximum

of three full time equivalent members of staff and a total of 3 resident children, this results in a requirement for a total of four parking spaces. The site has a double garage and an existing parking area to the front of the property which can currently accommodate four vehicles. The proposal also includes an additional area of hardstanding which would increase the current parking provision. The site is also situated within approximately 300 metres of a bus stop.

- 7.19 To the west of the site lies a public right of way, the proposed development will be partially visible from this route, however, due to the limited scale of the alterations Officers do not consider that the proposal will have any significant harmful impacts to users of this Public right of way.
- 7.20 The Highway Authority raised no objection subject to conditions securing the provision and retention of the parking and turning areas to acceptable dimensions. Such conditions are imposed within the recommendation.

Landscaping/Biodiversity

- 7.21 The Tree and Landscape Officer raises no objections as the proposed change of use of the existing residential dwelling will not adversely affect any trees or other vegetation on the application site or adjacent land.
- 7.22 The Oak tree on the adjacent highway that is afforded legal protection by Tendring District Council Tree Preservation Order 92/00023/TPO will also not be adversely affected by the proposed development.

Heritage

- 7.23 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.
- 7.24 Paragraph 212 of the NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.25 Tendring Local Plan Policy PPL9 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interests, its character, appearance and fabric. Where a proposal will cause harm to a listed building, the relevant paragraphs of the NPPF should be applied.
- 7.26 The Grade I Listed Church of St George is located towards the north-east of the site, approximately 95 metres away. However, as no external alterations are proposed apart from an additional area of hardstanding to facilitate parking and given the significant intervening vegetation and buildings the proposal is considered to preserve the setting of the listed building.

Safeguarded Open Space

- 7.27 Policy HP4 of the Tendring District Local Plan states that development that would result in the loss of the whole or part of areas designated as Safeguarded Open Space, as defined on the Policies Map and Local Maps, will not be permitted unless criteria are met.
- 7.28 The grassed area to the front of the site is part of an area of safeguarded open space, as defined by the Tendring District Local Plan. The proposed hardstanding area will encroach upon this land.
- 7.29 The current adopted local plan wording in respect of Policy HP4 refers to "The National Planning

Policy Framework (Annex 2) defines open space as ‘all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and act as a visual amenity’”. The rest of the background text refers to open space in terms of sport and recreation. This may be considered an area that represents visual amenity, but it is private land and currently retains permitted development rights and so can be made into hardstanding currently. This is also why the current fence is in place.

7.30 Policy HP4 provides

- a. The site is replaced by the provision of a new site at least equal in quality and size and accessible to the community, which the existing site serves;

The existing site, being private doesn’t serve the existing community and would not be removed in function as a result of this proposal. Visual amenity is changed, but there would not be any buildings on the land.

- b. It is demonstrated that there is no longer a demand for the existing site;

There is no criteria provided by the policy on what is needed to demonstrate demand. As the only user can be the owners, it is by default that their demand is only criteria to meet.

- c. The site is not appropriate for other open space functions; and

Again, the policy fails to define what functions this may include. However, the proposal is for other open space functions as parking retaining the openness.

- d. The development of the site would result in the loss of an area important to visual amenity.

The proposal may result in the loss of grass, but does not result in the loss of the area for buildings or other works that would restrict visual amenity. Arguably the removal of the current fence would improve visual accessibility.

- 7.31 On this basis the policy is not considered to be in conflict. As stated above such works would be permitted development if carried out prior to any change of use. Given the small strip of land involved the proposal is not considered to have any significant harmful impacts on the visual amenities of the area overall, and a reason for refusal on these grounds would fail to be robust.

Impact on Residential Amenity

- 7.32 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.

- 7.33 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.

- 7.34 No external alterations are proposed aside from the installation of a small hardstanding area to provide additional off-street parking space. There will therefore be no significant adverse impacts on the loss of light or outlook. The building itself is unchanged and as such, the general physical relationship with the surrounding dwellings will be unaffected.

- 7.35 In terms of activity levels and potential noise, the proposal relates to the care of up to three children,

supported by two carers on a 24-hour shift pattern and a Home Manager present during standard weekday working hours. This staffing arrangement is consistent with the operational characteristics of a five bedroom family home and is not likely to give rise to levels of noise or comings and goings materially different from those that could reasonably be expected from a larger family household.

- 7.36 Children living in the home will be engaging in normal domestic routines, and staff movements will be limited to predictable shift changeover periods. As such, the intensity of use would not be expected to create noise or disturbance beyond that typical of a large residential property within a suburban context. The small number of residents, combined with the structured and supervised nature of the care environment, further reduces the likelihood of any unacceptable behaviour or disruption.
- 7.37 Vehicle movements associated with the proposal are similarly modest. The number of trips generated by staff arrivals, departures, and occasional professional visitors will not significantly exceed the level of activity associated with the lawful C3 use. Accordingly, the impact on neighbouring amenity in terms of traffic, parking, and general activity is considered to be minimal and not materially harmful.
- 7.38 The proposal is therefore deemed compliant with the above mentioned policies and is therefore acceptable in terms of residential amenities.

Drainage

- 7.39 Paragraph 187(e) of the NPPF 2025 states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 198 of the NPPF 2025 states that planning policies and decisions should also ensure that new development is appropriate for its location considering the likely effects of pollution on the natural environment.
- 7.40 Adopted Policy PPL5 of Section 2 of the Adopted Local Plan 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.
- 7.41 While no detailed drainage information has been submitted, it is evident that the five bedroom property is already in residential use and therefore benefits from an existing foul and surface water drainage arrangement. The proposal does not involve works that would materially alter or intensify the drainage or refuse requirements of the site, and the number of occupants would remain comparable to that of a typical five bedroom family dwelling.

Habitats, Protected Species and Biodiversity Enhancement

- 7.42 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.

7.43 Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). This proposal is not therefore applicable for Biodiversity Net Gain.

7.44 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.

7.45 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.

8. Conclusion

8.1 The proposed change of use from a dwellinghouse to a small Class C2 children's home represents a modest and residentially compatible form of development within the Settlement Development Boundary of Great Bromley. The use is considered comparable to the occupation and activity levels of a typical five bedroom family home, with no likely significant impacts identified in relation to residential amenity, highway safety, local character, heritage assets, trees, drainage, or biodiversity. The minor external alteration proposed is acceptable, and the Highway Authority raises no objection. A clear fallback position, although not currently demonstrated by the granting of a lawful development certificate, further supports the proposal. The development is considered to accord with the NPPF and the relevant policies of the adopted Local Plan and is therefore acceptable.

9. Recommendation

9.1 Approval (no S106 requirements)

Recommendation: Approval

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

9.2 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.

- Drawing No. OL/NAK/02 - Proposed Elevations and Floor Plans
- Drawing No. OL/NAK/03 B - Amended Site Plan and Block Plan
- Access Appraisal - Received 08.12.2025
- Management Plan - Received 08.12.2025
- Planning Statement - Received 08.12.2025
- Access Appraisal - Received 27.01.2026

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

NOTE/S FOR CONDITION:

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

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

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

3 COMPLIANCE REQUIRED; VEHICLE PARKING AREA

CONDITION; The proposed development shall not be occupied until details of car and cycle

parking, and vehicular turning area have been submitted to and approved in writing by the Local Planning Authority. The vehicle parking and turning areas as approved shall be provided prior to first occupation of the hereby approved care home and 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.

4 COMPLIANCE REQUIRED: PARKING SPACE DIMENSIONS

CONDITION; Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

5 COMPLIANCE REQUIRED; LIMITATION ON NUMBER OF RESIDENTS

CONDITION: The use hereby permitted shall operate with a maximum of three looked after children residing at the property at any one time.

REASON: To enable the Local Planning Authority to retain control over the intensity of the use, having regard to the residential character of the area, the basis on which the proposal has been assessed, and to protect the amenities of neighbouring occupiers.

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.

Ecology Informative

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

Highways

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

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.

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.

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 likely have direct equality impacts on this target group.	Positive
Disability	The proposal put forward will 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.

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

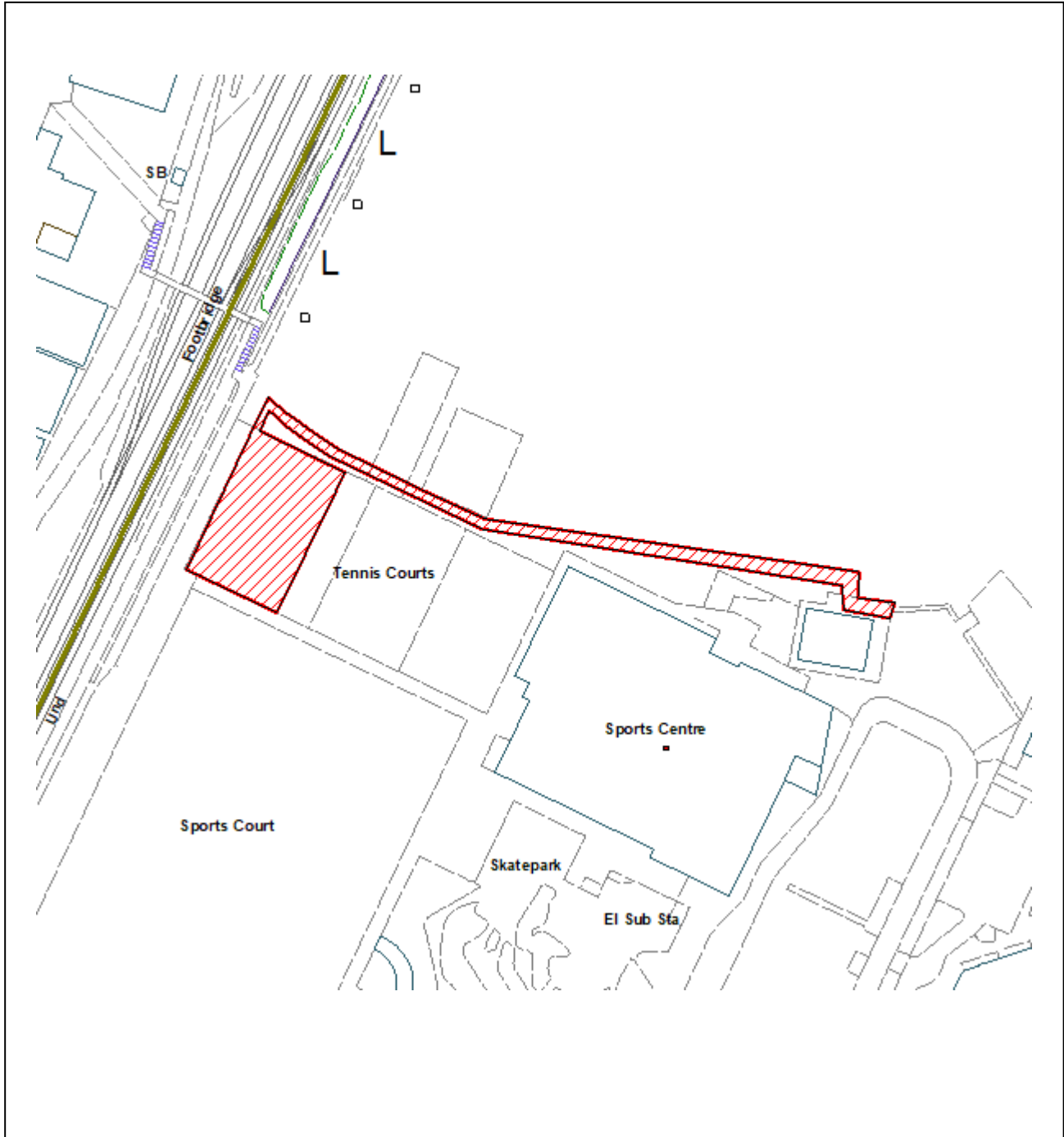
- 12.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report)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

14TH APRIL 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.3 PLANNING APPLICATION – 26/00075/FUL – CLACTON LEISURE CENTRE VISTA ROAD CLACTON ON SEA ESSEX CO15 6DB



DO NOT SCALE

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Application:	26/00075/FUL	Expiry Date:	12th March 2026
Case Officer:	Charlotte Cooper		
Town/ Parish:	Clacton (Non Parished)		
Applicant:	Kieran Charles - Tendring District Council		
Address:	Clacton Leisure Centre Vista Road Clacton On Sea Essex CO15 6DB		
Development:	Planning Application - Construction of a floodlit Football Foundation Playzone		
Referral Reason:	TDC owned land		
Recommendation:	Approval (subject to conditions)		

1. Executive Summary

- 1.1 The proposal seeks permission for a new floodlit Football Foundation Playzone on part of the redundant games courts at Clacton Leisure Centre. The development is considered acceptable in principle and detail, representing a visual and functional improvement to existing facilities with no significant harmful impacts identified.

