



PLANNING COMMITTEE

DATE: Tuesday, 12 May 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: Friday, 1 May 2026

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 9 - 26)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Tuesday, 14 April 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 - 25/01061/FULHH - 21 Harwich Road, Little Clacton, Clacton-on-Sea, CO16 9ND (Pages 27 - 38)

Various works including extension to outbuilding, extension to home, hardstanding, drainage and swimming pool. (Retrospective).

6 Report of the Corporate Director (Planning & Community) - A.2 -25/01893/FULHH - 21 Harwich Road, Little Clacton, Clacton-on-Sea, CO16 9ND (Pages 39 - 50)

Erection of new front wall, gates and resin driveway, along with fencing to the side boundaries.

7 Report of the Corporate Director (Planning & Community) - A.3 25/01788/FUL - Land rear of 64 to 68 Holland Road, Little Clacton, CO16 9RS (Pages 51 - 74)

Erection of four detached dwellings.

8 Report of the Corporate Director (Planning & Community) - A.4 - 26/00293/FUL - 8 Harold Road, Frinton-on-Sea, CO13 9BE (Pages 75 - 98)

Demolition of existing fire damaged 1 1/2 storey dwelling and replacement with 2 1/2 storey self-build 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, 9 June 2026.

INFORMATION FOR VISITORS

PUBLIC ATTENDANCE AT PLANNING COMMITTEE MEETINGS

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

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

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

Rights of members of the public to film and record meetings

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

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

The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

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

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

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

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

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

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

Tendring **District Council**



PLANNING COMMITTEE MEETINGS PUBLIC SPEAKING SCHEME March 2021

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

TO WHICH MEETINGS DOES THIS SCHEME APPLY?

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

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

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

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

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

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

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

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

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

WHICH MATTERS ARE COVERED BY THIS SCHEME?

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

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

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

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

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

HOW DO I ARRANGE TO SPEAK AT THE MEETING?

You can:-

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

Email: democraticservices@tendringdc.gov.uk.

OR

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

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

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

WHAT WILL HAPPEN WHEN THE MATTER CONCERNED IS CONSIDERED?

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

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

WHAT SHOULD I SAY AT THE MEETING?

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

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

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

WHO DO I CONTACT FOR MORE INFORMATION?

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

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

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

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

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 14TH APRIL, 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 (except item 80), Goldman and Sudra
Also Present:	Councillors Griffiths (except item 81) and Scott (except items 79 – 81)
In Attendance:	Gary Guiver (Corporate Director (Planning & Community)), John Pateman-Gee (Head of Planning & Building Control), Joanne Fisher (Planning Solicitor & Acting Legal Services Manager), Alison Newland (Planning Team Leader) (except items 77 - 81), Charlotte Cooper (Planning Officer), Bethany Jones (Democratic Services Officer) and Katie Koppelaar (Democratic Services Officer)
Also in Attendance:	Lee Heley (Corporate Director (Place and Wellbeing) & Deputy Chief Executive) (except item 81), Emma Twine (Project Manager (Levelling Up)) (except item 81) and Nina Warren (Trainee Legal Executive) (except items 80 & 81)

73. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bray (with no substitution), Codling (with no substitution) and Wiggins (with no substitution).

74. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the last meeting of the Committee, held on Tuesday 17 March 2026, be approved as a correct record and be signed by the Chairman.

75. DECLARATIONS OF INTEREST

Councillor Alexander declared a personal interest, in relation to Planning Application **26/00025/FUL – Former Public Convenience/Beach Patrol Unit, Existing Shelter and Small Hut Building, Kings Promenade, Clacton-on-Sea, CO15 5AF**, in that he was one of the Ward Members and he was pre-determined. He would therefore not sit as a member of the Committee for this item but would retire from the room whilst this application was determined. However, he would also exercise his right, as one of the Ward Members, to speak on the application.

Councillor Scott, who was present in the public gallery, declared for the public record, in relation to the Planning Application **25/01795/FUL – Oak Lodge, Hall Road, Great Bromley, CO7 7TY**, that he was one of the Ward Members for the application and that he would speak on the application in that capacity as well as in the capacity of the caller-in.

For the benefit of the public record, the Chairman (Councillor Fowler) mentioned that the Committee members had previously received a lobbying email from a member of the public for the Planning Application **25/01066/out – Land to the South of Weeley Road,**

Great Bentley but that the email would have no part of the consideration and decision-making on this application.

Councillor Griffiths, who was present in the public gallery, declared for the public record, in relation to the Planning Application **26/00025/FUL – Former Public Convenience/Beach Patrol Unit, Existing Shelter and Small Hut Building, Kings Promenade, Clacton-on-Sea, CO15 5AF**, that he was one of the Ward Members and that he would speak on the application in that capacity.

76. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.1 - 25-01066-OUT – LAND TO THE SOUTH OF WEELEY ROAD, GREAT BENTLEY

Members were told that this outline application proposed up to 80 dwellings with only the site access to be considered at this stage. The site was located outside (but abutted) 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.

The Committee heard that the site had been included as a potential housing allocation in the emerging Local Plan. Technical matters which included highways, archaeology, drainage, ecology, landscaping and amenity had been demonstrated as acceptable or could be mitigated through conditions and/or a Section 106 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 subject to conditions (and a Section 106 agreement).

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

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

"Great Bentley Parish Council further comments:

The council wanted it noted that this proposal now includes a draft Section 106 agreement providing financial contributions towards the village hall, and the operation of a new bus service for a period of two years. These measures would offer infrastructure benefits to the village and support sustainable transport options.

As per our previous comments this is a site recommended by the Parish Council for inclusion within the local plan, by moving the proposed site access away from the dangerous bend on Weeley Road, the applicant has taken into consideration the comments made previously.

However, the site does remain located beyond the recommended catchment distance to the railway station, this could be improved if a pedestrian access was linked through their phase 1 into the pedestrian access through the Birch Estate to shorten this down which would also support pedestrian access to the school.

Clarification regarding Paragraph 7.52 of the officer report:

Conditions 19 and 23 of 22/01818/FUL for Phase 1 and the associated legal agreement secure the footpath connection across the Phase 2 site to join the Public Right of Way. This should have been completed prior to occupation and retained in perpetuity. However, it remains outstanding due to the conflict with the construction compound and no public access to this part of the site.

If this Phase 2 application is approved, the footpath route is altered through the approval of reserved matters, and the development commences, the existing Phase 1 permission and legal agreement will need to be varied by a S73 application and deed of variation to secure the altered alignment of the footpath and triggers for its delivery, maintenance and retention in perpetuity. It would also be secured under any future Phase 2 reserved matters for Layout. This would ensure the previous obligations for Phase 1 are retained and the residents of both phases will benefit from a safe and direct connection to join the Public Right of Way. This matter is clarified by an additional informative within the recommendation as detailed below.

The surface water attenuation basin and drainage feature for Phase 1 are also secured by legal agreement. These have been completed and are unaffected by the Phase 2 development which has its own drainage basin and features. This will therefore not require alteration if this Phase 2 application is approved.

Paragraph 9.3 Alteration to condition wording:

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

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 under Condition 5 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 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 **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 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.

~~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).

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.

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 and shall be retained and maintained as approved thereafter.

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.

Paragraph 9.3 – Addition to informatives:

Should this proposal subsequently gain reserved matters approval; the connecting footpath as secured for Phase 1 (22/01818/FUL) is altered through the approval of reserved matters; and the development proceeds to construction, a S73 variation of condition application for 22/01818/FUL and a deed of variation to the associated legal agreement will be required to secure the altered alignment of the permissive footpath across the application site and triggers for its delivery, maintenance and retention in perpetuity.”

Stuart Blakley, the applicant's representative, spoke in support of the application.

Chris Morris, a member of the public, spoke against the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>Is it correct that the drainage for Stage 1 is actually on Stage 2, but Stage 2 is also going to have its own drainage at the bottom of the scheme?</i>	<i>Yes, that is correct. Stage 1 has two drainage features and is completely separate and all the drainage from the proposed development will go to a completely new basin that has nothing to do with the Stage 1 drainage.</i>
<i>The play area for Stage 2 is actually on Stage 1, is that correct?</i>	<i>When the application was originally submitted, there was a proposed play area in the North, but the Parish Council requested that because there is a play area in Stage 1 that it was not required in Stage 2, so Officers have favoured the village hall contribution instead.</i>
<i>Can the Committee give suggestions on how to improve the Stage 2 play area?</i>	<i>The Phase 1 development is not within the same application site currently so the Committee and Officers cannot impose conditions at this stage for the play area under this application.</i>
<i>For clarity, is the access road only a part of Stage 1 but when Stage 2 came to Planning, the Highway Authority rejected it straight away?</i>	<i>They are completely separate. The application site before Members has not been considered before, but when it was submitted there was a point of access onto Weeley Road originally which Officers had concerns with and Highways objected to it so Officers asked to move the access road within Stage 1 and that would mean that there would not need a break in the hedgerow along the site and once the construction compound is finished with that will be able to be closed.</i>
<i>Will the bus service come into the development or bypass on the main road?</i>	<i>It will not come into the development. This is a new bus service that they introduced in February that goes from Brightlingsea to Great Bentley by the</i>

	<i>train station and out to Clacton-on-Sea, so it is additional funding for that, as it is only currently funded for 2 years. It does not directly come to the site, no, but residents can pick it up at the train station.</i>
<i>Are there no future plan for bus stops within the planning?</i>	<i>No, it has not been requested from the Highways Authority for any bus stops within the development.</i>
<i>Is there going to be any provision made to make the road safer to stop kids running across?</i>	<i>The play area is within the fenced area but the open space around it is completely open and that is how Stage 1 has been approved, so there is not any requirement to hedge that off at the moment. It is not within the application site before Members today so the Committee and Officers cannot impose any conditions covering that part of the site.</i>
<i>Can there be extra hedging put there?</i>	<i>It is not part of this application so it cannot be conditioned. The applicant has not said whether they own or control that land. It was possibly indicated on-site that they may potentially be happy to plant a hedge but that would need to be in a formal arrangement that could not be secured under this application.</i>
<i>Can it be made a formal arrangement with the contractors?</i>	<i>Officers have made an approval decision; it is being built. It is past the point that Officers could retrospectively alter that design or any of the arrangements that have been approved by this authority. The road is a 20mph road, but Officers and the Committee cannot formerly require any changes to this open space or impose security of those changes onto this development. This development is nothing, apart from the route of access, to do with the current application before Members and must be treated separately. Members are looking at this application on its merits only in that respect. If it is good or bad in terms of the existing arrangements regarding this open space, then that is a past argument that the Council cannot go back to.</i>
<i>Would Officers agree that there is a parking problem?</i>	<i>Yes, there is an existing problem in the centre of the village, with the railway crossing as well. The development meets its requirements for on-site parking, and it has got the pedestrian link through to the village. The Stage 1 development was allowed on appeal, and the inspector considered those points and in approving the Birch Avenue residential link, the inspector considered that it made the facilities in the village accessible enough on foot or cycle so that it was sustainable and would not be grounds for refusal. The applicant has met their on-site requirements for parking. Officers do have a transport statement that the Highway Authority is satisfied with the capacity that the local road can take the development and that includes</i>

	<i>the proposal opposite the site which is pending at the moment.</i>
<i>With the money contributions, how will that affect the local people, and will it be used in the village? Such as doctors' surgery being expanded.</i>	<i>In paragraph 9.2 of the Officer report (A.1), it shows the Heads of Terms for what Officers have secured in the legal agreement which is being finalised at the moment, and it is £46,800 for Great Bentley surgery or other solutions that address the increased capacity. The NHS talk about different investments, but that is what is secured in the legal agreement that relates to Great Bentley.</i>
<i>Can the Council do something to improve the safety of the road by the play area in Stage 2?</i>	<i>In the order of things, the application before Members is not just for access only, it is for the principle of development in this location and it includes one of the reserved matters which is access which means that what is not included is the layout, appearance, landscaping and so on, but just access but the primary issue here being an outline application is to decide the principle of development. The principle, there are certain bits to that principle that Members need to consider which is 'what are the burdens of the development?' in the context of highways, and to understand what the highway implications are, and other principal considerations as well. In normal situations, Officers would say a development of this size would generate x amount of children and those children would need to find a place to enjoy as a public open space. As a general public open space, this exceeds the current requirement. The other requirement is 'do we need play equipment for those children?', normally Officers do expect something but in this case, the local Parish Council says that there are already local play spaces already available and the burden on those is not seen as needing another play area and their request is to redirect the funding to the village hall instead. If the debate from Members is that the funding should not go towards the village hall and that it should go towards an existing play space instead, legally Officers would have to look at how that would be done, but effectively Members could say to reduce the money to the village hall and redirect it to an existing play area instead. There is no evidence to tell Officers and Members that the area is unsafe.</i>
<i>Can the reserved matters application come back to this Committee?</i>	<i>It would not usually but if Members request it then it can.</i>

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

RESOLVED that, subject to:-

- 1) on appropriate terms as set out in the Officer report (A.1) 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 of the aforementioned Officer report;
- 2) 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 of the Officer report (A.1), the Update Sheet, and the reserved matters application(s) coming to the Committee, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained;
- 3) the sending of any informative notes to the applicant as may be deemed necessary; and
- 4) in the event of the 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.