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.

Neighbourhood Plans

- 2.2 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 3 Spatial Strategy for North Essex
SP 7 Place Shaping Principles

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

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP1 Improving Health and Wellbeing
HP2 Community Facilities
HP3 Green Infrastructure
HP4 Safeguarded Open Space
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL10 Renewable Energy Generation and Energy efficiency Measures
CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents
[Essex Design Guide](#)

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

4. **Relevant Planning History**

20/00537/FUL	Proposed refurbishment of an existing Artificial Grass Pitch (AGP) with associated features including: Replacement of existing field of play with new artificial grass surfacing sized 106 x 70m (7420m ²) with associated line markings to accommodate an 11v11 football pitch and a variety of youth football pitches, mini soccer pitches and training areas. Replacement of high level fence enclosure with new 4.5m high ball stop fencing and gated entrances to the AGP perimeter. Installation of new 2.0m high and 1.2m high pitch perimeter barrier internally within the AGP enclosure, to segregate the pitch playing area from adjoining hard standing areas. Installation of replacement hard standing areas adjoining the AGP perimeter complete with associated porous asphalt surfacing and matching ball stop fencing for pedestrian access and circulation, goals storage and vehicular maintenance access. Installation of replacement floodlighting. Installation of new maintenance equipment store located within the AGP enclosure.	Approved	23.10.2020
20/01801/DISCON	Discharge of condition 2 (hockey	Approved	03.03.2021

mitigation) for approval 20/00537/FUL.

21/01857/DISCON	Discharge of conditions 5 (Landscaping and Arboricultural impact assessment) and 8 (Construction management plan) of application 20/00537/FUL.	Approved	20.12.2021
23/01393/DISCON	Discharge of condition 3 (Certification of the Artificial Grass Pitch) of application 20/00537/FUL.	Approved	16.10.2023
24/01596/FUL	Planning Application - installation of CCTV columns, cameras and ancillary equipment as part of Clacton on Sea Safer Streets Scheme.	Approved	06.02.2025
26/00074/ADV	Application for Advertisement Consent - 13 signs for Football Foundation Playzone	Approved	12.03.2026

5. Consultations

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

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

ECC Highways

16.03.2026

No objection subject to conditions:

1. The public's rights and ease of passage over public footpath no 23 (Great Clacton) shall be maintained free and unobstructed at all times.
2. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Sport England

09.03.2026

No objection. Considered to meet exception 5 of our adopted Playing Fields Policy and paragraph 104 of the NPPF. No conditions are requested.

The proposal involves a MUGA supported by sports lighting and fencing which has been designed principally for football and basketball. It forms part of the Football Foundation's Playzone programme which is focused on investment into high quality multi-sports facilities in targeted areas which have inequalities in physical activity participation. The Playzone at Clacton Leisure Centre is to be prioritised for meeting the needs of specific groups including lower socio-economic groups, women/girls, disabled people, ethnically diverse communities and people with long term health conditions. This proposal forms part of a wider programme of Playzone investment in the Tendring district area. The Playzone would involve resurfacing the existing games court and providing new perimeter fencing and floodlighting.

The Football Foundation (who represent the FA and the Essex County FA) are fully supportive of this project which has been awarded a grant. They have also advised that the need and design of the Playzone has been informed by extensive consultation led by the District Council with local stakeholders which resulted in football and basketball being identified as the priority sports for the facility. A macadam surface is proposed to allow both sports to be played. The sports lighting is proposed to allow use of the Playzone in the evenings to support the needs of particular clubs and groups while perimeter fencing is needed for ball stop, security and maintenance purposes.

The Playzone would be sited on part of the redundant games courts that have not been operational for at least 5 years. The surface of the games courts would need to be replaced to allow the courts to be used again due to its poor quality nature. Space would still exist on the remaining redundant games court area to the east for games courts to be reinstated for sports like tennis and netball. The sports development benefits that the Playzone MUGA would offer would outweigh any detriment caused by the impact on the playing field and games courts.

While Sport England would not require a planning condition to be imposed relating to the hours of use of the Playzone or its sports lighting, any condition that may be imposed by the Council relating to the hours of use of the lighting and the use of the Playzone should not be overly restrictive. In this regard, it is advised that peak community use of MUGAs on similar sites usually extends until 10.00 p.m. and the application is seeking use of the facility until 10.00pm. If the Council wishes to impose a planning condition restricting the hours of use of the tennis courts or its sports lighting, consideration should be given to using condition 14 from our model conditions schedule https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport?section=playing_fields_policy.

If the design of the lighting scheme is material to the assessment of the planning application, I would recommend that consideration be given to Sport England's 'Artificial Sports Lighting' guidance note <https://www.sportengland.org/guidance-and-support/facilities-and-planning/design-and-cost-guidance/artificial-lighting>

Environmental Protection

26.03.2026

In order to minimise potential nuisance caused by demolition, ground works and construction, Environmental Protection recommend that the following is conditioned.

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.
- No materials produced as a result of the site development or clearance shall be burned on site.

Lighting

Any lighting of the development shall be located, designed and directed [or screened] so that it does not [cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary]. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Professionals (www.theilp.org.uk)

To show the potential impact of the development proposal on trees an Arboricultural Impact Assessment (AIA) has been provided that is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, Recommendations.

The AIA specifies the removal of a poor-quality group of trees (G1) comprising of Sycamore and Ash. The trees are self-sown and are growing in a position where it would not be prudent for them to be allowed to grow to their full potential. Therefore, their removal is advisable regardless of the outcome of the planning application

The AIA also identifies works that will be required to a Norway Maple (T3). Works are limited to the removal of lower branches to a height of approximately 4m and minor works within the Root Protection Area (RPA) of the tree to remove the existing hard surfacing of the games area.

The existing hard surfacing will have affected the root growth of the tree, and it would not be expected to find extensive rooting activity beneath the existing hard surfacing.

If the measures set out in the AIA are complied with then the Norway Maple (T3) will not be harmed by the implementation of the proposed development. No other trees will be adversely affected by the proposed development.

Taking into account the retention of existing trees as well as the location and position of the proposed Playzone it is not considered necessary to secure any soft landscaping associated with the development.

6. Representations

6.1 Parish / Town Council

Clacton non-parished – no consultation/comments required.

6.2 Neighbour / Local Representations

No letters of representation have been received.

7. Assessment

Site Context

- 7.1 The application site serves Clacton Leisure Centre, located towards the east of vista road, within the settlement development boundary of Clacton on Sea. The site itself currently serves an unused sports facility / pitch to the north west of the main leisure centre, and forms part of a wider safeguarded open space.

Proposal

- 7.2 This application seeks planning permission for the construction of a floodlit football foundation Playzone. The Playzone will be fully encapsulated by 3m high fencing, with a 4 metre high goal recess section to the ends of the Playzone.
- 7.3 In addition, four LED floodlights to each corner of the Playzone are proposed, each measuring 8 metres in height. There is also a spectator area, as well as ancillary features such as benches and bins.

- 7.4 The Playzone will be available from 08:30 – 22:00 Monday-Friday, and 08:30 – 18:00 Saturdays and Sundays. The booking system will comprise of set bookable timeslots, alongside open access timeslots. Access to the Playzone will be through a gate locking system and it will be free to use at all times, except when booking for commercial use.
- 7.5 The proposal also includes a number of vinyl signs to each elevation, however this only requires advert consent which has been separately approved under 26/00074/ADV.

Principle of Development

- 7.6 Paragraph 103 of the National Planning Policy Framework (NPPF) states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.
- 7.7 Local Plan Policy HP5 states The Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types. Local Plan The proposal also complies with Policy HP4 as it would not result in the loss of areas designated as Safeguarded Open Space.
- 7.8 The proposal is to provide a replacement outdoor sporting facility. Whilst there is a current sports court in situ, this is dated and in a poor state of repair. The proposal therefore results in enhanced facilities that would expand the range of accessible sports, recreation and community facilities in Clacton-on-Sea, which in turn supports community demands. Therefore, the principle is supported subject to the more detailed considerations below.
- 7.9 Sport England raise no objection to the proposal. They advise that the development meets Exception 5 of Sport England's Playing Fields Policy and is compliant with paragraph 104 of the NPPF, as the new Playzone will provide significant sports development benefits on an area of redundant games courts. No conditions are requested, though advisory comments are provided regarding suitable hours of use and sports lighting.

Impact to Character of Area

- 7.10 Paragraph 135 of the NPPF requires that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, maintain a strong sense of place and create places that are safe, inclusive and accessible.
- 7.11 Local Plan Policy SP7 seeks high standards of urban and architectural design, which responds positively to local character and context. Local Plan Policies SPL3 and LP4 also require, amongst other things, that developments are designed to high standards and which, together with a well-considered site layout, create a unique sense of place.
- 7.12 The proposal involves the construction of a new outdoor sports facility at Clacton Leisure Centre. The site currently contains an existing sports court and fencing, and the upgraded facility will represent a visual enhancement to this currently rundown area. Positioned alongside other established sports courts, the development will integrate well with the appearance and character of the wider leisure complex. While the proposal will be visible from Public Footpath No. 23, which runs to the west of the site, its siting within the existing sports centre and the separation provided ensures no material adverse impact upon users of the public right of way. Owing to its location to the rear of the leisure centre and its distance from nearby residential properties, the proposal will not appear overly dominant or intrusive within the surrounding area.
- 7.13 An Arboricultural Impact Assessment has been submitted and reviewed by the Tree and Landscape

Officer who has no objection. A group of poor quality self-sown Sycamore and Ash are to be removed and acceptable works are proposed to a Norway Maple.

- 7.14 The proposal is therefore considered to be of an acceptable design and appearance.

Highway Safety

- 7.15 Paragraph 114 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 115 adds that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.16 Local Plan Policy CP1 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.
- 7.17 The Highway Authority confirm the proposal is acceptable, subject to conditions requiring that Public Footpath No. 23 remains unobstructed at all times and that adequate on-site space is provided for construction-related loading, unloading and material storage to prevent any obstruction of the highway. However, the obstruction of a Public Right of Way is already an offence under the Highways Act 1980 and is therefore subject to separate control. This condition is not considered to meet the tests of necessity set out in Paragraph 56 of the NPPF. It is not therefore necessary however it will be included as an informative.

Residential Amenities

- 7.18 Paragraph 135 of the NPPF confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.19 Policy SP7 of Section 1 of the 2013-2033 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL3 (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.
- 7.20 The built form to the west of the site consists of commercial properties, with residential dwellings located beyond these. However, the presence of the railway line provides substantial separation, ensuring the proposal will not appear overbearing to these properties. Similarly, there is adequate distance between the site and the residential properties to the south, preventing any undue visual impact. The site is otherwise not in close proximity to any other sensitive receptors. In addition, the proposal is situated within an established sports centre where activity of this nature is already commonplace. As such, the development is not expected to generate noise levels significantly greater than those already characteristic of the site.
- 7.21 The Playzone will be available from 08:30 – 22:00 Monday-Friday, and 08:30 – 18:00 Saturdays and Sundays. It is considered necessary to restrict the hours of floodlighting between 10pm and 8am in the interests of amenity and biodiversity.
- 7.22 The Council's Environmental Protection team have not provided any objection to the application but have suggested conditions relating to working hours throughout the construction period and ensuring the proposed lighting to be positioned and designed so that it does not cause unnecessary disturbance to nearby homes, create a traffic hazard or lead to avoidable light pollution. These conditions are included/reworded within the recommendation. A further condition has been suggested requesting that no materials, produced as a result of site development, be burned on site. However, as burning construction or demolition waste is already prohibited under the Environmental

Protection Act 1990 there is no need to include this condition on any approval of the application.

Habitats, Protected Species and Biodiversity Enhancement

7.23 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.

7.24 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 replacing an existing structure it will not result in the loss of habitat. This proposal is not therefore applicable for Biodiversity Net Gain.

7.25 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.

7.26 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.

8. Conclusion

8.1 The proposal for a new floodlit football foundation Playzone is supported in principle, as it would deliver upgraded sports facilities that represent a clear improvement over those currently on site. Officers considered the proposal to be a visual enhancement when compared to the existing structure and it is deemed acceptable in terms of design and impact upon trees. Due to adequate separation distances and lighting controls the proposal is considered acceptable in terms of residential amenities. Essex Highway Authority raise no objection to the proposal. The proposed development is considered to align with local and national planning policies and is therefore recommended for approval.

9. Recommendation

9.1 Approval (no S106 requirements)

Recommendation: Approval

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

9.2 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.

- Drawing No. MCA-MUK3423-03 A - Site Plan - Received 15.01.2026
- Drawing No. MCA-MUK3423-02 C - Block Plan - Received 15.01.2026
- Drawing No. MCA-MUK3423-01 B - Proposed Layout Playzone- REC'D 15/01/2026
- Drawing No. MCA-MUK3423-04 - Proposed East and South Elevations - Received 15.01.2026
- Drawing No. MCA-MUK3423-06 - Proposed Construction Details - Received 15.01.2026
- Drawing No. MCA-MUK3423-07 - Proposed North and West Elevations - Received 15.01.2026
- Arboricultural Impact Assessment - Received 15.01.2026
- Clacton LC Pathway Data - Received 15.01.2026
- Clacton LC Playzone Data - Received 15.01.2026
- Construction Environmental Management Plan - Received 15.01.2026
- Planning Statement - Received 15.01.2026
- Playzone Proposed Materials - Received 15.01.2026
- Playzone Standard Design Floodlighting - 15.01.2026
- Playzone Technical Design Guidance - Received 15.01.2026
- Preliminary Ecological Appraisal - Received 15.01.2026

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

NOTE/S FOR CONDITION:

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

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

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

3 COMPLIANCE REQUIRED - HIGHWAYS

CONDITION; Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

4 COMPLIANCE REQUIRED - CONSTRUCTION ACTIVITIES

CONDITION; No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

REASON; In the interests of residential amenity.

5 COMPLIANCE REQUIRED - LIGHTING

CONDITION; The hereby approved floodlights shall only operate between the hours of 8am and 10pm. Any lighting of the development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to adjacent residential properties, constitute a traffic hazard, or cause unnecessary light pollution outside the site boundary.

REASON; In the interests of residential amenity and biodiversity.

NOTE FOR CONDITION: "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Professionals www.theilp.org.uk

Informatives:

Positive and Proactive Statement

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

Biodiversity Enhancements Informative

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

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

Highways Informatives:

i. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 23 (Great Clacton) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant temporarily closing the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

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

iii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway

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.

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

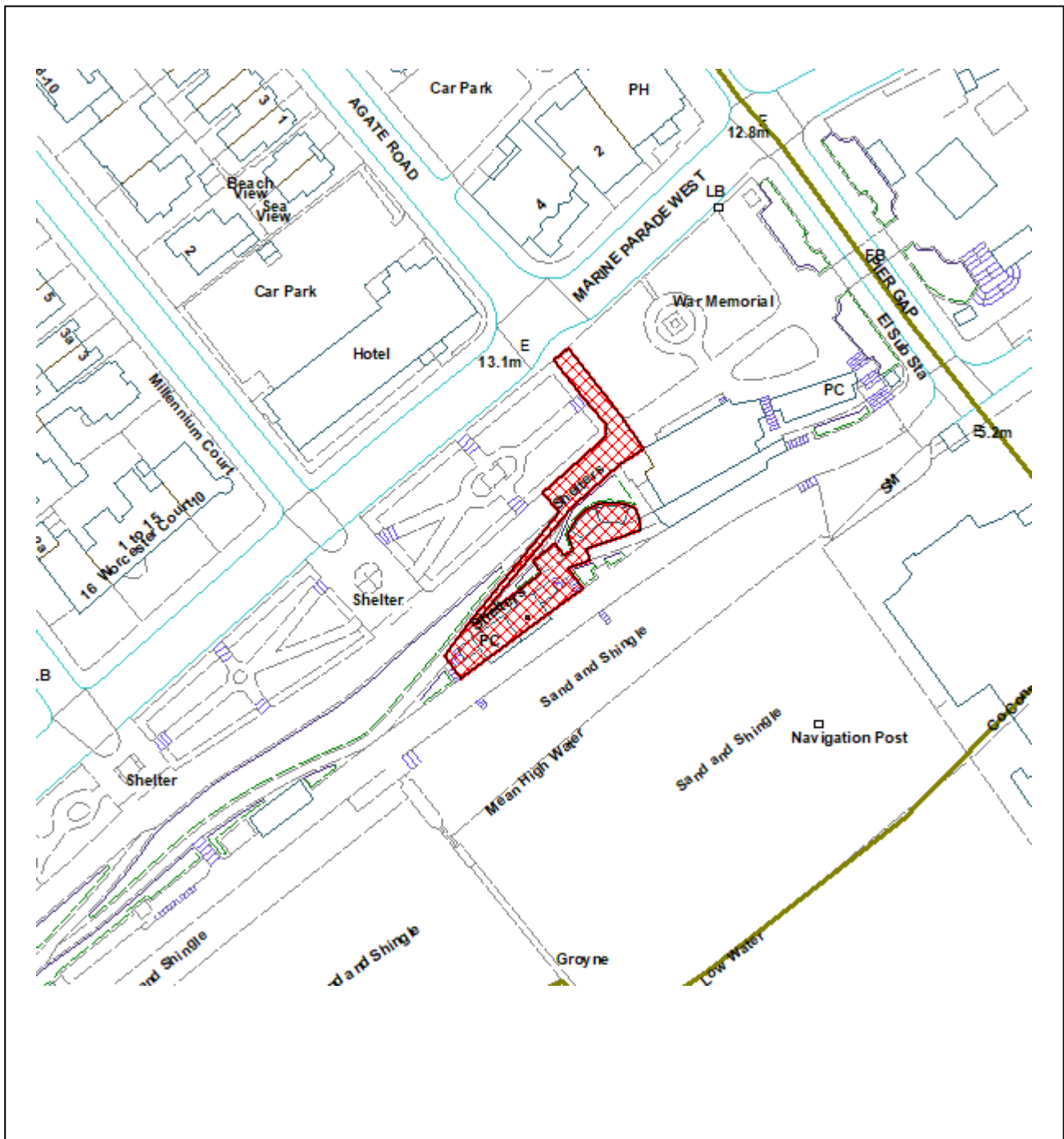
- 12.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report)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

14TH APRIL 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.4 PLANNING APPLICATION – 26/00025/FUL – FORMER PUBLIC CONVENIENCE/ BEACH PATROL UNIT EXISTING SHELTER AND SMALL HUT BUILDING KINGS PROMENADE CLACTON ON SEA ESSEX



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Application:	26/00025/FUL	Expiry Date:	9th March 2026
Case Officer:	Charlotte Cooper		
Town/ Parish:	Clacton Non Parished		
Applicant:	Tendring District Council		
Address:	Former Public Convenience/ Beach Patrol Unit Existing Shelter and Small Hut Building Kings Promenade Clacton On Sea Essex		
Development:	Planning Application - Change of use and alterations to former public convenience/ beach patrol facility and shelter (Sui Generis) to Multi Use Micro Venue (Use Classes E(a), E(c)(iii), E(d), E(g)(ii), F1(b), F1(c), F1(e), F2(b) and Sui Generis) and provision of external seating areas and balustrading; new and replacement shutters, cycle parking; refuse storage; repairs to hard landscaping; lighting; external plant and ancillary works.		
Referral Reason:	TDC owned land		
Recommendation:	Approval subject to conditions, and provided no objections are received from ECC Ecology and Natural England.		

1. Executive Summary

- 1.1 The application proposes various improvement works to bring these existing structures back into beneficial use for a variety of commercial, community and public uses. Subject to conditions the proposal is considered acceptable in relation to impact upon heritage assets, drainage, flood risk, highway safety, and visual and residential amenity.

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.

Neighbourhood Plans

- 2.2 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 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
HP2 Community Facilities
HP4 Safeguarded Open Space
PP1 New Retail Development
PP2 Retail Hierarchy
PP5 Town Centre Uses
PP14 Priority Areas for Regeneration
PPL1 Development and Flood Risk
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL8 Conservation Areas
PPL9 Listed Buildings
PPL10 Renewable Energy Generation and Energy efficiency Measures
CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents
[Essex Design Guide](#)

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

4. Relevant Planning History

02/01602/FUL	Enclosure of Shelter to temporarily Approved accommodate lifeboat	14.10.2002
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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/>.