77. 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.

78. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.2 - 25-01795-FUL – OAK LODGE, HALL ROAD, GREAT BROMLEY, CO7 7TY

Earlier on in the meeting, as reported under Minute 75 above, Councillor Scott had declared that he was one of the local Ward Members and the caller-in and that he had exercised his right in those capacities to speak on the application.

The Committee was informed that the proposal sought 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 was considered by Officers to be policy-compliant, with no significant adverse impacts identified in relation to residential amenity, heritage, highways, trees, drainage, or biodiversity, and was therefore acceptable.

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

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

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

Samuel Connor, the applicant, spoke in support of the application.

Scott Tucker, member of the public, spoke against the application.

Councillor Andrew Fairley, Vice-Chairman of the Great Bromley Parish Council, spoke against the application.

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

Matters raised by Members of the Committee:-	Officer response thereto:-
<i>Are Members correct in saying that 'covenants' is not a material planning consideration?</i>	<i>Yes, that is correct.</i>
<i>If the applicant has the correct application and licence then planning permission is not required, is that correct and why is this application before Members if planning permission is not needed?</i>	<i>Essentially it was down to the applicant's discretion, and they would rather go in for full planning permission rather than a lawful development certificate and that is why the application is before Members today.</i>
<i>Could you expand on that a bit?</i>	<i>In these circumstances, Members' debate has been on a case law basis. The debate is 'what is the material change?'. Members are looking at a change of use from a C3 to a C2 which is a change from a standard residential property to a children's home, but it is a degree of how institutionalised or how significant a change to that children's home is considered to be material. Case law holds up that in small cases of very minor change, it could be held to be lawful and that there is no significant material change, whereas if the children's home was a significant home with a lot of children and resources, it is considered to be a material change. In this case, the fallback is argued or potentially to be argued that because it is similar to a five-bedroom property in the nature of size and scale being proposed, that it could be regarded as non-material. It is a matter of judgement. The applicant could come back in if this was refused, with a certificate of lawful use application that Officers would have to consider that degree of material change. The applicant has decided not to do that and instead, decided to come in with an application for change of use and the degree of change of use is to be determined on its own merits. There is also another difference between the two, a certificate of lawful use is 'yes' or 'no' 'is this needing planning?' whereas a full application, which is before Members today, is also determining its merits but also gives the opportunity to impose restrictions on that proposal. In the Officer report (A.2), Officers are asking for two restrictions which is the car park spaces and the number of residents in the property</i>

	<i>as well.</i>
<i>If Members were to go against this application hypothetically, would it be possible to revert back for applying for a lawful licence on this land?</i>	<i>If Members were to refuse this application, the applicant can appeal and a planning inspector will look at the merits of the case again and that would include any material consideration and any permitted development rights etc. Another choice the applicant may have or to do both which is to appeal and come back with a fresh application to the Council. The applicant would have many options.</i>
<i>Would the Highways Authority have taken the amount of activity with cars into consideration to not object?</i>	<i>Highways Authority have not objected to the application, but they have said that the proposal would not result in a material change in the character of traffic in the vicinity of the site and therefore would have no objections. They have suggested some conditions on parking area and the parking spaces which have been included.</i>
<i>Has the road got any yellow or white lines at the front of the property?</i>	<i>Looking at Google maps, there are yellow lines and it is a 30mph road. Everything East of the access is double yellow lines. Parking would be restrictive because of the nature of the road.</i>
<i>The lawful certificate does not come with conditions, is that correct?</i>	<i>Yes, that is correct. There is an exercise that whether or not something requires planning permission or not and the Council cannot condition that. Members are debating the merits of this planning application, but Members are considering what are the material considerations and considering what weight Members are giving to those.</i>
<i>Could Members put a restriction on how many vehicles at one time are at the property?</i>	<i>Members could but how could that be enforced? Members have to consider what is reasonable and enforceable. Given all other consideration, Officers and Members would be unreasonable and unenforceable to condition the restriction of vehicles at the property.</i>

It was moved by Councillor Sudra, seconded by Councillor Fowler and unanimously:-

RESOLVED that:-

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

79. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.3 - 26-00075-FUL – CLACTON LEISURE CENTRE, VISTA ROAD, CLACTON-ON-SEA, CO15 6DB

Members were made aware that this application had been brought to the Planning Committee as the applicant was Tendring District Council.

The Committee was informed that the proposal sought permission for a new floodlit Football Foundation Playzone on part of the redundant courts at Clacton Leisure Centre. The development was considered by Officers to be acceptable in principle and detail, representing a visual and functional improvement to existing facilities with no significant harmful impacts identified.

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

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

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

No one had registered to speak on this application.

Matters raised by Members of the Committee:-	Officer response thereto:-
<i>Could Members have assurance that the modern lights will not be LED lights?</i>	<i>LED floodlight is proposed in each corner of the playzone. Officers do not believe there are any changes to the current floodlighting. Officers have not received any objections to this but a condition has been included in the Officer report (A.3) which restricts the hours in which the lights can be on which is only 8am to 10pm.</i>
<i>It seems like a bit of a devious route to get to the site, are Officers saying that the public cannot use the sports centre to change and will have to use the tiny square room?</i>	<i>There is not a changing room proposed in this application; however, there are facilities within the main sports centre that the public can change in.</i>
<i>Are the lights aimed down onto the pitch and not elevated?</i>	<i>Yes, that is correct.</i>
<i>Is it still the case that there have been no objections from the neighbours?</i>	<i>Yes, that is correct.</i>

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

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 9.2 of the Officer report (A.3), with an added condition requiring a lighting scheme to be approved and thereafter maintained, 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 to the applicant of the informative notes as may be deemed necessary.

80. 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

Earlier on in the meeting, as reported under Minute 75 above, Councillor Alexander had declared that he was one of the Ward Members and that he was pre-determined. He did not sit therefore as a member of the Committee for this item, and he retired from the meeting whilst it was determined but exercised his right as a Ward Member to speak on the application.

Also, as reported under Minute 75 above, Councillor Griffiths, who was present in the public gallery, had declared that he was also one of the Ward Members and that he would speak on the application in that capacity.

Members were informed that the application was before the Committee because the land was owned by Tendring District Council.

The Committee also heard that the application proposed various improvements works to bring the existing structures back into beneficial use for a variety of commercial, community and public uses. Subject to conditions the proposal was considered by Officers to be acceptable in relation to impact upon heritage assets, drainage, flood risk, highway safety, and visual and residential amenity.

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

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

"Consultee comments received"

ECC Ecology

Raise no objection subject to conditions securing implementation of the mitigation measures in the Ecological Appraisal and Preliminary Roost Assessment, and the submission and approval of a Biodiversity Enhancement Strategy. They also confirm support for the submitted lighting specification.

Natural England

No objection and consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Update to Paragraph 9 Recommendation

As no objections have been received from ECC Ecology and Natural England the recommendation is amended to:

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 **as included/amended on the update sheet**, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; **and 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.**

Paragraph 9.2 Update to Conditions

Condition 3 Heritage Repair Schedule amended

Following submission of the Schedule of Works, ECC Heritage have confirmed no objection and are now content for this matter to be secured by way of a compliance condition. Condition 3 has therefore been amended and the Schedule of Works added to the Approved Plans Condition as set out below to ensure full compliance.

HERITAGE REPAIR SCHEDULE

3. 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 repair works on site. The works shall be implemented in accordance with the approved schedule and shall be permanently maintained as such.

3. CONDITION: The hereby approved works to the Hut and Covered Shelter shall be implemented in full accordance with the Schedule of Works received 16.03.2026 and shall be permanently maintained as such thereafter.

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

Condition 2 – Amended to include Schedule of Works

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 East 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*
- *Schedule of Works – Received 16.03.2026*

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.

Additional Conditions

14 ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

CONDITION: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal and Preliminary Roost Assessment as submitted with the planning application.

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 and maintained as approved thereafter.

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

15 PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

CONDITION: Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, 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 and 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)."

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

Councillor Griffiths, one of the local Ward Members, spoke in support of the application.

Councillor Alexander, the other local Ward Member, spoke in support of the application.

Matters raised by Members of the Committee:-	Officer response thereto:-
<i>Could there be a provision for a public convenience?</i>	<i>It is considered acceptable to get rid of them in that there are some next to Martello Lounge further along. It was deemed enough in this case.</i>
<i>Are there any public conveniences on the pier?</i>	<i>There are some just next to the Martello Lounge.</i>
<i>Do you find the public conveniences adequate?</i>	<i>Yes, the Officer has.</i>
<i>Do you find the lack of lighting to be a cause of any Anti-Social Behaviour?</i>	<i>Adding lighting does not mean it solves a problem, but it anticipates the problem more on the basis that Members are encouraging gatherings to take place under that lighting. There were discussions with the prime Officer in respect of not encouraging further lighting. There is some lighting in respect of this proposal in terms of down lighters in the building itself but there is not a proposal before Members to consider in respect of lighting. If Members want to add that, it means Members are adding to the proposal something that is not already there.</i>
<i>Would it be worth having a lighting survey done at some point on the slopes?</i>	<i>That is not part of the application before Members. That is on the area outside the red line plan. It is currently a public right of way and something that has been there for a long time.</i>
<i>Is there any enhancement that could be proposed to make it a better journey for wheelchair users?</i>	<i>There are changes proposed to the steps and handrails as well as the hard surfacing but not to the slopes themselves as that is not part of this application site.</i>
<i>Can Officers look at that again to make it a better journey for wheelchair users?</i>	<i>This is a Council development, and Members could wish to encourage the informative that will be added. Any building works here would also need to comply with building regulations in respect of access as well.</i>

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

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 9.2 of the Officers' report (A.4), the Officer Update Sheet, the added informative for the applicant to consider any further lighting and disability access requirements for the development and immediate area to promote security and safety, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and
- 2) the sending of any informative notes to the applicant as may be deemed necessary.

81. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.5 - 25-01832-OUT – 59 HARWICH ROAD, LAWFORD, MANNINGTREE, CO11 2LP

Members were informed that this application was an outline planning application with all matters reserved for the erection of one dwelling. The site lay outside the Settlement Development Boundary but was considered by Officers to be acceptable subject to conditions and the completed RAMS Unilateral Undertaking.

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

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

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

Beth Deacon-Bates, the applicant's agent, spoke in support of the application.

Matters raised by Members of the Committee:-	Officer response thereto:-
<i>Can a condition be put on the trees?</i>	<i>Members can but at the reserved matters stage. Visibility splays that are part of a scheme does not necessarily mean it is only restricting the ground height to a certain height; there are conditions that can be worded that can consider over-hang as well.</i>
<i>Would this application come back to the Committee for the reserved matters?</i>	<i>Not automatically, no. That is something that Members would need to debate.</i>

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

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to conditions as stated at paragraph 9.2 of the Officer report (A.5), the reserved matters application(s) coming to the Committee, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all

other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and

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

The meeting was declared closed at 7.25 pm

Chairman

PLANNING COMMITTEE

12th May 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.1 PLANNING APPLICATION – 25/01061/FULHH – 21 HARWICH ROAD LITTLE CLACTON, CLACTON-ON-SEA CO16 9ND



DO NOT SCALE

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Application:	25/01061/FULHH	Expiry Date:	15th May 2026
Case Officer:	Ben Bowler		
Town/ Parish:	Little Clacton Parish Council		
Applicant:	Mr Ben Ferguson		
Address:	21 Harwich Road Little Clacton, Clacton-on-Sea Essex CO16 9ND		
Development:	Householder Planning Application - Various works including extension to outbuilding, extension to home, hardstanding, drainage and swimming pool. (Retrospective)		
Referral Reason:	At the discretion of the Head of Planning and Building Control		
Recommendation:	Refusal - Full		

1. Executive Summary

- 1.1 This application is before the Planning Committee at the discretion of the Head of Planning and Building Control, and seeks retrospective planning permission to retain a single storey side/rear extension that projects from the rear of the dwelling house and which connects to 2no outbuildings. To the north-east of this, a large pool house complete with an enclosed outdoor seating area has been erected and which connects to the rear extension. Towards the rear of the site and adjacent the shared boundary with 19 Harwich Road lies a single storey outbuilding, and 5no. heat pumps have been installed within the rear of the site. Planning permission is required as the extension exceeds the 4m in depth and the outbuilding exceeds 2.5m in height within 2m of the boundary.
- 1.2 The proposed works will not result in significant visual harm occurring to the character and appearance of the area but will pose significant and detrimental harm to existing neighbouring amenities sufficient enough to warrant recommending refusal of this application.