Natural England

Consultation Ongoing – explained in the report

Essex County Council Ecology

Consultation Ongoing – explained in the report

Essex County Council Heritage**16.02.2026**

The buildings effected by this proposal (the former public toilets, viewing shelter, and a store) are unlisted, underutilised, and in a poor state of repair. They occupy a prominent position within the Clacton Seafront Conservation Area where they are exposed in views from the public realm at almost all angles because of their elevated positioning between the upper and lower promenades. The covered shelter and hut can both seen on the 1939 OS map, and therefore have some historic character owing from their mock-Tudor design, while the beach patrol dates to the post-war period. They are all located within the setting of the following designated heritage assets situated upon the upper promenade: Grade II listed Victorian Lampposts, Grade II listed War Memorial and Grade II listed Registered Park and Garden (RPG), 'Clacton Seafront Gardens'.

Following our pre-application advice the solar panels have been removed, and it is therefore considered acceptable in principle although the use of like-for-like felt membrane for roof coverings on the hut and covered shelter instead of tiles is a missed opportunity. However, prior to determination the material of rainwater goods throughout should be changed from uPVC to powder coated aluminium.

Subject to the above revision, the proposals will preserve the character and appearance of the Conservation Area and the contribution made by setting to the special interest of the listed buildings and RPG, in accordance with Chapter 16 of the NPPF and Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Should the application be approved, recommend that the following conditions:

- Repair schedule for the hut and covered shelter (including method statement)
- No demolition, conversion or alterations shall commence until a programme of historic building recording has been completed in accordance with a Written Scheme of Investigation (WSI) to be submitted by the applicant for approval by the Local Planning Authority.
- Details of proposed new windows, doors, louvres and gates
- Details (1:5) of the proposed plant enclosure
- Details (1:5) of the proposed security shutters to the covered shelter. For the avoidance of doubt, this should be an open mesh design to be in keeping with the historic character of the building.
- Details (1:5) of the proposed glazed balustrade.

Tree & Landscape Officer**02.02.2026**

There are no trees or other significant vegetation on or adjacent to, the application site. Consequently, there will be no adverse impact on any important vegetation.

ECC Highways Dept**11.02.2026**

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority.

Environmental Protection**16.02.2026**

Contaminated Land: Have reviewed the submitted CL report dated December 2025 and are satisfied with its methodology and findings. The findings confirm some associated contaminated land, but due to the nature of the proposal and any associated activities eg: no ground works are taking place, no further action is required. Therefore, the EP Team have no comments to make in relation to this element.

Construction Activities: In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following hours and actions be adhered to, should the application be approved;

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.
- No materials produced as a result of the site development or clearance shall be burned on site.

Waste Management

No comments received.

ECC SuDS Consultee**18.03.2026**

No objection based on the following: The lower floor of the development is identified as water compatible and drainage discharges direct to the estuary and can therefore discharge at unrestricted rate.

Request the following conditions:

1. No works except demolition shall takes 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:

- Provide suitable drainage to ensure no flooding in the development at upper promenade level during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that features are able to accommodate a 1% AEP + 40% CC pluvial event coincident with a 5% tidal event.
- Final modelling and calculations for all areas of the drainage system.
- 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.
- A written report summarising the final strategy.

The scheme shall subsequently be implemented prior to occupation.

2. Prior to occupation a maintenance plan detailing the maintenance arrangements for all SuDS features, including who is responsible for different elements of the 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.

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.

4.The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

6. Representations

6.1 Parish / Town Council

Clacton non-parished, no comments / consultation required

6.2 Neighbour / Local Representations

No letters of representation received

7. Assessment

Site Context

7.1 The application site is located to the North West of Clacton Pier, to the West of the Martello Lounge and to the south of 'The Sunken Rose Garden', with Marine Parade West to the North. To the south is the beach promenade and Clacton beach.

7.2 The application site is located within the settlement development boundary of Clacton-on-Sea. There is pedestrian access to the application site from Kings Promenade and the seafront gardens. The application site is located within the Clacton Seafront Conservation Area. To the north of the application site are the Clacton Seafront Gardens, a Registered Park and Garden. The application site is mostly located in Flood zone 1 (lowest risk) with a small section within Flood Zone 2.

7.3 The proposal comprises three buildings;

- A two-bay single storey pitched roof shelter, which is currently affected by anti-social behaviour.
- A flat-roof two-storey building, with the ground floor used seasonally as the beach patrol operations centre. The first floor previously accommodated public conveniences; however, these are no longer required as new facilities have been provided adjacent to the Martello Lounge. The ground floor remains essential for ongoing beach patrol services.
- A small store building which is currently not in use.

7.4 With the exception of the beach patrol accommodation at ground-floor level, the buildings on site are either vacant or significantly underutilised.

Proposal

7.5 This application is seeking full planning permission for the change of use and alterations to former public convenience/beach patrol facility and shelter (Sui Generis) to Multi Use Micro Venue (Use Classes E(a), E(c)(iii), E(d), E(g)(ii), F1(b), F1(c), F1(e), F2(b) and Sui Generis) and provision of external seating areas and balustrading; new and replacement shutters, cycle parking; refuse storage; repairs to hard landscaping; lighting; external plant and ancillary works.

7.6 The proposed works for each building are described as follows;

7.7 Existing two-storey Building (Beach Patrol and Former WC's)

The continued use of the ground floor of the building as beach patrol centre and use of the upper floor as a flexible multi-use micro venue for;

- Use Class E (a) shop other than for the sale of hot food
- Use Class E (c) (iii) Provision of appropriate services in a commercial, business or service locality
- Use lass E (d) Indoor sport, recreation or fitness
- Use Class F1 (b) Display of works of art (Otherwise than for sale or hire)
- Use Class F1 (c) Museums
- Use class F1 (e) Public halls or exhibition halls
- Use Class F2 (b) Community halls and meeting places
- Sui Generis Use – theatre
- Sui Generis Use – Amusement arcade
- Sui Generis Use – Live music performance venue
- Sui Generis Use – Cinema

External alterations and improvements to the building, including;

- Insertion of new metal shutters and ramps to openings at ground floor.
- External doors and rendering redecorated.
- New windows and glazed external doors and shutters at first floor.
- Repairs to external surfacing, pedestrian steps and handrails.
- Installation of roof-mounted Man Safe system for maintenance.
- Installation of new stepped in tapered insulated roof system to the two-storey building, with finish to match existing and with a 1:40 fall to achieve 1:80.
- New Plant equipment within metal enclosure at first floor level only.

7.8 Single-storey shelter

- Change of use of the shelter to a multi-purpose venue for:
- Use Class E (a) Shop other than for the sale of hot food
- Use Class E (c) (iii) provision of appropriate services in a commercial, business or service locality
- Use Class E (d) indoor sport, recreation or fitness
- Use Class E (g) (ii) uses which can be carried out in a residential area without detriment to its amenity: research and development of products or processes
- Use Class F1 (b) Display of works of art (otherwise than for sale or hire)
- Use Class F1 (c) Museums
- Use Class F1 (e) Public halls or exhibition halls
- Use Class F2 (b) community halls and meeting places.

External alterations and improvements to the building including;

- New windows and new metal shutters to openings
- Rendering redecorated
- Roof membrane repaired as necessary

7.9 Small Store Building

External alterations and improvements to the building to provide a cycle and refuse store, including new windows.

- 7.10 The proposal seeks to continue supporting the existing beach patrol unit while providing enhanced facilities, alongside creating flexible, light and airy internal spaces suitable for a range of tenant uses within a multi-purpose environment that reflects and complements the seaside setting and its heritage. By repurposing the buildings, the scheme aims to reduce antisocial behaviour in this part of Clacton-on-Sea and encourage greater movement between the beach and the town centre through the introduction of attractive, versatile spaces. The project also focuses on improving the energy efficiency and sustainability of the buildings to deliver a future-proofed and resilient asset, while sensitive refurbishment works will open up views into and out of the buildings, enhancing their historic features and contributing positively to the wider Conservation Area.

Principle of Development

- 7.11 The development plan comprises the Tendring District Local Plan (LP) 2013-2033, Section 1 which Delegated Officer Report for Application 25/01479/FUL 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).
- 7.12 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.
- 7.13 TDLP1 Policy SP3 relies on the TDLP2 to identify a hierarchy of Tendring settlements. New development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs. TDLP2 Policies SPL1 and SPL2 provide for this by establishing the Tendring settlement hierarchy and address development outside of settlement development boundaries.
- 7.14 The application site lies within the Clacton-on-Sea Settlement Development Boundary where adopted Local Plan Policy SPL2 provides a general presumption in favour of new development. Adopted Local Plan Policy SPL3 states that all new development should make a positive contribution to the quality of the local environment by incorporating, amongst other things, measures to minimise opportunities for crime and anti-social behaviour.
- 7.15 Policy HP2 of the Local Plan 2013-2033 states that the Council aims to collaborate with developers and key partners to deliver and maintain new community facilities. Where appropriate, new developments should support this goal by either providing facilities on-site or contributing to their enhancement, particularly where needs arise from growth. Co-location of facilities is encouraged where feasible. The proposed works are considered to bring back into use buildings which are able to provide community facilities which will benefit local residents and any visitors to Clacton. It is therefore considered that the development will comply with Policy HP2.
- 7.16 Policy HP4 of the Local Plan 2013-2033 aims to protect open spaces as defined on the Policies Map and Local Maps. The application site is located within the Clacton Greensward Marine Parade West Safeguarded Open Space. As the proposal is to reuse the existing buildings and improve their visual appearance, the proposed works would not result in any harm to the existing use of open space and therefore the proposal complies with Policy HP4.
- 7.17 As part of this application, the proposal seeks a change of use to the first floor element of the two storey building and the change of use of the single storey covered shelter. The proposal seeks the introduction of mixed use micro venues, the specific uses these could involve have been listed in full above (paragraphs 7.7 and 7.8).

- 7.18 The proposed buildings are intended for flexible uses to maximise their potential occupancy. The scheme is expected to deliver economic regeneration benefits by bringing currently vacant buildings back into use and the full range of flexible uses detailed above in this location are considered acceptable given their significant separation from residential properties and their sustainable location.
- 7.19 Policy PP14 identifies Clacton Town Centre and Seafront as a priority area for regeneration, with a focus on investment in social, economic and physical infrastructure to enhance vitality, environmental quality, social inclusion and economic prospects. The proposed flexible uses are considered to contribute positively by creating employment and tourism opportunities, whilst also helping to revitalise this part of the Clacton Seafront Conservation Area.
- 7.20 As previously stated, the buildings are currently vacant or underutilised, and the proposal seeks to bring them back into active use. As part of the scheme, improvements to their visual appearance are also proposed, enhancing both the functionality and visual contribution of the site. The proposed multi-use venues are considered to align with the Local Plan Policies as mentioned above. The proposed development is therefore considered acceptable in principle, subject to the detailed considerations addressed below.

Scale, Layout & Appearance and Impacts on Heritage Assets

- 7.21 Paragraph 135 of the NPPF 2025 requires that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, maintain a strong sense of place and create places that are safe, inclusive and accessible.
- 7.22 Adopted Section 1 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Section 2 Policies SPL3 and LP4 of the Local Plan also require, amongst other things, that developments are designed to high standards and which, together with a well-considered site layout, create a unique sense of place.
- 7.23 The proposed works comprise a range of external repairs, upgrades and improvements to enhance the buildings functionality and appearance. These include the installation of new metal shutters and access ramps, the redecoration of existing external doors and rendered surfaces, and the provision of new windows and glazed external doors to improve the building's façade. External surfacing, pedestrian steps and handrail will be repaired where required, alongside localised repairs to the roof membrane. The scheme also incorporates the installation of a new tapered insulated roof system to the two storey building, designed to match the existing roof finish while improving drainage. Additionally, new plant equipment will be installed within a metal enclosure to ensure a tidy and secure arrangement.
- 7.24 The range of external improvements will collectively modernise the appearance of the structures while respecting their original form and setting. These works will open up views into and out of the spaces and create a more active and inviting frontage. The alterations are modest, well-integrated and use materials consistent with the seaside character of the area and the wider Conservation Area. As such, the proposals are considered to represent a high-quality and sympathetic upgrade that enhances the buildings' contribution to the locality and results in an overall improvement to the design, appearance and amenity of the site. Accordingly, the development is deemed acceptable in design and visual impact terms.
- 7.25 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. 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.

- 7.26 Paragraph 212 of the NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.27 Policy PPL8 states that new development within a designated conservation area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of:
- a. Scale and design, particularly in relation to neighbouring buildings and spaces
 - b. Materials and finishes, including boundary treatments appropriate to the context
 - c. Hard and soft landscaping
 - e. Any important views into, out of, or within the Conservation Area.

Where a proposal would cause harm to a Conservation Area, the relevant paragraphs of the NPPF should be applied, dependant on the level of harm caused.

- 7.28 Policy PPL9 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal will cause harm to a listed building, the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused.
- 7.29 The application site is located within the Clacton Seafront Conservation Area and is within close proximity to a number of designated heritage assets situated upon the upper promenade; Grade II Listed Victorian Lampposts, Grade II listed War Memorial and Grade II Listed Registered Park and Garden (RPG) 'Clacton Seafront Gardens'.
- 7.30 Place Services Heritage have noted that the site occupies a prominent position within the Clacton Seafront Conservation Area, where it is exposed in views from the public realm at almost all angles. The covered shelter and hut can be seen on the 1939 OS map and therefore have some historic character owing to their mock-Tudor design, while the beach patrol dates to the post-war period.
- 7.31 Place Services have noted that the rainwater goods throughout should be changed from UPVC to powder coated aluminium, this change of material can be secured through condition. Subject to this revision, the proposal is considered to preserve the character and appearance of the Conservation Area and the contribution made by setting to the special interest of the Listed Buildings and RPG, in accordance with the above mentioned policies. The proposal is therefore considered acceptable in terms of its design and appearance and impacts on Heritage Assets.

Highway Safety/Parking

- 7.32 Paragraph 114 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 115 adds that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.33 Adopted Policy CP1 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and the design and layout of the development provides safe and convenient access for people.

- 7.34 The application site is set back from the highway due to the buildings' positioning in close proximity to Clacton Seafront. There are no parking provisions at the site. However, due to the town centre location, with the buildings being in close proximity to bus stops and a short walk to the train station, public car parks and local dwellings, the application site is located within a highly sustainable area and parking provision is not therefore required for the proposals.
- 7.35 The Highway Authority raise no objections to the proposal and confirm it is deemed acceptable in terms of highway safety.

Trees and Landscaping

- 7.36 The Tree and Landscaping Officer confirms that there are no trees or other significant vegetation on or adjacent to, the application site. Consequently, there will be no adverse impact on any important vegetation.
- 7.37 The Planning Design, Access and Heritage Statement submitted with this application states that the application site includes two small areas of soft landscaping that will be removed, with outdoor seating areas provided. There are other areas of landscaping around the buildings that are outside of the application site. These areas will be improved, and the applicant is working in collaboration with the Council's Open Space Team to develop a low maintenance soft landscaping scheme. These works do not require planning permission and therefore have not been included in this application.

Impact on Residential Amenity

- 7.38 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.
- 7.39 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.
- 7.40 The site is located a significant distance away from any neighbouring properties to prevent any harm to residential amenity from the proposed range of uses. Furthermore, there are other restaurants and commercial enterprises, such as Clacton Pier, in close proximity to the application site. Due to the proposed uses and location, the proposal is considered unlikely to cause any harm to neighbouring amenities.
- 7.41 The Environmental Protection Team recommend conditions relating to construction activities to safeguard residential amenity. In particular, they advise restricting construction working hours, and this requirement will be secured through a planning condition. They also note that the prohibition on burning construction or demolition waste on site is already regulated under existing legislation, including the Environmental Protection Act 1990, and therefore a separate planning condition for this is not necessary.

Drainage

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

- 7.43 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.
- 7.44 The application form confirms that the proposal will be connected to the mains sewer, which is the preferred option and therefore deemed acceptable.

Flood Risks and SUDS

- 7.45 Paragraph 181 of the NPPF states that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 goes on to say that, developments should incorporate sustainable drainage systems. The systems used should, amongst other things, take account of advice from the lead local flood authority and have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.
- 7.46 Local Plan Policy PPL5 requires that all new development must make adequate provision for drainage and sewage treatment and should include sustainable drainage systems (SuDs). Policy SPL3, Part B criterion g), requires that development reduces flood risk and integrates sustainable drainage within development.
- 7.47 The application site is mostly located in Flood zone 1 (lowest risk). A very small part of the front of the Beach Patrol building lies within Flood Zone 2 at medium risk of flooding. The use of the ground floor of this building is unchanged and will remain as a 'water compatible' beach patrol use. The other proposed uses are classed as 'more vulnerable' development but all lie within Flood Zone 1 at low risk of flooding.
- 7.48 The proposed works are classed as 'minor development' i.e. minor non-residential extensions under 250 square metres. As required a site specific Flood Risk Assessment has been provided to demonstrate that the development will be safe for its users for the intended lifetime of the development, without increasing flood risk elsewhere, and be sufficiently flood resistant and resilient to the level and nature of the flood risk.
- 7.49 The main risks pertain to the tidal flood risk associated with part of the site affecting the beach patrol building. Currently this is largely within Flood Zone 1 at low risk of flooding but with tidal climate change considered, the beach patrol building will be in Flood Zone 3b at high risk of flooding. The other buildings are located on higher ground, within Flood Zone 1 and not at risk from tidal flooding. The FRA confirms that in the event that there is a severe flood on site, the site can be closed and evacuation routes established to mean that site users will be able to take refuge in either the other buildings or evacuate to the wider area, which is outside of flood risk areas and can be considered as safe from flooding. Measures are detailed in the FRA to confirm the beach patrol building will be constructed using flood resilient measures to minimise the damage from flood water should a flood event occur. Compliance with the FRA is secured by the approved plans condition, a Flood Evacuation Plan for the beach patrol building is also secured by condition.
- 7.50 Essex County Council SuDS Department have been consulted on this application. Their comments can be viewed in full above and summarised here. They have confirmed they have no objection to the proposed development as the lower floor of the development is identified as water compatible and drainage discharges direct to the estuary and can therefore discharge at unrestricted rate. The suggested conditions will be included on any approval of the application.

Sustainable Construction and Design

- 7.51 TDLP2 Policy SPL3 states that all new development should incorporate climate change adaptation measures and technology from the outset including reduction of emissions, renewable and low carbon energy production, passive design , and through green infrastructure techniques, where appropriate. Under TDLP2 Policy PPL10, there is a requirement for all development proposals to demonstrate how renewable energy solutions, appropriate to the building(s) site, and location have been included in the scheme and for new buildings.
- 7.52 The proposal involves the re-use of three existing buildings, significantly reducing the environmental impact associated with demolition and new construction. Furthermore, the proposed works will enhance the buildings overall energy performance through improved glazing, reducing the heat loss and supporting more efficient operation. The installation of a stepped, tapered insulated roof system will further improve thermal retention, contributing to better long-term energy efficiency and reduced carbon impact.

Environmental Protection – Contamination

- 7.53 Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.
- 7.54 Environmental Protection have confirmed that the findings of the Tier 1 contamination assessment are satisfactory. Although the assessment identifies some areas of contamination, the nature of the proposal—specifically the absence of any groundworks or intrusive activities—means that no further investigation or remediation is required.

Habitats, Protected Species and Biodiversity Enhancement

- 7.55 General duty on all authorities

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

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

- 7.56 Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). This proposal is for the change of use of existing structures, with less than 25 square metres of habitat loss. This application is therefore not applicable for Biodiversity Net Gain.

7.57 Protected Species

In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. A Preliminary Ecological Appraisal has been submitted which identifies the site comprises predominantly low-value urban habitats, including bare ground, sealed surfaces, introduced shrub, and small patches of neutral grassland, with the majority of vegetation being ornamental or unmanaged non-native species. Invasive Japanese rose (a Schedule 9 species) is present and must be removed to prevent spread. Buildings B1, B2 and B3 were assessed as having *low potential* to support roosting bats, and further bat activity surveys were required to confirm use of the structures. Although no birds were recorded during the survey, introduced shrub and building features provide suitable nesting habitat for common passerines, and vegetation clearance must therefore be timed to avoid the March–August breeding season unless checked by an ecologist. The site was not considered suitable for a range of other protected species, including reptiles, great crested newts, dormice, otter, water vole, badger and hedgehog, due to limited or fragmented habitat.

A preliminary Roost Assessment confirmed that no bats or evidence of bat roosting were found on site, and all three buildings were assessed as having negligible potential to supporting roosting, foraging or commuting bats due to the highly exposed coastal environment, cold winds and lack of suitable vegetation. The survey recorded no evidence of bat presence and therefore no further bat surveys were recommended.

The site lies within the Clacton Cliffs and Foreshore Site of Special Scientific Interest (SSSI). Consultation with Essex County Council Ecology and Natural England are outstanding. However, the statutory response periods extend beyond the date of the Planning Committee meeting. In order to ensure that any ecological advice or concerns raised by these consultees can be fully taken into account, the recommendation has been amended to approval subject to conditions and subject to no objections being received from both these consultees. Should either consultee raise substantive issues that cannot be addressed through planning conditions, the application will be returned to Planning Committee.

8. Conclusion

- 8.1 The proposal represents a sustainable and appropriate re-use of existing seafront buildings, delivering community, economic and visual benefits while enhancing the character of this part of Clacton Seafront. The development is acceptable in principle and complies with relevant Local Plan policies, with no identified concerns regarding design, heritage, amenity, drainage, contamination or highway safety. Consultation with Essex County Council Ecology and Natural England is currently ongoing; the application is therefore recommended for approval *subject to conditions and no objections being received*. Should either consultee raise substantive issues that cannot be addressed through planning conditions, the matter will be reported back to Planning Committee. Overall, the scheme is considered to provide a positive enhancement to the site and its surroundings and is recommended for approval.

9. Recommendation

9.1 Approval (no S106 requirements)

Recommendation: Approval

1. That the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 9.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and provided no objections are received from Essex County Council Ecology and Natural England. And,

2. The informative notes as may be deemed necessary.

Or;

3. That in the event of an objection being received from Essex County Council Ecology and / or Natural England that the grant of planning permission will be withheld pending the return to the Planning Committee of a revised report and, if necessary, revised recommendations for either the imposition of planning conditions or for the overall decision to be taken again by Members of the Planning Committee.