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

policies as part of the Development Plan alongside the Local Plan. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

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

3. **Planning Policy**

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

National:

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

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

Local:

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

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

Supplementary Planning Documents

[Essex Design Guide](#)

Local Planning Guidance

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

4. **Relevant Planning History**

25/01893/FULHH	Householder Planning Application - Current Erection of new front wall, gates and resin driveway.		
25/01141/FULHH	Householder Planning Application - New gym to rear of property. (Retrospective)	Approved	01.12.2025
17/01209/FUL	Extension and alteration.	Approved	20.09.2017
14/01346/FUL	Alterations to roof to facilitate additional rooms in loft space.	Approved	18.11.2014
05/01149/FUL	Rear extension.	Approved	23.08.2005
05/00705/FUL	Rear extension.	Refused	22.06.2005

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/>.

Environmental Protection

I have reviewed this application and Environmental Protection have the following comments to make:

It is unclear from the application on what external plant is to be installed or is already in situ on this site (other than the two heat pumps servicing the pool house). Due to this it is not possible to comment how noise from this development will impact the amenity of nearby properties and therefore EP recommend the following:

Environmental Protection recommends that a Noise Impact Assessment is carried out by a relevantly qualified, competent person. This will need to include any external plant such as air conditioning units, heat pumps, pool pumps/filtration and ventilation systems where applicable. Details of any mitigation and the expected noise reduction achievable should also be submitted as part of this assessment and recommendations implemented, as necessary.

Reason: To ensure that the proposed development is not causing loss of amenity to nearby residential properties.

6. Representations

6.1 Parish Council

Little Clacton Parish Council have objected to this application on the following grounds:

- Overdevelopment of the site
- Development is outside of the % of permitted development
- Out of keeping with the surrounding area
- Loss of amenity space
- Discharge of water from the site into neighbouring gardens
- Noise and disturbance to the surrounding properties amplified by lack of divide

6.2 Neighbour/Local Representations

A total of eight letters have been received that raise the following planning matters in the public interest:-

Planning Comments:

- The plans do not show the extent of the site prior to the commencement of the current proposal.

Officers Response: As the current proposal is for the retention of the development as it appears now, plans which show the extent of the site prior to this is not required.

- Overdevelopment of the site will affect parking facilities.

Officers Response: Though the site has been expanded, Essex County Council's Parking Standards; Design and Good Practice states that where a house comprises of two or more bedrooms, 2no. parking spaces will be retained. In this instance the property has a total of 2no. bedrooms and with hardstanding to the front of the site being sufficient in size to accommodate 2no. motor vehicles this criteria is met.

- Noise and disturbance of the development on the neighbouring properties.

Officers Response: At the time of assessing this application the development is now complete.

- Lack of Building Control.

Officers Response: While not a planning matter, a separate application has been submitted to Building Control.

- Proposal is out of character for the area.
- Swimming pool emits a strong fluorescent blue light.
- Hardstanding drainage of swimming pool may flood neighbouring properties.
- Structures have been placed directly adjacent to the boundary with no way to maintain their upkeep.
- Plans include a soakaway; however, this has proven ineffective with surface water from the site now floods into neighbouring properties.
- The proposal amounts to an overdevelopment of the site.
- Development of this scale increases the sense of enclosure, is visually dominant and creates an oppressive environment for the neighbours.
- Air Source Heat Pump appears industrial in nature and may produce excessive amounts of noise.
- In the absence of a robust noise impact assessment, the Council cannot possibly assess or mitigate the harm to the neighbouring properties.

Officers Response: These concerns have been addressed in the below report.

- Cumulative footprint of the structures exceeds what would reasonably be expected within a domestic curtilage.

Officers Response: This concern has been addressed in the below report. It is noted that while Class E of the GPDO is a material consideration and does allow for up to 50% of the curtilage of the site with outbuildings of varying sizes and designs without requiring planning permission, this development needs permission to be fully assessed.

- Ground stability after the pool area was excavated and the structural safety of the surrounding residential properties

Officers Response: Whilst land stability is a material planning consideration, given the single storey nature of the development and the site not being in an area of known ground stability issues, it has limited weight. Any damage sustained to the neighbouring properties would be

a private civil matter.

- The application has been submitted retrospectively.

Officers Response: The planning process does allow an individual to apply for retrospective permission to retain an addition/extension within a site which may have required planning permission prior to its construction. Approval of an such application is based on individual merits and is assessed in accordance with national and local planning policies and such assessment must be as if the development was proposed.

- The scale of development is disproportionate; lacks subordination and cannot lawfully be classed as incidental. The householder application must therefore be made invalid and a full application submitted instead.

Officers Response: Tendring District Council are satisfied that the development can be assessed under a householder application.

- The heat pumps are not clearly shown on the drawings.

Officers Response: This matter has now been rectified with revised drawings submitted which now showing the location of each heat pump.

Other matters:

- Effect of filling the swimming pool on local water pressure.

Officers Response: This is not a material planning consideration.

7. Assessment

Site Context

- 7.1 The application site is located on the north-western side of Harwich Road and contains a detached chalet bungalow, facing south-east.
- 7.2 The site resides inside the Settlement Development Boundary for Little Clacton. The area is not within a Conservation Area nor would likely affect the setting of a Listed Building.

Planning History

- 7.3 Application 25/01141/FULHH was submitted to the Local Planning Authority which sought the retention of a large outbuilding which is located on the site's rear boundary. The outbuilding was to be used as a gym ancillary to the host dwelling. This application was heard at Planning Committee with the members approving the application on 27th November 2025.

Proposal

- 7.4 This application seeks retrospective planning permission to retain a single storey side and rear extension which connects to 2no. outbuildings, a large pool house complete with an enclosed outdoor seating and single storey outbuilding towards the rear of the site and adjacent the shared boundary with 19 Harwich Road. 5no. heat pumps have also been installed within the rear of the site.
- 7.5 A separate application for the retention of a new front wall, gates and resin driveway has been submitted under application 25/01893/FULHH.

Principle of Development

- 7.6 In regard to the extensions to the dwellinghouse, the principle of development is typically supported provided the proposed additions are located within the sites curtilage, and appear sympathetic to the character and appearance of the host dwelling in addition to the wider locale. Further, it must not severely impact the neighbours' amenities but rather pose limited harm to their outlook, light and privacy. The same can also be said for outbuildings whose development is also similarly supported, provided that the structure remains ancillary to the main dwelling i.e. it is not used for commercial purpose or form a separate planning unit operating independently from the main house.

Scale, Layout & Appearance

- 7.7 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.
- 7.8 Local Plan Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to ensure all new development makes a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met: new alterations are well designed and maintain or enhance local character and distinctiveness; and the development relates well to its site and surroundings particularly in relation to its siting, height, scale, design and materials.
- 7.9 The proposal seeks to retain an existing single storey extension which projects out from the side/rear of the dwellinghouse for a distance of 22.8m where it connects to 2no. outbuildings. These 2no. outbuildings have been adapted and incorporated into the single storey extension resulting in the two elements having a combined depth of 35.02m whilst simultaneously having a width of 5.37 and with an overall height of 3.53m. To the north-east of this lies a pool house with an enclosed outdoor seating/patio area attached. The pool house and seating area measures 40.43m in depth, a width of 9.79m and overall height of 5.58m. The pool house connects to the single storey extension via a small link extension. To the rear of the site and adjacent to the shared boundary with 19 Harwich Road lies an outbuilding 9.37m wide, 2.47m in depth and 2.62m in height. The proposal also seeks permission for the retention of 5no. Heat Pumps, two of which are sited on the pool house, one on the side elevation of the outbuilding, one on the roof of the single storey extension and one on the south-western facing side elevation of the dwellinghouse.
- 7.10 The plans submitted as part of this application show the rear of the garden will be covered in porous hardstanding with some grassed area towards the rear boundary, though these grassed areas appear artificial in nature. As the site still retains its Permitted Development rights, the installation of hardstanding and artificial grass to the rear of the site does not require planning permission.
- 7.11 The development as a whole is considerable in size; however, the majority of it is heavily screened from the street scene by way of the dwellinghouse and the tall fencing to the side, whilst also being sited some 7.4m from the edge of the public footpath where elements of the proposal distance i.e. the 2no. heat pumps on the pool house whose visual prominence will be lessened by this separation distance. The proposal being located within the rear garden which adjoins Plough Corner Playing Fields to the north will be visible to members of the public who frequent this area. However, views of the development will be impeded by the previously approved outbuilding, which covers almost the entire width of the rear boundary, and larger parts of the current application which block by other smaller elements of the development, lessening the public's view of the development as a whole.

- 7.12 The single storey extension and pool house with enclosed seating area has an overall footprint of approximately 195sqm, while the proposed outbuilding measures 23.14sqm and the already approved outbuilding measures 32.9sqm. The combined square meterage of the development measures 311.04sqm which is of a significant size, especially when compared to the size of the host dwelling. However, when viewed in context with the site as a whole where the rear garden covers an area of 659.13sqm, the proposal, on balance, does not appear overly cramped or confined with there being sufficient open, private amenity space between the extension/addition which help break up the visually massing of the development.
- 7.13 Though the development has differing roof styles, the property has been extended in the past by way of a flat roofed single storey rear extension. As such the proposed roof design of the pool house and part of the rear extension will closely match this. Further, the majority of the development has been finished in light coloured render which will tie in with the appearance of the host dwelling in addition to some of the neighbouring properties. Dark grey cladding is proposed on the adapted/alterd 2no. outbuilding. The use of this material will appear at odd with the structures existing appearance; however, it will match the appearance of the proposed outbuilding which itself has been designed to appear similar to the already approved outbuilding to the rear of the site. Therefore, the use of dark grey cladding will not appear as an incongruous finish. It should also be noted that several of the neighbouring properties have rear extensions or outbuildings which themselves have differing roof designs in addition to differing materials to the neighbouring dwelling. Therefore the introduction of a differing roof design is not considered an unnatural occurrence.
- 7.14 Overall, whilst it is acknowledged there is a degree of impact posed by the development at the rear of the site by way of its size, factors that counter an increased harm to visual amenity include the adequate screening level on site, the separation distance from the public highway, the use of materials which match the host dwelling in addition to neighbouring dwellings which are of a similar finish. Taken as a whole, whilst a degree of visual harm has been identified, on balance the proposal is not considered to represent a design that is demonstrably harmful enough for Officers to recommend a reason for refusal.

Impact on Residential Amenity

- 7.15 The NPPF, Paragraph 135, states that planning should always seek to secure a high standard of amenity for all existing and future occupants of land and buildings. In addition, Policy SP7 of the adopted local plan states that all development should protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. These sentiments are carried forward in emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022).
- 7.16 The application site adjoins 23 Harwich Road to the north-east where the expansive size of the development will be visible to this neighbouring property. However, the development is single storey in nature where the existing tall fencing and soft landscaping along the shared boundary will help screen elements of the proposal to an adequate degree, whilst a separation distance of 1.6m between the closest element of the proposal (Pool House) and the shared boundary will help lessen any visual prominence the development may have further.
- 7.17 The site also adjoins 19 Harwich Road to the south-west. The pool house being single storey in height and located approximately 6.07m from the neighbour is unlikely to impact their amenities. Neither will the proposed outbuilding which is sited some 40.25m from the rear elevation of the neighbouring property where the neighbours existing outbuildings will help partially screen it from direct views from their property. The above notwithstanding, the proposed single storey side extension being sited directly adjacent the shared boundary appears as a prominent addition to this neighbour where its overall length of 35.02m and height of 3m which increases to 3.53m, is considered excessive and towers over the existing fencing along the shared boundary. The visual prominence of the proposal upon this neighbour has a dominating effect that creates an oppressive and overbearing appearance that poses serious and detrimental harm to this neighbour and their

amenities.

- 7.18 Additionally, 5no heat pumps have been installed at the site, two of which are sited on the pool house, one on the side elevation of the outbuilding, one on the roof of the single storey extension and one on the south-western facing side elevation of the dwellinghouse. Though, a completed MCS 020(a) sound calculation form has been submitted for the two units on the pool house, the submission has not been accompanied by a Noise Impact Assessment. As a result, it has not been sufficiently demonstrated that the noise these units produce will not pose a serious noise nuisance to the neighbouring properties.