9.2 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

- Drawing No. 0000 - Site Plan - Received 12.01.2026
- Drawing No. 0002 - Proposed Block Plan - Received 12.01.2026
- Drawing No. 2000 - Beach Patrol - Proposed Ground Floor Plan - Received 12.01.2026
- Drawing No. 2001 - Beach Patrol - Proposed First Floor Plan - Received 12.01.2026
- Drawing No. 2002 - Covered Shelter - Proposed Ground Floor Plan - Received 12.01.2026
- Drawing No. 2003 - The Hut - Proposed Ground Floor Plan - Received 12.01.2026
- Drawing No. 2010 - Beach Patrol - Proposed South East and South West Elevations - Received 12.01.2026
- Drawing No. 2011 - Beach Patrol - Proposed North East and North West Elevations - Received 12.01.2026
- Drawing No. 2012 - Covered Shelter - Proposed South Esat Elevation - Received 12.01.2026
- Drawing No. 2013 - The Hut - Proposed South East Elevation - Received 12.01.2026
- Iguzzini Down Lighter - Received 06.01.2026
- Iguzzini Receipt - Received 06.01.2026
- Electrical Installation Condition Report - Received 06.01.2026
- Flood Risk Assessment - Received 06.01.2026
- Planning, Design, Access and Heritage Statement - Received 06.01.2026
- Preliminary Ecological Appraisal - Received 06.01.2026

- Tier 1 Desk Study Report (1)- Received 06.01.2026
- Tier 1 Desk Study Report (2) - Received 06.01.2026
- Visual Structural Inspection Report - Received 06.01.2026
- Preliminary Roost Assessment - Received 09.01.2026

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

NOTE/S FOR CONDITION:

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

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

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

3 HERITAGE REPAIR SCHEDULE

CONDITION; A repair schedule for the hut and covered shelter, including a method statement, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the repair works. The works shall be implemented in accordance with the approved schedule and shall be permanently maintained as such.

REASON; In the interests of preserving the heritage significance and historic fabric of the buildings and the wider Conservation Area.

4 HISTORIC BUILDING RECORDING

CONDITION: No demolition, conversion or alterations shall commence until a programme of historic building recording has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. No demolition, conversion or alterations shall take place until the satisfactory completion of the recording in accordance with the approved WSI.

REASON: In the interests of preserving the historic and architectural significance of the heritage assets.

5 HERITAGE - JOINERY / OPENINGS DETAILS

CONDITION: Details of proposed new windows, doors, louvres and gates (to be provided by section and elevation at scales between 1:20 and 1:5 as appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: In the interests of preserving the historic and architectural significance of the heritage assets.

6 HERITAGE - PLANT ENCLOSURE DETAILS

CONDITION: Details (scale 1:5) of the proposed plant enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: In the interests of preserving the historic and architectural significance of the heritage assets.

7 HERITAGE - SECURITY SHUTTER DETAILS

CONDITION: Details (scale 1:5) of the proposed security shutters to the covered shelter shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. This shall be an open mesh design to be in keeping with the historic character of the building. The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: In the interests of preserving the historic and architectural significance of the heritage assets.

8 HERITAGE - GLAZED BALUSTRADE/RAINWATER GOODS DETAILS

CONDITION: Details (scale 1:5) of the proposed glazed balustrade and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: In the interests of preserving the historic and architectural significance of the heritage assets.

9 CONSTRUCTION - WORKING HOURS

CONDITION: No vehicle connected with the works shall arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours shall be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays), with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

REASON: In the interests of protecting residential amenity

10 FURTHER APPROVAL - SURFACE WATER DRAINAGE DETAILS

CONDITION: Full details of surface water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority prior to the beginning of any works to the building/s it would serve are commenced. As part of the submitted details, evidence shall also be provided confirming that all existing surface water drainage pipes within the site that are to be relied upon by the development have been cleared of any blockage and restored to a fully operational condition. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is functionally available for use. The surface water drainage scheme shall thereafter be maintained as approved.

REASON: To safeguard the ground water environment and minimise the risk of flooding.

11 DRAINAGE - SuDS MAINTENANCE PLAN

CONDITION: Prior to occupation, a maintenance plan detailing the maintenance arrangements for all SuDS features, including identification of those responsible for each element of the drainage system and the associated maintenance activities and frequencies, shall be submitted to and approved in writing by the Local Planning Authority. Where any part of the system is to be maintained by a management or maintenance company, full details of the long-term funding arrangements shall also be provided. The approved maintenance plan shall thereafter be adhered to for the lifetime of the development.

REASON: To ensure the SuDS features are adequately maintained in the interests of flood prevention and environmental protection.

12 DRAINAGE - SuDS MAINTENANCE LOG (ONGOING REQUIREMENT)

CONDITION: The applicant or any successor in title shall maintain yearly logs of maintenance for all SuDS features, which shall be carried out in accordance with any approved Maintenance Plan. These logs shall be made available for inspection at any time upon request by the Local Planning Authority.

REASON: To ensure the SuDS features are properly maintained for the lifetime of the development in the interests of flood prevention and environmental protection.

13 FLOOD WARNING AND EVACUATION PLAN – BEACH PATROL BUILDING

CONDITION: Prior to commencement of any improvement works to the Beach Patrol Building a Flood Warning and Evacuation Plan (FWEP) for the Beach Patrol Building shall have been submitted to and approved in writing by the Local Planning Authority. The approved FWEP shall be immediately brought into use and shall remain in force for the duration of the occupation period. The FWEP shall remain a live document and be updated where required.

REASON: The site is at future risk from flooding and a detailed evacuation plan is essential to safeguard future occupiers of the development.

Informatives

Positive and Proactive Statement

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

Biodiversity Enhancements Informative

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

SuDS Informatives

- 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.

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 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

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/>.

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PLANNING COMMITTEE

14TH APRIL 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.5 PLANNING APPLICATION – 25/01832/OUT – 59 HARWICH ROAD LAWFORD MANNINGTREE ESSEX CO11 2LP



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Application:	25/01832/OUT	Expiry Date:	10th February 2026
Case Officer:	Charlotte Cooper		
Town/ Parish:	Lawford Parish Council		
Applicant:	Rowland and Murfitt		
Address:	59 Harwich Road Lawford Manningtree Essex CO11 2LP		
Development:	Outline Planning Application (all matters reserved) - Provision of one dwelling.		
Referral Reason:	Departure from Local Plan		
Recommendation:	Outline Approval Subject to Conditions (RAMS UU already completed)		

1. Executive Summary

- 1.1 Outline planning permission with all matters reserved is sought for the erection of one dwelling. The site lies outside the settlement development boundary but is considered acceptable subject to conditions and the completed RAMS Unilateral Undertaking.

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

3. Planning Policy

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

National:

National Planning Policy Framework 2024 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

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

SP 1 Presumption in Favour of Sustainable Development

SP 2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP 3 Spatial Strategy for North Essex

SP 4 Meeting Housing Needs

SP 7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation and Energy efficiency Measures

CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents

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

[Essex Design Guide](#)

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

Local Planning Guidance

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

4. Relevant Planning History

21/00783/OUT	Proposed erection of one dwelling.	Refused	24.06.2021
		Appeal dismissed	05.05.2022
26/00275/S106	Legal Agreement in relation to RAMS for application reference 25/01832/OUT. (Request for Legal Team to CHECK Agreement)	Completed	13/03/2026

Nearby Planning History

- 4.1 20/01630/OUT approved one dwelling to the immediate west of the application site. 22/00469/FUL then approved an alternative dwelling on the same plot. 20/01630/OUT was granted on the grounds that due regard should be given to the demolition of the existing large expanse of greenhouses on this site as justification for the location outside the settlement development boundary.
- 4.2 Outline planning permission was also granted under 20/00053/OUT and 20/00687/OUT each for one dwelling on neighbouring sites to the immediate west of the above approved plot. These permissions were granted at a time when the Council could not demonstrate a five year housing supply and the location was considered sustainable. Those permissions were replaced by 21/00858/FUL for two dwellings and 24/985/VOC to alter the detailed design.

5. Consultations

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

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

ECC Highways Dept

12.01.2026

No objection subject to conditions securing:

1. No occupation of the dwelling shall take place until the following have been provided or completed:
 - a) A vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
 - b) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
 - c) The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 4.5 metres (equivalent to 5 drop kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate vehicular crossing.

Environmental Protection

09.02.2026

Contaminated Land - Given the proposal sites proximity to historic and current agricultural land, request a Watching Brief to be applied to any approval: request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the

below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Construction Method Statement: satisfied with the submitted CMS and have no adverse comments to make.

Asbestos: Should any asbestos containing materials be present on the development site, or used within the original construction of the building in question, it must be safely removed by a qualified contractor, with relevant transfer notes being obtained to confirm safe and responsible removal and disposal.

Tree & Landscape Officer

06.01.2026

There are no trees or other significant vegetation in the main body of the application site.

On the boundary with the highway there are two established Field Maple (*Acer campestre*) and a short section of conifer hedge. The Field Maples make a positive contribution to the amenities of the locality, but their amenity value could be relatively easily replicated by new planting. Both trees are to be retained. The section of conifer hedge is in poor condition and should be removed regardless of the outcome of the planning application.

An Arboricultural Impact Assessment (AIA) has been submitted. The information provided appears to be only part of the AIA but is sufficient to show that the proposed development could be implemented without causing harm to retained trees.

Should planning permission be granted then details of soft landscaping should be secured as a reserved matter. Soft landscaping should aim to soften, screen and enhance the appearance of the development.

Essex County Council Ecology

18.02.2026

No objection subject to conditions securing 1) recommendations of Preliminary Ecological Appraisal. 2) Biodiversity Enhancement Strategy. 3) Wildlife Sensitive Lighting Design Scheme

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).

National Landscape Team

13.03.2026

No objection in principle to the development of a single storey dwelling as proposed in the Landscape and Visual Impact Assessment.

The site sits wholly within the Dedham Vale National Landscape. This does not preclude the delivery of high quality development that positively contributes to the conservation and enhancement of the natural beauty of the designed landscape.

This is an outline application where most detailed planning matters have been reserved. While the proposal will result in the loss of a currently undeveloped parcel of land, the site is

sandwiched between other residential dwellings. The addition of another property along this stretch of Harwich Road will therefore not appear incongruous on the north side of Harwich Road and will have limited impact on the streetscape, if effective mitigations are delivered.

To fulfil the statutory purpose underpinning the designation of the National Landscape, any scheme coming forward should both conserve and enhance the natural beauty of the area. The removal of trees and hedging fronting the site will clearly not conserve the natural beauty of the area therefore replacement landscaping will be needed. The removal of the existing coniferous hedging as proposed would be welcomed, however it should be replaced with a hedge comprising mixed native species. This would be more appropriate in the area, would provide a more beneficial habitat for wildlife and be less at risk to loss to disease than a single species hedge would be.

Close boarded fencing should be limited to interior garden boundaries and avoided along the Harwich Road frontage which is generally soft and landscaped and along the rear boundary with open countryside. Hard and soft landscaping should be conditioned to ensure that the landscape quality is conserved and enhanced.