BNG & Ecology - Habitats, Protected Species and Biodiversity Enhancement

7.19 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 allowance of permitted development , is considered likely to conserve and enhance biodiversity interests given the material baseline position.

7.20 Biodiversity Net Gain

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

7.21 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.

7.22 Biodiversity and Ecology Conclusion

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

8. Conclusion

- 8.1 The rear portion of the site is of a sufficient size to accommodate the development. It retains adequate private amenity space that is devoid of any built form and which has been designed to

intersects elements of the development reducing its overall massing and reducing its visual harm to an acceptable degree.

- 8.2 Nevertheless, the proposals size, scale and proximity to the neighbouring properties does pose serious harm with the side/rear extension appearing as an overbearing addition that towers over the neighbour's amenity space and property. Additionally, 5no. heat pumps have been installed on various structures, and due to a lack of any Noise Impact Assessment, it has not been sufficiently demonstrated that the units will not result in a significant noise nuisance, and therefore the level of impact to the amenities of the adjoining residential property amenities will significantly increase. Consequently, the proposal does not accord with the current local and national planning policies and therefore is recommended for refusal.

9. **Recommendation**

9.1 Refusal - Full

Recommendation: Refusal

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

9.2 **Refusal Reasons**

- 1 The size and scale of the side/rear extension, being 35.02m in length and with an overall height of 3.53m, will significantly protrude above the shared boundaries with Number 19 Harwich Road. This is a visually dominant addition that towers over the adjacent residential dwelling and their private amenity space, resulting in an oppressive and overbearing feature that in turn results in serious and detrimental harm to neighbouring existing amenity. Furthermore, 5no. heat pumps have been installed at the site on various structures that border the boundary with the neighbouring dwellings, and it has not been sufficiently demonstrated that the units will not pose a serious noise nuisance to the adjacent residential dwellings. On a precautionary basis it must be assumed that these may risk noise impact that further harms amenity enjoyed by neighbours.

The proposal is therefore contrary to Paragraphs 135 of the National Planning Policy Framework 2024 and Policy SP7 and SPL3 of Part 2 of the Adopted Local Plan 2013-2033 and Beyond to protect existing amenity enjoyed and is considered to be poor design development.

INFORMATVIES:

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Plans and Supporting Documents

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

- Drawing No. 01 Revision 3
- Drawing No. 03 Revision 6
- Drawing No. 06 Revision 6
- Drawing No. 07 Revision 10
- Drawing No. 08 Revision 6
- Drawing No. 09 Revision 2
- Drawing No. 10 Revision 3

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

12th May 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.2 PLANNING APPLICATION – 25/01893/FULHH – 21 HARWICH ROAD LITTLE CLACTON, CLACTON-ON-SEA CO16 9ND



DO NOT SCALE

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Application:	25/01893/FULHH	Expiry Date:	2nd April 2026
Case Officer:	Ben Bowler		
Town/ Parish:	Little Clacton Parish Council		
Applicant:	Mr Ben Ferguson		
Address:	21 Harwich Road Little Clacton Clacton-on-Sea, Essex CO16 9ND		
Development:	Householder Planning Application - Erection of new front wall, gates and resin driveway, along with fencing to the side boundaries		
Referral Reason:	At the discretion of the Head of Planning and Building Control		
Recommendation:	Refusal - Full		

1. Executive Summary

- 1.1 This application is before the Planning Committee at the discretion of the Head of Planning and Building Control, and seeks retrospective planning permission to retain a new front wall with gate, driveway and fencing along the shared boundary. Planning permission is required as the wall, gate and fencing all exceed 1m in height and are adjacent to a highway.
- 1.2 The proposed works will not result in significant visual harm occurring to the character and appearance of the area, nor will it pose significant harm to the neighbouring amenities. However, it will pose a serious and detrimental risk of harm to highway users, sufficient enough to warrant a recommendation of refusal of this application.

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

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

3. **Planning Policy**

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

National:

National Planning Policy Framework 2025 ([NPPF](#))

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

Local:

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

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

Supplementary Planning Documents

[Essex Design Guide](#)

Local Planning Guidance

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

4. **Relevant Planning History**

05/00705/FUL	Rear extension.	Refused	22.06.2005
05/01149/FUL	Rear extension.	Approved	23.08.2005
14/01346/FUL	Alterations to roof to facilitate additional rooms in loft space.	Approved	18.11.2014
17/01209/FUL	Extension and alteration.	Approved	20.09.2017
25/01061/FULHH	Householder Planning Application - Current Various works including extension to outbuilding, extension to home, hardstanding, drainage and swimming pool. (Retrospective)		
25/01141/FULHH	Householder Planning Application - New gym to rear of property. (Retrospective)	Approved	01.12.2025

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/>.

Environmental Protection

08.04.2026

With reference to the above application, I can advise the EP Team have no comments to make.

ECC Highways Dept

19.03.2026

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

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

This proposal includes increasing the boundary wall height at the front of the property to 1.5-metres and introducing double gates at the entrance of the vehicular access. The footway abuts the existing and proposed boundary wall. By increasing the height of the wall and introducing the gates that are a similar height will impede visibility for anyone exiting the vehicular access and pedestrians using the footway, increased hazard to other highway users to the detriment of highway safety.

Most of the boundary walls/fences on this side of Harwich Road are predominately 1-metre or less in height, while most vehicle accesses have no gates and the vehicular accesses are always open.

If permitted this would set a precedent for future similar proposals.

It is therefore contrary policy DM1, DM3 and DM7 policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and National Planning Policy Framework.

Notes:

i) Harwich Road is a Secondary Distributor Route in the ECC Development Management Route Hierarchy, and the Highway Authority will seek to protect the function of Secondary Distributor Routes, which is to distribute traffic in the built-up area safely and efficiently and where access is available from a lower category route or existing vehicular access, this is used.

ii) The proposal impedes visibility for anyone exiting the vehicular access and pedestrians using the footway, particularly children, where members of the public are entitled to pass and repass over highway land unobstructed.

iii) The existing boundary wall and proposed gates should not exceed 1-metre in height at all times to provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway.

iv) The proposal if permitted would set a precedent for future similar applications resulting in an unacceptable degree of hazard to pedestrians to the detriment of highway safety.

6. Representations

6.1 Parish Council

Little Clacton Parish Council have objected to this application on the following grounds:

- Overdevelopment of the site.

6.2 Neighbour / Local Representations

A total of 3 letters have been received that raise the following planning matters in the public interest:-

Planning Comments:

- Proposal will reduce the visibility of vehicles when exiting the site.
- The proposal appears at odd with the character of Harwich Road which consists primarily of open or modest boundary treatment.
- The increase in height of the boundary wall from 1m to 1.5m would create an oppressive environment for pedestrians.
- The driveway is resin based and impermeable with water gathering on the driveway due to inadequate drainage.

Officers Response: These plans submitted with the current application indicate the driveway is permeable and that is the proposal for determination. If this application was approved and the driveway was not as of the plans this would be a separate matter for consideration and may require the local planning authority to consider Enforcement Action or a further planning application.

- This proposal was erected without prior planning approval.

Officers Response: The planning process does allow an individual to apply for retrospective permission to retain an addition/extension within a site which may have required planning permission prior to its construction.

Other Considerations:

- Harwich Road is a low crime area and there is no need for a tall wall/fence.

Officers Response: Need is not a material planning consideration and it is the impact of the development that must be considered under planning.

7. Assessment

Site Context

- 7.1 The application site is located on the north-western side of Harwich Road and contains a detached chalet bungalow, facing south-east.
- 7.2 The site resides inside the Settlement Development Boundary for Little Clacton. The area is not within a Conservation Area nor would likely affect the setting of a Listed Building.

Planning History

- 7.3 Application 25/01141/FULHH was submitted to the Local Planning Authority which sought the retention of a large outbuilding which is located on the site's rear boundary. The outbuilding was to be used as a gym ancillary to the host dwelling. This application was heard at Planning Committee with the members approving the application on 27th November 2025.

Proposal

- 7.4 This application seeks retrospective planning permission to retain a new 1.5m high front wall with a 1.3m high gate. In addition, fencing ranging 1.2m to 2.1m height has been installed along the two shared (side) boundaries and which also seeks retention.
- 7.5 The application also seeks the installation of a resin driveway. However, the submitted plans indicate it is permeable and as such does not require planning permission.
- 7.6 A separate application for the retention of a single storey side/rear extension which connects to 2no. outbuildings, a large pool house complete with an enclosed outdoor seating and single storey outbuilding towards the rear of the site and adjacent the shared boundary with 19 Harwich Road in addition to 5no. air source heat pumps has been submitted under application 25/01061/FULHH. These works do not form part of the determination of this application.

Scale, Layout & Appearance

- 7.7 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.
- 7.8 Local Plan Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to ensure all new development makes a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met: new alterations are well designed and maintain or enhance local character and distinctiveness; and the development relates well to its site and surroundings particularly in relation to its siting, height, scale, design and materials.
- 7.9 The proposal seeks to retain an existing 1.5m high wall with a smaller 1.3m high gate to the front the site, both of which expand across the entire width of the site. A 1.2m high timber fence which increases to 2.1m high has been installed along both shared boundaries. The wall, gate and resin driveway being located on the sites front boundary appear prominently to the street scene of Harwich Road. While views of the fence are possible these views are primarily from an oblique angle and are partially screened by additional boundary treatment erected or planted by the neighbouring properties.
- 7.10 The majority of the neighbouring properties front boundaries consist of low level walls/fencing with some sites having mature planting behind. Though the introduction of a 1.5m high wall would normally appear at odds with the character of the area, when compared against the two neighbouring properties on either side of the application site the proposal, which is slightly taller than the front wall to the north-west neighbour and slightly shorter to the mature hedgerow to south-west property, does not appear as an incongruous form of development that would pose irreversible and demonstrable visual harm to the character and appearance of the locale.
- 7.11 Though the introduction of the 1.3m gate appears at odds with the open vehicular access on the neighbouring properties, the site does retain Permitted Development rights and therefore a 1m high gate could be installed in place of the current gate which would have the same level of visual harm, without first requiring planning permission. Due to this fallback position and consideration of the difference and merits of the proposal, the gate is not considered to pose such significant visual harm that Officers consider it warrants a recommending a reason for refusal.

- 7.12 Overall, whilst it is acknowledged there is a degree of impact posed by the development at the front of the site by way of its overall height and prominence, the factors that counter an increase in harm to visual amenity include the adequate level of screening along the shared boundaries and the fallback position with the gate. Additionally, when compared to the neighbours' walls along the front boundary, taken as a whole the proposal is not, on balance, considered to represent an intrusive design that is demonstrably harmful.

Impact on Residential Amenity

- 7.13 The NPPF, Paragraph 135, states that planning should always seek to secure a high standard of amenity for all existing and future occupants of land and buildings. In addition, Policy SP7 of the adopted local plan states that all development should protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. These sentiments are carried forward in emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022).
- 7.14 The application site adjoins 23 Harwich Road to the north-east and 19 Harwich Road to the south-west. The proposed development being located to the front of the site and being of a modest height is not considered to pose significant harm to the neighbour's outlook, light or privacy. No objections are therefore raised by Officers in this regard.

Highway Safety/Parking

- 7.15 Paragraph 115 of the National Planning Policy Framework (2024) seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 116 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 7.16 Policy CP2 of Part 2 of the Adopted Local Plan 2013-2033 and Beyond, states that planning permission will not be granted if there would be an unacceptable impact on highway safety.
- 7.17 Essex Highway Authority were consulted on this application and have confirmed that from a highway and transportation perspective the proposal is not considered acceptable. This is due to the height of the wall increasing to 1.5m and the introduction of a gate that will have a similar height (1.3m), that will reduce the visibility of a vehicle when exiting the application site. This increase in height will impede visibility of users exiting the vehicular access as well as pedestrians utilising the public footpath abutting the boundary wall. This impeded visibility will pose a serious and detrimental risk to pedestrians who frequent the public footpath and who are entitled to cross highway land in a safe and unobstructed manner, and would also set a harmful precedent for future similar proposals.

BNG & Ecology - Habitats, Protected Species and Biodiversity Enhancement

- 7.18 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 and the previous developed state of

the frontage is a baseline that is material. 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.

7.19 Biodiversity Net Gain

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

7.20 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.

7.21 Biodiversity and Ecology Conclusion

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

8. **Conclusion**

Overall, the retrospective proposal for a front wall and gates as well as side boundary fencing is not considered to appear out of character for the area, due to being of a similar height to the existing boundary treatment along the neighbouring properties directly adjacent the application site. However, Essex Highways Authority have raised concerns with the proposal given its siting along a shared boundary that will impede visibility when exiting the application site, thereby putting pedestrians at serious risk. Consequently, the proposal does not accord with the current local and national planning policies and therefore is recommended for refusal.

9. **Recommendation**

9.1 Refusal - Full

Recommendation: Refusal

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

9.2 **Refusal Reason**

- 1 The height of the wall, gate and fencing along the shared boundaries will reduce the visibility of users exiting the application site, as well as pedestrians utilising the public footpath abutting the boundary wall. This impeded visibility will pose a serious and detrimental risk to

pedestrian safety who frequent the public footpath and who are entitled to cross highway land in a safe and unobstructed manner.

The proposal is therefore contrary to Paragraphs 115 and 116 of the National Planning Policy Framework 2025 and Policy CP2 of Part 2 of the Adopted Local Plan 2013-2033 and Beyond.

INFORMATVIES:

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Plans and Supporting Documents

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

- Drawing No. 01 Revision 1
- Drawing No. 02 Revision 1
- Drawing No. 03 Revision 1

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/>.

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PLANNING COMMITTEE

12th May 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.3 PLANNING APPLICATION – 25/01788/FUL – LAND REAR OF 64 TO 68 HOLLAND ROAD LITTLE CLACTON CO16 9RS



DO NOT SCALE

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Application:	25/01788/FUL	Expiry Date:	25th February 2026
Case Officer:	Charlotte Cooper		
Town/ Parish:	Little Clacton Parish Council		
Applicant:	Mr J Austin - Elderbek Homes Ltd		
Address:	Land rear of 64 to 68 Holland Road Little Clacton CO16 9RS		
Development:	Planning Application - Erection of four detached dwellings		
Referral Reason:	Departure from Local Plan		
Recommendation:	Approval subject to conditions		

1. Executive Summary

- 1.1 The proposal for four single-storey dwellings is considered sustainable and acceptable in principle, and subject to conditions would result in no significant harm to residential amenity, highway safety or ecology.

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 'tiltedbalance' 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
LP8 Backland Residential Development
PPL4 Biodiversity and Geodiversity
PPL10 Renewable Energy Generation and Energy efficiency Measures
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
[Essex Design Guide](#)
[Technical housing standards](#): nationally described space standard Published 27 March 2015

Local Planning Guidance

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

4. Relevant Planning History

18/01585/OUT	Erection of 8 bungalows.	Refused	12.04.2019
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23/01691/OUT	Outline Planning Permission (including access with all other matters reserved) for the erection of 3no. self-build/custom built bungalows.	Approved	21.02.2024
24/00879/OUT	Outline Planning Application (Access to be considered with all other matters reserved) - Erection of 1 self-build/custom built bungalow.	Approved	08.08.2024

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	26.02.2026
The amended information provided for this application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. The site is situated on Holland Road that is subject to a 30-MPH speed limit. It is noted that the application is like previous planning applications 18/01585/OUT for 8 bungalows, 23/01691/OUT and 24/00879/OUT that were previously acceptable to the Highway Authority. Like the previous applications, the proposal would utilise an existing, established vehicular access onto the Holland Road that serves the land at Swallow Farm. The existing driveway is a minimum of 3.7m wide, this application proposes to incorporate two passing bays along its length, while the road will remain as a private driveway and the development site will form a cul-de-sac and the proposal will incorporate a turning area within the site, considering these factors: the proposal is acceptable subject to the following mitigation and conditions: 1. Prior to occupation of the development, the access at its centre line with Holland Road shall be provided with a minimum clear to ground visibility splay dimensions of 2.4 metres by 43 metres in both directions as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times. 2. Prior to the occupation of the proposed development, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the Highway Boundary with Holland Road and provided with an appropriate dropped kerb crossing of the verge. 3. As indicated on drawing no. A-005 Rev. C, and prior to occupation of the development 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. 4. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary. 5. As indicated on drawing no. A-005 Rev. C and prior to the occupation of the development the two passing bays shall be constructed with minimum dimensions (without the tapers) of 2.0	

metres x 8.0 metres.

6. Prior to occupation of the development each private vehicular access shall be constructed at right angles to the private access road. The width of the access at its junction with the access road shall not be less than 4.5 metres (equivalent to 5 drop kerbs) and shall be retained at that width for 6 metres within the site and shall be provided with an appropriate vehicular crossing.

7. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, has been hard surfaced, and sealed. 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.

Environmental Protection

09.02.2026

Contaminated Land - Given the proposal sites proximity to historic and current agricultural land, request a Watching Brief condition.

Construction Method Statement: I can advise we are satisfied with the submitted CMS and have no adverse comments to make.

Essex County Council Ecology

11.02.2026

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

The mitigation measures identified in the Preliminary Ecological Appraisal Report and Biodiversity Net Gain Assessment should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality. We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). Reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains and the finalised details should be outlined within a separate Biodiversity Enhancement Strategy to be secured as a condition of any consent. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Recommended Conditions 1) In accordance with Ecological Appraisal recommendations 2) Biodiversity Enhancement Strategy 3) Wildlife Sensitive Lighting Scheme

6. Representations

6.1 Parish Council

Little Clacton Parish Council

Objects to application – backland development

6.2 Neighbour / Local Representations

Two letters of objection have been received from neighbouring residents. The material planning considerations raised in these objections are as follows;

- The development constitutes backland development
- Unsuitable access / highway safety concerns

7. **Assessment**

Site Context

- 7.1 The application site serves a parcel of land to the rear of 64-68 Holland Road Little Clacton. To the east of the site lies a private track which leads to Swallow Farm to the south and provides access onto Holland Road. The site is partially located within the defined settlement development boundary of Little Clacton, with the front of the site falling within, and the main bulk to the rear of the site falling just outside, of this boundary.

Planning History

- 7.2 Planning application 23/01691/OUT granted outline permission for the erection of three self-build / custom built bungalows.
- 7.3 Planning application 24/00879/OUT granted outline permission for the erection of 1 self-build / custom built bungalow.
- 7.4 It is important to note that both permissions are extant and therefore represent a realistic fall-back position for the erection of 4 dwellings at this location.

Proposal

- 7.5 This application is seeking full planning permission for the erection of four detached dwellings.
- 7.6 Amended plans have been received since the original submission of this application with changes to the proposed roof design and form, to reduce the schemes overall bulk and result in a more in keeping and visually pleasing development. The Parish Council and neighbouring residents were reconsulted on these amended plans, this consultation has now expired.
- 7.7 Each proposed dwelling is a single storey bungalow with an associated garage. The development comprises two house types;
- House Type A1 will be finished in Vandersanden Flemish Antique facing brickwork with a concrete slate roof tiles and agate grey UPVC windows and doors.
- House Type A2 will be finished in Vandersanden Drayton Cream facing brickwork with concrete slate roof and agate grey UPVC windows and doors.
- All garages will be constructed in brickwork to match their respective host dwellings.
- 7.8 The bungalows will measure a maximum of 17.1 metres deep by 9.1 metres wide with an overall height of 5.8 metres.
- 7.9 Each of the properties provides three bedrooms, a family bathroom, an open-plan kitchen, dining and living area and a separate utility room. Two parking spaces plus a garage are provided on each plot.

Principle of Development

- 7.10 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.
- 7.11 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.
- 7.12 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.
- 7.13 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.
- 7.14 Policy SPL1 of the Tendring District Local Plan sets out the settlement hierarchy for the District. It states that Little Clacton is categorised as a Rural Service Centre. The majority of the site lies just outside of the defined boundary and so is contrary to the above plan led approach.
- 7.15 As the majority of the site is located outside of the settlement development boundary it represents a departure from the local plan, however from 26.01.2026 the housing policies are now afforded reduced weight for the purposes of paragraph 11(d) of the NPPF due to the Council's inability to demonstrate a five-year supply of deliverable housing sites.
- 7.16 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.
- 7.17 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.

- 7.18 It is considered that the proposal for four bungalows will 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 the development.

Social Objective

- 7.19 The site is located partly outside of the defined settlement development boundary of Little Clacton and is directly adjacent to a well-established residential area. The surrounding highway network benefits from well-lit continuous footpaths, providing safe and convenient pedestrian access to local services. The nearest bus stops are located approximately 0.5 miles away, providing regular services into Clacton on Sea and Colchester. Day to day facilities include a pharmacy, convenience stores, a hot-food takeaway and public house, all located along The Street.
- 7.20 The provision of four bungalows at a time where the Council is unable to demonstrate a 5-year housing land supply would contribute to the district's overall housing stock, improve housing choice, while also providing incremental population support for local services. The proposal therefore meets the social aims of sustainability.

Environmental Objective

- 7.21 The planning statement submitted with this application confirms that the proposed dwellings would be built to current building regulations standards which embed positive measures to reduce carbon emissions and energy usage. The proposal also provides opportunity for the incorporation of renewable energy provision and would be constructed using water efficient taps, showers and toilets and energy efficient white goods. Electric vehicle charging is also proposed.
- 7.22 The proposal can also include opportunity for biodiversity enhancements as secured by condition plus minimum 10% Biodiversity Net Gain. Existing trees will be protected and managed wherever possible and there is new landscape planting proposed. With these aspects in mind, the proposal is considered to offer environmental gains that would not arise without the development of the land. The proposal therefore meets the environmental aims of sustainability.
- 7.23 The proposal is therefore considered to be compliant with the three strands of sustainability and therefore the principle of development is acceptable, subject to the detailed considerations outlined below.

Scale, Layout & Appearance

- 7.24 Paragraph 135 of the NPPF 2024 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.
- 7.25 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.
- 7.26 The application site is set back from the highway and largely shielded from the public views of the area by the existing residential dwellings situated along this side of Holland Road. Given the single storey nature of the properties the proposal will therefore be largely shielded from the public vantage points of the area and will not appear overly dominant or out of character.
- 7.27 The proposal will create a linear form of development, with the two different house types as described above providing some variety and a sense of character (rather than a uniform appearance). The proposed dwellings are considered to be of a design, scale and appearance in keeping with that of the surrounding area.
- 7.28 Policy LP8 of the Tendring District Local Plan states that proposals for residential development of

“backland” sites must comply with the following criteria;

- a. *Where the development would involve the net loss of private amenity space serving an existing dwelling, that dwelling must be left with a sufficient area of private amenity space having regard to the standards in this local plan.*

The proposal does not involve the loss of private amenity space from an existing dwelling.

- b. *A safe and convenient means of vehicular and pedestrian access / egress must be provided that does not cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the streetscene, long or narrow driveways will not be permitted.*

The site benefits from an existing access point onto Holland Road which is not deemed to result in any undue disturbance or loss of privacy to neighbouring residents.

- c. *The proposal must avoid “tandem” development using a shared access.*

The proposal does not result in “tandem” development.

- d. *The site must not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which would prejudice a more appropriate comprehensive development solution.*

The site is not considered to comprise an awkwardly shaped or fragmented parcel of land or involve development which would prejudice a more appropriate comprehensive development solution.

- e. *The site must not be on the edge of defined settlements where likely to produce a hard urban edge or other form of development out of character in its particular setting; and*

The site is located immediately adjacent to the settlement development boundary of Little Clacton, with the front of the site falling within this boundary. However, the site is considered to be of a size, scale and design in keeping with the locality and is not considered to produce a hard urban edge given its siting in relation to immediately adjoining development.

- f. *The proposal must not be out of character with the area or set a harmful precedent for other similar forms of development.*

The proposal is considered to be of a scale, design and appearance in keeping with the locality and is not considered likely to set an unwanted precedent.

7.29 The proposal is therefore considered to be of an acceptable size, scale and design, in keeping with the local area in general accord with Policy LP8.

Highway Safety/Parking

7.30 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; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

7.31 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.

- 7.32 TDLP2 Policy CP1 states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.
- 7.33 TDLP2 Policy SPL3 Part B seeks to ensure that access to a new development site is practicable, and the highway network will be able to safely accommodate the additional traffic the proposal will generate. The Essex Parking Standards set out the parking requirements for new development, Appendix A shows the site location as having low connectivity. This means that 2 spaces + 0.25 unallocated visitor spaces are required for each dwelling.
- 7.34 Each property will have a single garage, with internal measurements of 7.3 metres deep by 3.38 metres wide. A further 2 parking spaces are located to the front of the garage. The proposal is therefore acceptable in terms of parking provisions.
- 7.35 The Highway Authority have noted the proposal will utilise the existing access onto Holland Road that serves Swallow Farm. The application proposed two passing bays along its length. The road will remain a private driveway and the development site forming a cul-de-sac with a vehicular turning area. Considering these factors the Highway Authority have confirmed the proposal is acceptable subject to conditions relating to visibility splays, construction of the private driveway and its finishing materials, compliance with the vehicular turning facility, passing bays and parking provisions.