Light spill will need to be carefully managed to limit negative impacts on tranquillity. Large expanses of glazing should be avoided ideally and where these are proposed, mitigation should be used to limit light spill. The good lighting principles and recommendations for domestic developments in the Lighting Design Guide for the Dedham Vale National Landscape should be referenced and adhered to when considering fenestration in the proposed dwelling if it is approved. The wildlife sensitive external lighting plan requested by the ecologist is fully supported. Careful choice of material /colour finishes - recommend reference is made to the Selection and Use of Colour in Development for the Dedham Vale AONB

6. Representations

6.1 Parish Council – Made comments neither objecting to or supporting

Lawford Parish Council observe that the application site is located outside the settlement development boundary.

6.2 Neighbour / Local Representations

No letters of representation have been received.

7. Assessment

Site Context

- 7.1 The application site relates to a parcel of land located to the north of Harwich Road, Lawford. The parcel of land will form a linear form of development infilling between the east (number 58) and to the west (number 59).
- 7.2 The plot itself forms the western part of the garden serving no. 59 Harwich Road and has a shared access with no. 60.
- 7.3 The application site is located outside the settlement development boundary of both Lawford and Ardleigh.

Planning History

- 7.4 As detailed under the planning history section above three dwellings have been approved to the

immediate west of the application site. This plot is effectively the remaining infill plot between those new dwellings/planning permissions and the established semi-detached dwellings at No.s 59 and 60 Harwich Road.

- 7.5 Planning permission was refused (21/00783/OUT) for the erection of one dwelling on the application site due to the location outside the settlement development boundary when the Council could demonstrate a strong 5 year housing supply; the creation of a more intensive and urbanising effect by filling this gap in the street scene; and no RAMS contribution being secured.
- 7.6 That proposal was later dismissed at appeal. The Inspector considered “the appeal site is located well beyond the boundary of either of these settlements and as such is in the countryside in this regard. The site cannot therefore be considered to be either within or adjoining the settlements.” “For these reasons, the proposed development would conflict with the strategy for the location of new residential development, as set out in the development plan. Namely, the aim to focus new housing in locations within or adjoining existing settlements.” “There would also be a conflict with Framework Paragraph 15, which emphasises that the planning system should be genuinely plan-led. The fact that the TDLP documents were only very recently adopted is of particular significance in this regard.”
- 7.7 In relation to the impact on local character the Inspector states: “The development of the site for one dwelling, when read within the context of existing and planned development, would not necessarily be harmful to the character and appearance of the surrounding area. Within the context of existing and planned development, the site cannot be considered to be particularly open. Indeed, it would be possible to maintain the linear pattern of development in this location whilst respecting the surrounding rural character.” The Inspector acknowledged the 6+year housing supply position and stated “Whilst it is recognised that demonstrating a 5 year HLS is not a ceiling for development, to grant planning permission on this site would undermine the emphasis on a plan-led approach to development, particularly given that both parts of the TDLP have only very recently been adopted.” The appeal was therefore dismissed.

Proposal

- 7.8 This application seeks outline planning permission, with all matters (access, appearance, landscaping, layout and scale) reserved for the erection of one dwelling.

Principle of Development

- 7.9 The development plan comprises the Tendring District Local Plan 2013-2033, Section 1 which was adopted on 26 January 2021 and Section 2 of the Tendring District Local Plan 2013-2033 and Beyond which was adopted on 25 January 2022.
- 7.10 TDLP1 Policy SP3 provides the spatial strategy for North Essex, including Tendring, whereby existing settlements will be the principal focus for additional growth within the plan period. It states that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role and beyond the main settlements the diversification of the rural economy and conservation and enhancement of the natural environment will be supported.
- 7.11 TDLP1 Policy SP3 relies on the TDLP2 to identify a hierarchy of Tendring settlements. New development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs. TDLP2 Policies SPL1 and SPL2 provide for this by establishing the Tendring settlement hierarchy and address development outside of settlement development boundaries.
- 7.12 Paragraph 110 of the National Planning Policy Framework states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, which can help to reduce congestion and emissions, and improve air quality and public health.

- 7.13 Policy SPL1 of the Tendring District Local Plan sets out the settlement hierarchy for the District. It states that Lawford is categorised as a Smaller Urban Settlement. The dwelling is situated to the west of the edge of the Settlement Development Boundary of Lawford by approximately 1.1km. The location is therefore contrary to the above plan-led approach.
- 7.14 Paragraph 11 of the National Planning Policy Framework (NPPF) confirms decisions should apply a presumption in favour of sustainable development. Where the most important development plan policies for the proposal are out of date, as in this case, permission should be granted unless: Paragraph 11 d) i. the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; (not relevant in this case) or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 7.15 In conclusion the proposal represents a departure from the Local Plan, however from 26.01.2026 the housing policies are now out of date. Paragraph 8 of the NPPF confirms: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) an economic objective, b) a social objective, and c) an environmental objective. The proposal is assessed below against these objectives (with further detail elsewhere within this report):

Economic Objective

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

Social Objective

- 7.17 The social aspects of new housing are embedded in the Framework, which states that “supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s need and support its health, social and cultural wellbeing.”
- 7.18 The appeal decision on the application site was at a time when the tilted balance was not engaged. Appeal decision dated 3rd May 2019 in relation to number 43 Harwich Road, Lawford is located approximately 700 metres away from this application site and was at a time when the tilted balance was engaged. Officers also note that the application site is located significantly nearer to the settlement development boundary of Lawford than that appeal site. The Inspector explained that ‘the appeal site is roughly midway between the settlements of Ardleigh and Lawford, being around a mile or so to each and outside of their development boundaries.’ ‘there are bus stops within 0.29 miles of the appeal site with services to Ardleigh and Lawford. This distance is not particularly far and accessible by footways along Harwich Road (A137) which is the principal road linking Ardleigh, Manningtree, Mistley and Lawford with Colchester. It is served by three bus routes with a frequent service in each direction each day, from early in the morning to late at night. Therefore, a bus journey to Lawford to utilise the large range of services there would be relatively straight-forward. I consider that sustainable travel other than by private car would be reasonably practicable in this case.’
- 7.19 Officers note that a bus stop is located approximately 0.13 miles west of the application site so in comparison should also be considered sustainably located in relation to public transport links. This stop provides regular services, including routes to Manningtree railway station, thereby offering a sustainable public transport connection for future occupants. The location of the site is therefore

considered socially sustainable.

- 7.20 The provision of one additional dwelling at a time where the Council is unable to demonstrate a 5 year housing land supply would contribute to the Districts' overall housing stock and provide incremental population support for local services. The proposal therefore meets the social aims of sustainability.

Environmental Objective

- 7.21 The accompanying energy statement confirms that the proposed dwelling will be energy efficient with user friendly technologies and low running costs by incorporating; high levels of insulation, measures to minimise thermal bridging, natural ventilation, sufficient glazing to take advantage of passive solar gains, LED Lighting throughout, use of an external drying space, heating and hot water via an Air Source Heat Pump, locally sourced materials where possible, an electric vehicle charging point, and water consumption in compliance with Part G of the current Building Regulations, meeting the requirement of 110 litres per person per day. It is also noted that the proposed dwelling would appear visually as an infill development in the streetscene with conditions mitigating any adverse impact upon the Area of Outstanding Beauty/National Landscape.
- 7.22 The RAMS contribution has already been secured by unilateral undertaking to mitigate the impacts of the new residents on nearby habitats sites. Biodiversity enhancements will be secured by condition including the provision of a Woodstone Nest Box (or similar), Feeding House, and Insect House. The proposal therefore meets the environmental aims of sustainability.
- 7.23 To conclude on the principle of development, the proposal is considered to be acceptable in terms of the three strands of sustainability given its proximity and reasonable accessibility to local services and public transport links, and environmental benefits in terms of energy efficiency and biodiversity enhancements. The development of this site for one dwelling would not result in material harm to the character of the area as accepted by the Inspector at appeal. The proposal is not likely to result in any adverse impacts to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The tilted balance is therefore engaged and the principle of development is accepted.

Scale, Layout & Appearance

- 7.24 Paragraph 131 of the NPPF states: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 adds planning decisions should ensure that developments are visually attractive as a result of good architecture, and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 7.25 TDL Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to ensure all new development makes a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met: new alterations are well designed and maintain or enhance local character and distinctiveness; and the development relates well to its site and surroundings particularly in relation to its siting, height, scale, design and materials. TDL Policy PPL3 seeks to protect the rural landscape and resist development that would cause overriding harm to its character or appearance, including impacts on traditional buildings and settlement patterns, landscape features, and valued views.
- 7.26 This application is in outline form with all matters reserved. Notwithstanding this, a block plan has been provided.

- 7.27 The accompanying planning statement suggests that the proposal would comprise of a single storey bungalow of a form and scale that reflects the character of the development along Harwich Road with parking to the front and private amenity space to the rear.
- 7.28 Detailed design considerations would be fully assessed at the reserved matters stage, however the block plan confirms that there is sufficient space to the rear of the proposal to provide sufficient private amenity space and officers are satisfied that the site can comfortably accommodate one dwelling without harm to the character or appearance of the area.

Highway Safety/Parking

- 7.29 Paragraph 115 of the NPPF requires Councils, when making decisions to ensure safe and suitable access to the site can be achieved for all users. Paragraph 116 goes on to say, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 7.30 TDLP Policy CP1 states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion. TDLP2 Policy SPL3 Part B of the Local Plan seeks to ensure that access to a new development site is practicable, and the highway network will be able to safely accommodate the additional traffic the proposal will generate and not lead to severe traffic impact.
- 7.31 Although access is a reserved matter, the accompanying plans demonstrate that there is an existing access from Harwich Road.
- 7.32 The Highway Authority raise no objections subject to conditions relating to vehicular turning facilities, no unbound materials and vehicular parking measurements. This would be compliant with the Essex Parking Standards, in an area of low connectivity, to have a minimum of two residential parking spaces.
- 7.33 Notwithstanding the above, the proposal is in outline form with all matters reserved. Therefore the conditions suggested by the Highway Authority are considered to be unnecessary at this stage but their guidance will be included as informatives to inform the reserved matters application for access and layout.

Impact on Residential Amenity

- 7.34 Paragraph 135 of the NPPF states that planning should always seek to secure a high standard of amenity for all existing and future occupants of land and buildings. In addition, TDLP Policy SP7 states that all development should protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. These sentiments are carried forward in TDLP Policy SPL3.
- 7.35 Furthermore, TDLP Policy LP4 j. states that new development must provide for private amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of dwelling and the character of the area.
- 7.36 In addition, the Technical housing standards – nationally described space standard (2015) deals with internal space within new dwellings to ensure appropriate living conditions for future occupants.
- 7.37 The application is in outline form with all matters reserved. A full assessment of the impact of the development will be undertaken at the reserved matters stage when fully detailed elevations and floor plans are provided. Nonetheless, Officers consider that sufficient space is available on the application site to provide a development of one dwelling that could achieve an internal layout and

separation distances that would deliver a good standard of living for future occupants.