Impact on Residential Amenity

- 7.36 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.
- 7.37 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.
- 7.38 The proposed dwellings are sited at an adequate distance from surrounding existing residential properties to ensure no significant loss of daylight to neighbouring occupiers. Given the single-storey nature of the development, the proposals would not appear overbearing nor cause material harm to the outlook of nearby properties. Furthermore, the limited height of the dwellings ensures that there would be no significant risk of overlooking or loss of privacy to adjacent dwellings.
- 7.39 The permitted development rights for roof lights and dormer windows will be removed by condition to limit the development to single storey only. This is necessary to ensure that the scale and form of development remains appropriate to its surroundings and to prevent the introduction of additional bulky roof additions or overlooking that could result in harm to the amenities of neighbouring residential properties. Such changes would be subject to planning permission.
- 7.40 The technical housing standards – nationally described space standards deals with the internal space within new dwellings. It sets out requirements for the Gross internal (floor) area of new dwellings at a defined level of occupancy. For a single-storey dwelling with three bedrooms and bed-spaces for 6 people (as proposed) the minimum gross internal floor area required is 95 metres squared. The proposed dwellings have a gross internal floor area of 140 square metres and therefore exceed these standards.

Drainage

- 7.41 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.
- 7.42 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.
- 7.43 The application form submitted confirms that the proposal will be connected to the mains sewer which is the preferred option and therefore acceptable.

Sustainable Design

- 7.44 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
- 7.45 The proposal includes the installation of solar panels to each dwelling. a broadband statement has also been provided to confirm that the proposal will benefit from superfast broadband connections. Furthermore, the planning statement confirms that EV charging points will be provided and that the buildings will be built to current building regulations standards which embed positive measures to reduce carbon emissions and energy usage. The proposal also provides opportunity for the incorporation of renewable energy provision and would be constructed using water efficient taps, showers and toilets and energy efficient white goods. The proposal is therefore compliant with Policy SPL3.

Habitats, Protected Species and Biodiversity Enhancement

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.

- 7.46 General duty on all authorities

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

This development is subject to the general duty outlined above. A condition is imposed to secure biodiversity enhancements. 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.

7.47 Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals (excluding Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow).

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

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

7.48 Protected Designated Habitats

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

A Habitat Regulations Assessment has been completed for the proposal. The new development would be likely to increase the number of recreational visitors to the designated area and, in combination with other developments, it is likely that the proposal would have significant effects on the designated site. A condition is included to secure a S106 Legal Agreement/Unilateral Undertaking for 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.

7.49 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 currently serves a parcel of land with well-maintained grass. The preliminary Ecological Assessment contains mitigation strategies, including the need for the existing grassland to be kept at a short sward prior to works commencing so that it does not become a more favourable habitat. Further measures include timing tree works to avoid the bird breeding season unless ecological checks confirm no active nests, restricting construction to daylight hours, and requiring vegetation removal by hand with immediate clearance. It also includes measures to protect wildlife through careful management of excavations and burrows, safeguarding hedgehogs during hibernation periods, minimising post-construction lighting through the use of controlled motion sensors, and

incorporating wildlife gaps within new boundary treatments to maintain habitat connectivity. A condition is included to ensure the development is carried out in accordance with this and for any lighting to be wildlife sensitive.

7.50 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 including BNG. 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**

The proposed development of four single-storey dwellings is considered acceptable in principle, having regard to the presumption in favour of sustainable development set out within the National Planning Policy Framework. While the site lies predominantly outside the defined settlement development boundary, the Council is unable to demonstrate a five-year housing land supply and there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal. The development would provide additional housing choice, contribute modestly to housing delivery, and has been carefully designed to respect the character of the area and safeguard the amenities of neighbouring residents. Matters relating to highway safety, ecology, drainage, residential amenity and sustainable design have been satisfactorily addressed through the submitted information and can be appropriately controlled by condition. Subject to the conditions set out within this report, the proposal is considered to accord with the development plan when taken as a whole and relevant national planning policy, and approval is therefore recommended.

9. **Recommendation**

9.1 **Approval**

Recommendation: Approval

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,

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 (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement.

Drawing No. A-003 Revision E - Amended Proposed Site and Block Plans
Drawing No. A-004 Revision D - Amended Proposed Site Layout
Drawing No. A-005 Revision D - Amended Proposed (Development) Site Layout
Drawing No. A-006 Revision D - amended Proposed Refuse Site Layout Plan
Drawing No. A-007 Revision C - Amended Proposed Soft Landscaping
Drawing No. A-101 Revision B - Amended House Type A1 Floor and Roof Plans
Drawing No. A-102 Revision B - Amended House Type A2 Floor and Roof Plans
Drawing No. A-201 Revision B - Amended House Type A1 Elevations
Drawing No. A-202 Revision B - Amended House Type A2 Elevations
Drawing No. A-203 - Elevations - Garage B1
Drawing No. A-204 - Elevations - Garage B2
Drawing No. A-104 - Ground Floor Plan and Roof Plan - Garage B2
Drawing No. A-103 - Ground Floor Plan and Roof Plan - Garage B1
Drawing No. 10.25.001-001-A - Drainage Layout
Broadband Statement - Received 05.12.2025
Planning Statement - Received 5.12.2025
Preliminary Ecological Appraisal and BNG Assessment - Received 05.12.2025

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

NOTE/S FOR CONDITION:

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

CONDITION; Prior to first occupation of the development, the access at its centre line with Holland Road shall be provided with a minimum clear to ground visibility splay dimensions of 2.4 metres by 43 metres in both directions as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the 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.

4 COMPLIANCE REQUIRED - PRIVATE DRIVEWAY

CONDITION; Prior to first occupation of the development, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the Highway Boundary with Holland Road and provided with an appropriate dropped kerb crossing of the verge.

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, in the interests of highway safety

5 COMPLIANCE REQUIRED - VEHICULAR TURNING FACILITY

CONDITION - As indicated on drawing no. A-005 Rev. D, and prior to first occupation of the development 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.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety

6 COMPLIANCE REQUIRED - ACCESS MATERIAL

CONDITION- No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

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

7 COMPLIANCE REQUIRED - PASSING BAYS

CONDITION; As indicated on drawing no. A-005 Rev. D and prior to first occupation of the development the two passing bays shall be constructed with minimum dimensions (without the tapers) of 2.0 metres x 8.0 metres. The passing bays shall thereafter be retained in this form and maintained free from obstruction at all times for that sole purpose.

REASON: To make adequate provision within the private road for the additional traffic generated within the highway because of the proposed development allowing vehicles to pass and re-pass.

8 COMPLIANCE REQUIRED - VEHICULAR ACCESS

CONDITION; Prior to first occupation of the development each private vehicular access shall be constructed at right angles to the private access road. The width of the access at its junction with the access road shall not be less than 4.5 metres (equivalent to 5 drop kerbs) and shall be retained at that width for 6 metres within the site and shall be provided with an appropriate vehicular

crossing.

REASON; to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety

9 COMPLIANCE REQUIRED - PARKING PROVISIONS

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

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

10 FURTHER APPROVAL - UNEXPECTED CONTAMINATION

CONDITION: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken. Where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. Any remediation work as may be agreed shall be carried out in its entirety in accordance with the approved Remediation Scheme and its timetable. Following remediation, evidence shall be submitted to and approved in writing by the Local Planning Authority verifying that remediation has been carried out in accordance with the approved Remediation scheme prior to the first occupation of the development.

REASON: To ensure the site is safe for the proposed residential use.

11 ACTION REQUIRED IN ACCORDANCE WITH 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 Report and Biodiversity Net Gain Assessment (ROAVR, Group, November 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

12 PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

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 Appraisal Report and Biodiversity Net Gain Assessment (ROAVR, Group, November 2025), shall be submitted to and approved in writing by the local planning authority.

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

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

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

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

13 PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through provision of appropriate 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).

14 SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS NEW OPENINGS

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

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

15 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:

- 4) Enhancement and restoring biodiversity on-site (within the red line boundary of a

development site).

5) 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.

6) 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>

16 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 15, 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:
 - vii) ecological trends and constraints on the site that may influence management;
 - viii) aims, objectives and targets for management e.g. links with local and national species and habitat action plans;
 - ix) a description of the management operations necessary to achieving the aims and objectives;
 - x) prescriptions for management actions;
 - xi) preparation of a works schedule, including annual works schedule;
 - xii) 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.

17 MITIGATION TO BE AGREED; RAMS

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

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

NOTE/S FOR CONDITION:

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

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

the refusal to discharge the condition. Please note if there are other obligations needed for this development, for example to secure monitoring and maintenance of a Biodiversity Net Gain Plan, you may wish to combine these together as one agreement. Furthermore, please also note a legal agreement will include legal fees and may require obligations to secure monitoring and associated

fees

Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. Also, in determining this application the LPA have identified matters of concern within the application (as originally submitted) and negotiated, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the LPA has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives:

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

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

ii) As the existing roadway leading to the proposal site is classified as a Private Road, the applicant should therefore be requested to demonstrate the rights of pass and repass to the proposed development site exist in perpetuity and that the applicant also has the necessary permissions to make a vehicular connection to the private roadway.

iii) The existing telegraph/ electrical pole east of the existing access is within the visibility splay and should be set back a minimum 2.4 metres from the edge of carriageway. The agent/applicant needs to discuss this with the respective Utility Company to see what would be acceptable to them in relation to the relocation of the apparatus and what potential costs would be entailed which would be at the applicant's expense.

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.

v) 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.

Contamination informative for condition 10

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

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

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. There are none known in this case.

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

12th May 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.4 PLANNING APPLICATION – 26/00293/FUL – 8 HAROLD ROAD FRINTON ON SEA CO13 9BE



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Application:	26/00293/FUL	Expiry Date:	23rd April 2026
Case Officer:	Eve Ramsden		
Town/ Parish:	Frinton & Walton Town Council		
Applicant:	Mr Sean Spencer		
Address:	8 Harold Road Frinton On Sea CO13 9BE		
Development:	Planning Application - Demolition of existing fire damaged 1 1/2 storey dwelling and replacement with 2 1/2 storey self-build dwelling.		
Referral Reason:	This application has been called to Planning Committee by Cllr Everett on the grounds that the previous dismissed appeal is a material consideration to be given weight and the current proposal fails to take that sufficiently into consideration in terms of bulk and impact on the conservation area.		
Recommendation:	Approval subject to conditions under section 9 of this report.		

1. **Executive Summary**

- 1.1 The proposal seeks planning permission for the demolition of a fire-damaged dwelling and its replacement with a reduced-scale 2½-storey self-build home. The previous application was refused and subsequently dismissed at appeal due to concerns regarding its impact on the Conservation Area and neighbouring amenity..
- 1.2 Compared with the previous scheme, the amended design incorporates reduced height, massing and bulk, resulting in a form that integrates more comfortably within the street scene, preserves the setting of the nearby Conservation Area, and not considered to adversely affect the amenity of surrounding residential properties sufficient to warrant refusal. The development is considered to comply with the relevant Local Plan and national planning policies, and approval is therefore recommended subject to conditions.

2. **Status of the Local Plan**

Planning Policy Context

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

Housing Supply

- 2.2 The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. Paragraph 78 states that local planning authorities should identify and update annually

a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of 5% to ensure choice and competition in the market for land, unless the Housing Delivery Test (HDT) demonstrates significant under delivery of housing over the previous 3 years - in which case a higher buffer is required. Section 1 of the Local Plan, which establishes the District's annual housing requirement, reached five years old on 26 January 2026.

- 2.3 The Council demonstrates its supply of specific deliverable sites within the Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in December 2025.
- 2.4 From 26th January 2026, the Council is required to calculate its five-year land supply position against the local housing need determined using the Standard Method set out in Planning Practice Guidance. The housing requirement for Tendring is 1,063 homes a year. The most recent SHLAA demonstrates a 3.22-year supply of deliverable housing sites. The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>
- 2.5 As a result, the 'titled balance' at paragraph 11 d) of the NPPF may apply to decisions relating to new housing development and needs to be assessed on an individual basis in respect of the proposal.