- 7.38 Considering the impact of the proposal on future occupants of the adjacent developments, the distances between plots as indicated on the accompanying indicative block plan are considered acceptable and the accompanying planning statement suggests that the proposal could be a bungalow, which would be single storey in height.
- 7.39 Subject to conditions and a full assessment at reserved matters stage, Officers are content that the development can achieve a good standard of amenity for future residents of the development and adjacent developments.

Trees and Landscaping

- 7.40 There are no trees or other significant vegetation in the main body of the application site. On the boundary with the highway there are two established Field Maple (*Acer campestre*) and a short section of conifer hedge.
- 7.41 The Field Maples make a positive contribution to the amenities of the locality, but their amenity value could be relatively easily replicated by new planting. Both trees are to be retained. The section of conifer hedge is in poor condition and should be removed regardless of the outcome of the planning application.
- 7.42 In order to show that the development proposal can be implemented without causing harm to the Field Maples an Arboricultural Impact Assessment (AIA) has been submitted and is sufficient to show that the proposed development could be implemented without causing harm to retained trees.
- 7.43 Details of soft landscaping shall be considered at reserved matters stage to help soften, screen and enhance the appearance of the development.

Dedham Vale National Landscape (formally AONB)

- 7.44 Section 85 of the Countryside and Right of Way Act 2000 (CRoW Act) (as amended by the Levelling-up and Regeneration Act in December 2023) imposes a statutory duty on relevant authorities, in exercising or performing any function that affects land in an AONB in England must seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty.
- 7.45 From November 22nd 2023, all AONBs in England are known as National Landscapes. The statutory designation remains an area of outstanding natural beauty (AONB) and is currently referred to as such in policy and legislation).
- 7.46 Paragraph 189 of the NPPF (2024) provides: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 7.47 Paragraph 190 of the NPPF (2024) provides: When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of: a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any

detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

- 7.48 Policy PPL3 of the Local Plan states that Development proposals affecting protected landscapes must pay particular regard to the conservation and enhancement of the special character and appearance of the Dedham Vale AONB, and its setting, and the setting of the Suffolk Coast and Heaths AONB, including any relevant AONB Management Plan objectives. New development which would impact upon the proposed extension to the Suffolk Coast and Heaths AONB, or its setting, should have specific regard to any special landscape qualities of the area affected.
- 7.49 The proposal is sited within the Dedham Vale National Landscape (formally known as AONB). The site is on the edge of the designation with the opposite side of the road being outside the designation. The National Landscape team has been consulted and state that whilst the proposal will result in the loss of a currently undeveloped parcel of land, the site is sandwiched between other residential dwellings so the proposal would not appear out of place. Creating a new access and removing trees and the Leylandii hedge will open up views and reduce natural character. Replacement native planting, sensitive boundary treatments, large expanses of glazing and careful control of lighting should therefore be secured to conserve and enhance the area's natural beauty. Facing materials and colours should also be chosen to reduce visual impact. As landscaping and appearance are reserved matters the hard and soft landscaping and detailed design/materials would be assessed at that stage. Conditions have been imposed removing permitted development rights for fencing and other boundary treatments to the front and rear boundaries and for wildlife sensitive lighting which will also serve to limit lightspill and its impact on the tranquillity of the National Landscape. It is therefore considered that the proposal taken as a whole would further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty/National Landscape.

Drainage

- 7.50 Paragraph 187(e) of the NPPF states that planning policies and decisions should contribute to an enhance the natural and local environments by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, paragraph 198 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location considering the likely effects of pollution on the natural environment.
- 7.51 Adopted policy PPL5 of Section 2 of the adopted Local Plan states that all new development must make adequate provision for drainage and foul sewerage. Connection to the mains is the preferred option having regards to the drainage hierarchy and building regulations requirements. A reserved matters application will need to confirm how foul sewage disposal will be dealt with in compliance with the above.

Bin Storage and Waste Collection

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

Sustainable Construction and Energy Efficiency

- 7.53 TDLP Policy SPL3 states that all new development should incorporate climate change adaptation measures and technology from the outset including reduction of emissions, renewable and low carbon energy production, passive design, and through green infrastructure techniques, where appropriate. Under TDLP Policy PPL10, there is a requirement for all development proposals to demonstrate how renewable energy solutions, appropriate to the building/site, and location have been included in the scheme and for new buildings.
- 7.54 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.

- 7.55 This application has been accompanied by a Sustainability Statement which confirms that the new dwelling will be energy efficient with user friendly technologies and low running costs by incorporating; high levels of insulation, measures to minimise thermal bridging, natural ventilation, sufficient glazing to take advantage of passive solar gains, LED Lighting throughout, use of an external drying space, heating and hot water via an Air Source Heat Pump, locally sources materials where possible, an electric vehicle charging point, and water consumption in compliance with Part G of the current Building Regulations, meeting the requirement of 110 litres per person per day
- 7.56 Overall, the development will deliver energy efficiency measures and construction techniques proportionate to its scale and accords with the above policies. The implementation of these measures is secured by condition.

Ecology and Biodiversity

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

7.57 General duty on all authorities

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

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

It is proposed to install enhancements to the development including, sparrow boxes, terraces and swift boxes. The accompanying statement also confirms the additional planting of native fruit and seed bearing trees and shrubs offering shelter for invertebrates. Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

7.58 Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals excluding self builds. This development as a self-build development is therefore not applicable for Biodiversity Net Gain.

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

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

The application is accompanied by the following documents demonstrating compliance with BNG requirements at application stage and providing certainty that BNG will be delivered:

- Biodiversity Gain Plan – received 15.12.2025
- BNG Metric – received 16.12.2025

The necessary conditions are included within the recommendation.

7.59 Protected Designated Habitats

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

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

7.60 Protected Species

In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. The Preliminary Ecological Appraisal (PEA) confirms the site is grassland with non native hedge and single tree, no protected species were found and precautionary measures and mitigation (bat and bird boxes, native planting and hedgehog highways) are recommended. ECC Ecology raise no objections subject to conditions relating to the mitigation measures to be carried out in accordance with the PEA, submission of a Biodiversity Enhancement Strategy and submission of a wildlife sensitive lighting design scheme.

7.61 Ecology Conclusion

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

8. **Conclusion**

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

- 8.2 The proposed development is not considered likely to result in material harm to the character of the area or natural beauty of the Area of Outstanding Natural Beauty/National Landscape, highway safety, residential amenity or ecological interests. Matters relating to biodiversity enhancement, drainage, parking and detailed design can be appropriately addressed through planning conditions or at the reserved matters stage.
- 8.3 Overall, the development is considered to comply with the relevant provisions of the National Planning Policy Framework and the Tendring District Local Plan 2013–2033 and Beyond, subject to conditions. The necessary Recreational disturbance Avoidance and Mitigation Strategy (RAMS) contribution has already been secured by UU. Accordingly, the application is recommended for approval.

9. Recommendation

9.1 Approval subject to conditions

Recommendation: Approval

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

9.2 Conditions and Reasons

1 COMPLIANCE REQUIRED: TIME LIMIT FOR RESERVED MATTERS APPLICATION

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

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

NOTE/S FOR CONDITION:

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

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

2 APPROVAL OF RESERVED MATTERS

CONDITION: No development in any phase shall commence until approval of the details of:-

- the Appearance of the building(s) and place,

- Scale of the building(s),
- Layout of the building(s) and site,
- Landscaping
- The means of Access

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

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

NOTE/S FOR CONDITION:

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

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

ACCESS: The accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network

APPEARANCE: The aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

LANDSCAPING: The treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features

LAYOUT: The way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

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

3 APPROVED PLANS & DOCUMENTS

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

- Site Plan – Received 15.12.25
- Preliminary Ecological Appraisal – Revision A – February 2026 – Prepared by Crossland Ecology
- Construction Method Statement - Received 15.12.2025

- Landscape Visual Impact Assessment – November 2025
- Sustainability Statement – Received 15.12.25
- Tree Survey – Received 15.12.25
- Planning Statement – November 2025

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

NOTE/S FOR CONDITION:

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

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

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

4 COMPLIANCE REQUIRED: CONSTRUCTION METHOD STATEMENT

CONDITION: The Construction Method Statement (Received 15.12.2025) shall be adhered to throughout the construction period of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

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

5 FURTHER APPROVAL - FOUL WATER DRAINAGE DETAILS

CONDITION: Full details of foul water drainage shall be submitted to and approved, in writing, by the local planning authority prior to the commencement of any works to the building/s it would serve. No part of the building/s shall be first occupied or brought into use until the agreed method of foul water drainage has been fully installed and is functionally available for use for that building/s. The foul water drainage scheme shall thereafter be maintained as approved.

REASON: To safeguard the ground water environment from harm and minimise the risk of flooding.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to the commencement of works to the building/s approved. This condition is imposed to ensure the potential impact on a sensitive area is considered and harm avoided that may be detrimental to amenity and the environment.

6 FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN

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

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

NOTE - CONTEXT AND APPLICATION:

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

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

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

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

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

BIODIVERSITY GAIN PLAN REQUIREMENTS:

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

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

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

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

The Local Authority will ensure the submitted details meet the requirements of the Town and

Country Planning Act 1990 as amended, Environment Act as amended, associated legislation and guidance.

Ways to achieve 10% BNG may include:

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

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

CONDITIONS AND LEGAL AGREEMENT:

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

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

7 COMPLIANCE: HABITAT MANAGEMENT AND MONITORING PLAN FOR BNG

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

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

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

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

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

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

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

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

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

8 ECOLOGY

CONDITION: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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), Place Services is a traded service of Essex County Council the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

9 ECOLOGY

CONDITION: 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 Proposal , 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).

10 FURTHER APPROVAL: EXTERNAL LIGHTING

CONDITION: Prior to the installation of any external lighting, 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 plans, drawings 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), and to protect the dark skies of the Dedham Vale AONB/National Landscape.

11 CONTAMINATION WATCHING BRIEF

CONDITION: In the event of unexpected ground conditions/contamination being encountered during construction the Local Planning Authority shall be contacted and the minimum precautions below shall be undertaken until such time as the Local Planning Authority responds to the notification.

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.

10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or treatment of material on site to meet compliance targets so it can be re-used; or removal from site to a suitably licensed landfill or permitted treatment facility.
12. A Verification Report will be produced for the work prior to first occupation of the development.

REASON: to protect the health of site workers and end users from potential contamination.

12 SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS ENCLOSURES

CONDITION: Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):- no fence, gate, wall or any other means of enclosure, shall be erected forward of the hereby approved dwelling or along the northern (rear) site boundary except pursuant to the grant of planning permission on an application made in that regard.

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

Informatives:

Positive and Proactive Statement

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

Highways

- i) Any reserved matters planning application should include details of a site access to the required highway design standards, in this case the Design Manual for Roads and Bridges, and that the access would be deliverable within land under the control of the applicant and/or extent of the highway.
- ii) The development should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document, 2024 Essex Parking Guidance Essex Design Guide.
- iii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details must be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- iv) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Asbestos

Should any asbestos containing materials be present on the development site, it must be safely removed by a qualified contractor, with relevant transfer notes being obtained to confirm safe and responsible removal and disposal. To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

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/>.