Neighbourhood Plans

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

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

3. Planning Policy

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

National:

National Planning Policy Framework 2024 ([NPPF](#))
National Planning Practice Guidance ([NPPG](#))

Local:

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

SP 1 Presumption in Favour of Sustainable Development
SP 7 Place Shaping Principles

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

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards

LP4 Housing Layout
 LP7 Self-Build and Custom-Built Homes
 PPL4 Biodiversity and Geodiversity
 PPL5 Water Conservation, Drainage and Sewerage
 PPL8 Conservation Areas
 PPL10 Renewable Energy Generation and Energy efficiency Measures
 CP1 Sustainable Transport and Accessibility
 CP2 Improving the Transport Network

Supplementary Planning Documents

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

Essex Design Guide

Technical housing standards: nationally described space standard Published 27 March 2015

Local Planning Guidance

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

4. **Relevant Planning History**

25/00671/FUL	Planning Application - Demolition of existing fire damaged 1 1/2 storey dwelling and replacement with 2 1/2 storey self-build dwelling	03.07.2025 Dismissed at Planning Appeal.
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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/>.

Tree & Landscape Officer

10.03.2026

The front garden of the application site contains 3 small trees. Two Hollies on the boundary with the highway and an Elder on the boundary with no 6 Harold Road.

Although the trees feature in the public realm the contribution that they make to the amenities of the locality is not so great that they merit retention or legal protection by means of a tree preservation order.

ECC Highways Dept

16.03.2026

The information that was submitted in association with the application has been fully considered by the Highway Authority. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and google earth image.

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

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

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 satisfaction of, the Highway Authority, details to 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

ECC Highways Dept

23.04.2026 (Following revisions to design)

The amended information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. It is noted that the proposed changes do not impact on the amended highways plan and do not alter the previously approved off-street parking or vehicular access, considering these factors:

The Highway Authority does not object to the proposals as submitted.

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

Informative:

i) All work within, or affecting, the highway shall be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority (Essex County Council), with all details being agreed before the commencement of any highway works. Failure to secure the necessary approvals and relevant permits for works within the highway may result in enforcement action by the Highway Authority against, but not limited to, the owner of the land or the person causing, or responsible for, the damage to the Highway. To start the process to obtain the relevant permissions the applicant should contact the Essex Highways Development Management Team by email at development.management@essexhighways.org

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

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

Environmental Protection

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

Contaminated Land: Given the previous fire on the site, we are requesting a Watching Brief be conditioned (on any subsequent approval) and adhered to throughout the demolition and construction phase. We 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.

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

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

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

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.

REASON: to protect the health of site workers and end users

Demolition and Construction Method Statement: With reference to the submitted DCMS, dated February 2026; I can advise we have reviewed the document and have no adverse comments to make.

6. **Representations**

6.1 **Town Council**

Frinton and Walton Town Council recommend refusal on the following grounds:

“The amended proposal is still not in keeping with the street scene and is still too bulky and overbearing. The bulk of the building (as well as the overlooking) and poor design do not contribute to enhancing the conservation area indeed they cause harm. The closeness of the building to the neighbouring property still causes an issue for the occupiers of no 10 with light being obscured even by the reduced height of the amended application. The changes to the application are not sufficient to ameliorate our concerns raised in the previous application refused by the council and by the planning inspectorate.

In conclusion the changes made to the original application do not sufficiently address the concerns raised by the objectors, the council and most importantly the planning inspector and this carries great weight as a result.”

- 6.2 Officer Response - The surrounding area contains a varied mix of two- and three-storey dwellings, and the revised proposal represents a reduction in scale, height and bulk compared with the earlier refused scheme allowing to sit comfortably within the street scene.

Although the site lies opposite the Conservation Area, it is outside the designated boundary.

With regard to amenity, the proposal has been significantly reduced in mass in particular close to 10 Harold Road to prevent a significant impact upon the amenities on neighbouring sites.

While the Town Council references the previous appeal, this proposal is materially different and must in law be considered on it's individual merits when amendments have addressed the Inspector's issues raised.

6.3 **Neighbour / Local Representations**

1 letter of support has been received stating that the proposal would result in an improved view from their house.

4 letters of objection have been received raising the following concerns:

- Impact to light received to neighbouring side facing windows.
- Level of fenestration introduced will result in an increase level of overlooking to neighbours.
- Increase to noise from garden/ swimming pool.
- Concerns over how the garage will be maintained.
- Footprint of new building would be significantly larger and will not be in keeping with others in the locale thereby resulting in a harmful impact to the visual amenity of the street scene.
- Loss of space between the built form.
- Harmful impact to conservation area setting as per previous appeal decision.

7. Assessment

Site Context

- 7.1 The application site comprises of a detached two storey dwelling located within the development boundary of Frinton. The house presents two prominent gable features facing the main highway along with a ground floor canopy area providing a porch/ entrance feature. The site benefits from an existing flat roof garage to the side and vehicular access with modestly sized front garden that is enclosed by existing boundary fencing. It is evident from damage to the roof upon the officers site visit that it has recently experienced fire damage.
- 7.2 The local area comprises of a mixture of two and three storey dwellings varying in terms of design and materials. Many of these houses have front projections and dormer additions and appear independently to one another.
- 7.3 Whilst the site is not located within the conservation area the boundary is located across the road and does wrap around the rear of the site.

Planning History

- 7.4 A previous application for full planning permission was received under reference 25/00671/FUL for the replacement of the existing building. This application was refused given the significant size and bulk of the proposal and its impact upon the visual amenity of the area and nearby conservation area. There was also considered to be a significant impact to the amenities of neighbouring sites.
- 7.5 This application was later appealed against with the overall decision from the appeal inspector dismissing the appeal.
- 7.6 The appeal inspector stated *"Although the height of the new house would sit comfortably in the street scene and would relate well to the other properties, I am concerned about the spread of three floors of development across most of the site. The existing single storey garage results in some space above it which provides a meaningful visual gap to the adjacent property No.10 and this is consistent with the other gaps around and between neighbouring properties, including the flats This visual gap would largely be lost with the proposed scheme and the bulk of building envisaged would have an undesirable and imposing effect on the local street scene. I recognise that the internal garage and floors above have been designed with a minor set-back from the front elevation and a set down of the roof, but the bulk of the structure, including the scale of the dormer window in the roof would still result in a visually imposing bulk of building across the site. The proposal would therefore not result in a visually attractive development in the context of paragraph 135(a) of the National Planning Policy Framework (the Framework) which seeks to achieve well designed places."*
- 7.7 The appeal inspector confirmed that the site was outside of the conservation area and following a visit to the neighbours stated *"Although the view from the garden is a private rather than a public one, from this part of the Conservation Area the bulk of new building at second floor level and the large expanse of dormer windows would be visually imposing and would harm the setting of this designated heritage asset."*
- 7.8 The appeal inspector concluded stating *"I find that the bulk of the dwelling proposed and its spread across the site, together with the degree of fenestration at second floor level, would dominate and appear out of place in the local street scene in Harold Road. It would also harm the setting of the Conservation Area when viewed from the south-east although this harm would be less than substantial. "*
- 7.9 The appeal inspector also noted the close relationship between the new dwelling and its neighbour at no. 10 Harold Road in particular to the side facing openings within the flank wall. The decision confirms that given the increase in height closer relationship with the shared boundary that it would

have resulted in a significant impact to the amenities of this neighbour contrary to local and national policy.

- 7.10 A further aspect was considered by the appeal inspector which was the impact to 19 The Esplanade to the rear and the significant amount of fenestration that was proposed at the upper floor levels. This was found to result in a detrimental impact to the privacy of this neighbouring site and was also included as a reason to dismiss the planning appeal.

Proposal

- 7.11 The application seeks planning permission for the demolition of the existing fire damaged 1 1/2 storey dwelling and replacement with 2 1/2 storey self-build dwelling.
- 7.12 The proposal will allow for accommodation to be distributed over three levels, with the living space and kitchen area together with single storey attached garage at ground floor. The first floor will play host to 4no bedrooms and a laundry room. The master bedroom and bedroom no.3 will be served by their own en suites with bedroom 2 and 4 sharing an en suite together. The second floor will provide a large room which will be used as a playroom.
- 7.13 The proposed materials will largely consist of a light-coloured render with some hanging tiles to the front to provide some contrast detailing. The roofing will be completed in red/brown roof tiles, and the openings will be installed in UPVC.
- 7.14 The overall design of the proposal has been amended since the earlier scheme to show a significant reduction in the size of the replacement house and during the course of the submission minor amendments to fine tune the detailing of the design have been provided including alterations to the porch roof, material ling of projecting gable feature and cills to the front facing openings.

Principle of Development

- 7.15 The site lies within the settlement development boundary. Policy SPL2 states that within the settlement development boundary there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies. Policy SP3 states that existing settlements will be the principal focus for additional growth within the Local Plan period. The proposed will replace an existing building which has been the victim of fire damage and therefore inhabitable. The surrounding area is largely a built-up residential area of Frinton with residential dwellings largely surrounding the site. The proposed replacement house will be considered a continuation of the existing built form already established allowing the principle of a new dwelling to be supported subject to the detailed consideration of the matters below.

Scale, Layout and Design

- 7.16 Paragraph 135 of the NPPF (2024) 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.
- 7.17 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 Policy SPL3 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Section 2 Policy LP4 requires that the design and layout of new residential and mixed-use developments in the Tendring District will be expected to deliver new dwellings that are designed to high standards of architecture, which respect local character and which together with a well considered site layout, create a unique sense of place.
- 7.18 The Essex Design Guide advises that in order to achieve the best visual effect, the directional

emphasis of an elevation should be counteracted by the directional emphasis of the openings within it. This means that a horizontally proportioned elevation should contain vertically proportioned window openings, while a vertically proportioned elevation should contain horizontally proportioned window openings. A square-proportioned window, though it attracts the eye, is neutral, and imparts no directional emphasis. Square windows may be used on an upper storey above vertically proportioned window openings - the vertically proportioned windows will suffice to balance a horizontally proportioned facade. Where a horizontally proportioned window opening is essential, it may be placed in a projecting part of the facade, such as a wing or gable, which has a vertical emphasis that will balance the emphasis of the window. Alternatively, the window may be modified to provide a vertical element.

Scale

- 7.19 The proposal seeks permission for a replacement dwelling of 2½ storeys in place of the existing fire-damaged 1½-storey chalet bungalow. The surrounding area contains a varied mix of two- and three-storey dwellings of differing designs, heights and proportions, and therefore the principle of a taller building is not out of character with the established pattern of development.
- 7.20 Compared with the previously refused scheme, the height, bulk and overall massing have been significantly reduced. The amended design incorporates a lower main ridge, simplified roof forms, and a withdrawal of the large rear dormers previously proposed. These changes collectively lessen the perceived scale of the building when viewed from both the street and neighbouring properties.
- 7.21 The dwelling remains larger than the existing structure and it is important to note this was not a reason for the appeal dismissal. Instead to address the dwelling's positioning adequate spacing has been maintained to both side boundaries, and the combination of the stepped roofscape, single-storey garage projection, and articulated front elevation ensures the proposal avoids a cramped or overly dominant appearance. The scale is considered proportionate to the size of the plot and is consistent with the wider character of Harold Road, where substantial detached properties are common.
- 7.22 Accordingly, the proposed scale is acceptable and would integrate appropriately within the street scene, complying with Policies SP7 and SPL3 of the Local Plan and paragraph 135 of the NPPF.

Layout

- 7.23 The proposed building will be set back from the main highway and in a similar position to the existing building allowing for a front garden, driveway and rear area of private amenity space. The plans show that the front wall of the main house will sit in line with No 10 Harold Road therefore matching the relatively loose building line already established within the street scene.
- 7.24 The proposal will comprise of a three storey dwelling with four bedrooms. The national standards state that the floor area for double bedrooms is 11.5m² and single rooms is 7.5m². They also confirm that the width of a single room should be at least 2.15m and the width of a double room should be 2.75m
- 7.25 The proposed bedrooms all exceed the floor area and widths required by the technical housing standards.
- 7.26 The private amenity space to the rear will be in excess of 100m² allowing for a usable space to be provided for the occupiers of the house.
- 7.27 Overall, the proposal is considered to secure a good standard of amenity for future occupants of the proposed dwelling.

Design

- 7.28 The proposed dwelling has been designed with a contemporary interpretation of the surrounding architectural character, incorporating traditional proportions and materials in a modern form. The amended scheme shows clear refinement from the previously refused proposal, with simplified roof forms, reduced bulk, and a more coherent front elevation that sits comfortably within the varied streetscape of Harold Road.
- 7.29 The front elevation includes a combination of pitched gables, articulated projections and balanced window openings that provide visual interest while avoiding an overly dominant or top-heavy appearance. Materials comprise light-coloured render with areas of tiling for contrast, consistent with the palette found within the locality. The roofscape, finished in red/brown tiles, reinforces this contextual approach.
- 7.30 The Essex Design Guide encourages elevations that achieve a balanced relationship between building proportions and window design. The proposal adopts this principle through the use of vertically proportioned openings within the main elevation, helping to break up the massing and reinforce the vertical emphasis of the façade. The simplified dormer and rooflight arrangement further reduces visual clutter and ensures the upper storey remains recessive.
- 7.31 The amended design also provides an improved transition in scale to neighbouring properties through stepped building forms, a set-in single-storey garage, and increased spacing to both side boundaries. Collectively, these elements soften the visual impact of the dwelling and ensure it integrates well into the established pattern of development.
- 7.32 Overall, the design is considered to be sympathetic to local character, visually attractive, and reflective of the varied but generally substantial detached homes in the area. The proposal therefore complies with Policies SP7, SPL3 and LP4 of the Local Plan, as well as the design principles of paragraph 135 of the NPPF.

Heritage Impact

- 7.33 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.
- 7.34 Paragraph 210 requests that when determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.35 Paragraph 212 of the NPPF (2024) confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.36 Policy PPL8 of the Tendring District Local Plan 2013-2033 seeks to ensure that any 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.
- 7.37 The application site is located outside, but directly opposite, the Frinton Conservation Area. While

the dwelling does not fall within the designated boundary, development in this location has the potential to affect its setting.

- 7.38 The existing building is modest in scale and sits in a varied streetscape comprising a mix of two- and three-storey dwellings of differing ages and styles. While the Conservation Area boundary wraps around the rear of the site and extends along the opposite side of Harold Road, the immediate context of the application site is characterised by this mixed residential form rather than by features that strongly define the character of the designated area.
- 7.39 The amended design has reduced the bulk and height originally proposed in the earlier refused application and dismissed appeal. The revised dwelling incorporates a simplified roof form, reduced massing, and a more traditional articulation of elevations, ensuring the development reads as a coherent addition within the street scene. Its scale and design are not considered to compete with, overwhelm, or diminish key characteristics of the Conservation Area when viewed from public vantage points a key designation made in the appeal.
- 7.40 Within their appeal decision the inspector stated *“I am concerned about the spread of three floors of development across most of the site. The existing single storey garage results in some space above it which provides a meaningful visual gap to the adjacent property No.10 and this is consistent with the other gaps around and between neighbouring properties, including the flats. This visual gap would largely be lost with the proposed scheme and the bulk of building envisaged would have an undesirable and imposing effect on the local street scene. I recognise that the internal garage and floors above have been designed with a minor set-back from the front elevation and a set down of the roof, but the bulk of the structure, including the scale of the dormer window in the roof would still result in a visually imposing bulk of building across the site.”*
- 7.41 In response to these comments the proposed development has been significantly reduced in scale to now show a single storey garage to the side to ensure that open space is retained between the built form. The updated elevations also show the removal of the proposed dormer window additions once more reducing the overall bulk of the proposed roof formation.
- 7.42 Given the separation from the designated boundary, the reduced height, and the more sympathetic architectural approach, the proposal is assessed to result in no significant harm to the setting or significance of the Conservation Area. The development is therefore considered to preserve the character and appearance of the heritage asset in accordance with Section 72 of the Act, paragraph 215 of the NPPF, and Policy PPL8 of the Tendring District Local Plan.

Self & Custom-Build Housing

- 7.43 Policy LP 7 of the Local Plan states that The Council will encourage the provision of opportunities for constructing Self-Build and Custom-Built Homes as part of the mix of housing on large residential developments and the one-for-one replacement of an existing dwelling, of any size, in the countryside outside of settlement development boundaries with a single unit of Self-Build Housing, unless the impacts of development would conflict with other policy requirements in this Local Plan.
- 7.44 The proposal is located within the defined settlement boundary and complies with this policy.
- 7.45 The proposed project is for the construction of one four-bedroom house, that will be built by the applicant with the use of specialist others where necessary.
- 7.46 A Self / Custom build form has been completed, and the agent has confirmed that the house has been designed to meet the specific requirements of the applicant. The form confirms that the applicant will live in the dwelling upon completion. The proposal therefore meets the definition of self-built as set out under the Self-Build and Custom Housebuilding Act 2015.
- 7.47 Given the completion of the Self/ Custom build form and the information contained within officers are

in agreement that the new building will be used as a self/ custom build dwelling. A condition will be included should the application be approved to request and confirm information on the occupiers of the new dwelling to ensure it meets the self-build requirement policy and related requirements of BNG.

Renewable and Energy Conservation Measures

- 7.48 Paragraph 116 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.
- 7.49 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.
- 7.50 The proposal includes for a development that has the potential to incorporate renewable features.
- 7.51 In this instance the application has been supported by a “Sustainability Plan” which confirms the following will be applied to the replacement dwelling –
- Solar panels to the front and rear roof slopes.
 - EV Charging adjacent to the driveway.
 - Rainwater harvesting by water butts and suitable drainage.
 - Water consumption to be below 110l per person per day.
 - suitable space for waste and recycling to be stored as well as information in regards to weekly disposal of such.
 - Ultrafast fibre broadband.
- 7.52 The information provided within this statement details all relevant measures which meet the requirements of the above and will make for a sustainable development. A condition will be imposed to ensure these measures are completed prior to occupation of the house.

Drainage

- 7.53 Paragraph 180 of the Framework 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 185 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.
- 7.54 Policy PPL5 of Section 2 of the adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.
- 7.55 The agent for the application has confirmed via the application form that the development would be connected to the mains sewer network. This is in accordance with the above policy requirements and is therefore considered to be acceptable in the event of an approval.

Access, Parking and Highway Safety

- 7.56 Paragraph 115 of the National Planning Policy Framework 2024 seeks to ensure that safe and

suitable access to a development site can be achieved for all users, whilst Paragraph 109 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

- 7.57 Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and the design and layout of the development provides safe and convenient access for people.
- 7.58 The proposed plans show that the existing vehicular access will be extended as part of the proposal by 1m. The plans also show that an integral garage which will have an internal measurement of approximately 3.9m by 6.39m will be incorporated within the proposal and has also been labelled as being used for cycle storage. The proposed garage falls short of the requirements of garages within the Essex Parking Standards (7m by 3.4m) that allows for storage and parking, but sufficient to allow parking for a car if used
- 7.59 The application site is located within an area of “good” connectivity as confirmed by way of the ECC Parking Guidance Connectivity mapping tool. This means that as per table 8.2 of the standards that for proposals comprising of a 4no bedroom house that at least 1no off street space should be provided. Whilst the proposed garage will undercut the requirements of these standards it is noted that the replacement dwelling will be set back from the main highway and will also allow for a driveway which is large enough to accommodate at least one vehicle. The provision for off street parking as intended above is therefore met in this instance.
- 7.60 The small extension of the access will make for a functional improvement to the site allowing users better access to the driveway.
- 7.61 The ECC Highways Team have been consulted and have provided no objections to the proposal.
- 7.62 The proposal is therefore considered acceptable in terms of highway safety.

Residential Amenities & Living Conditions

- 7.63 Paragraph 135 of the National Planning Policy Framework (2024) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well being, with a high standard of amenity for existing and future users.
- 7.64 Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing 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.
- 7.65 Neighbour representations were received and these are specifically addressed below.

- Impact to light received to neighbouring side facing windows.

The neighbouring site of 10 Harold Road has a number of windows within the side elevation that face the site serving the living room and dinning room at ground floor level. Since the previously refused scheme, the overall height, bulk and massing of the dwelling have been significantly reduced, particularly along the side elevation adjacent to neighbouring properties. The proposal now incorporates increased set-ins from the shared boundaries and a stepped roof form, which reduces the sense of enclosure and limits overshadowing. Given the separation distances involved, the orientation of the site, and the reduced scale of the development, it is not considered that the proposal would result in significantly material loss of light to neighbouring side-facing windows. The relationship is typical of a built-up residential area and complies with Policy SPL3(c) of the Local Plan

and paragraph 135 of the NPPF.

- Level of fenestration introduced will result in an increase level of overlooking to neighbours.

The plans under the previously refused application shows two larger dormer windows to the rear along with a sizeable roof light, the first floor included 4 openings (1 of which was a Juliet balcony) and openings along the ground floor. This fenestration has been significantly reduced as part of this new submission. The proposed second floor is shown to be served by 3 no roof lights which will be positioned high within the roof and are therefore considered not to achieve clear views of the rearward sites that would be intrusive to these neighbours.

The first floor will include 2 no windows along with a Juliet balcony style opening. It is noted that these first floor openings will achieve views towards the south eastern properties along with views into the neighbouring gardens of Harold Road. It is noted that the surrounding area is largely built up and comprises of building two storeys or more therefore these surrounding gardens and neighbours are already overlooked by one another and receive limited privacy. The proposed rear elevation of the proposed house will be sited at least 13m from its shared boundary to the rear and in excess of 25m to the neighbour of "The Cedars" to the south east. This is considered an acceptable distance which meets the suggested back to back distances of at least 25m within the Essex Design Guide.

- Increase to noise from garden/ swimming pool.

However, there is no change of use or intensification of use with one unlimited household replaced with another. Therefore, while sound may alter given the design of the building, it is unreasonable to refuse this proposed dwelling given the previously established dwelling use and associated residential noises.

- Concerns over how the garage will be maintained.

The proposed garage will be sited to the northern side of the plot however will retain a gap for maintenance of the side wall.

- Footprint of new building would be significantly larger and will not be in keeping with others in the locale thereby resulting in a harmful impact to the visual amenity of the street scene.

The proposed replacement house has been significantly reduced in size and bulk allowing for single storey elements to ensure the relevant open space is retained between the built form. The proposal will still be larger in comparison to the existing house it is noted that nearby houses vary in size and design. It is also noted that the replacing house will be sited away from neighbouring boundaries allowing for it to retain open space and prevent it from appearing cramped. The houses within the locale are largely two storey in nature varying in design and materials the proposal will incorporate a range of roof pitches, projection elements and materials which will break up the expanse of render and taking on design features already displayed within the locale. Whilst a more thorough assessment is conducted below it is considered that this reduction since the earlier scheme is acceptable enough and the replacing house is not considered to result in detrimental harm to the appearance of the locale.

- Loss of space between the built form.

The proposed site is located within a built up section of Frinton with open space between the built form limited. The proposed replacing house will be larger compared to the host dwelling however it will comprises of a variety of roof designs with a single storey hipped roof garage, as well as set in from each of the shared boundaries allowing for suitable space to be retained between the built form and preventing a bulky appearance.

- Harmful impact to conservation area setting as per previous appeal decision.

This application has been materially amended since the scheme that was dismissed at appeal. The current proposal incorporates a reduction in overall height, bulk and massing, together with the removal of the extensive second-floor dormers and a more simplified roof form. These changes directly address the Inspector's concerns regarding the visual dominance of the development and its impact on the setting of the Conservation Area.

While the site lies outside the designated Conservation Area, it is recognised that development has the potential to affect its setting. In this instance, the reduced scale, increased articulation of the elevations, and more restrained roofscape ensure that the dwelling no longer appears visually imposing when viewed from public vantage points within the Conservation Area. The proposal is therefore not considered to cause significant harm to the setting or significance of the heritage asset.

- 7.66 The amended proposal has reduced the height and bulk from the previously refused scheme, incorporates a simplified roof form, and increases set-ins from the side boundaries. These changes significantly reduce the extent of massing adjacent to neighbouring windows serving the living room and dining room. The separation distances to No. 10 Harold Road, combined with the stepped design and the retention of open space between buildings, ensure that the development will not result in a materially harmful impact on daylight or outlook.
- 7.67 The proposed fenestration has been materially reduced from the earlier scheme, with all second-floor rooflights positioned high within the roof slope, preventing direct or intrusive views into neighbouring gardens. The first-floor windows and Juliet balcony will provide some views toward rear gardens; however, this relationship is typical of a built-up residential area where mutual overlooking already exists. The rear elevation sits over 13m from the rear boundary and more than 25m from the nearest rear elevation, meeting the Essex Design Guide's recommended minimum back-to-back distance. As such, the level of overlooking is considered acceptable and not harmful. In order to safeguard the amenities of neighbouring sites, notably to the rear a condition will be imposed restricting development of dormer windows under permitted development.
- 7.68 The replacement dwelling is larger than the existing fire-damaged building; however, the design incorporates stepped elements, a single-storey garage, and increased distances to both side boundaries. These measures prevent the dwelling appearing overly dominant or causing undue sense of enclosure to adjacent occupiers. Sufficient space is retained between built forms to respect the character and residential amenity of the area.
- 7.69 Taking account of the amendments made since the previously refused scheme, and the significantly improved design and massing, the proposal is not considered to give rise to significant material harm in respect of privacy, light, outlook or general amenity. The development therefore satisfies the requirements of Policy SPL3(c) of the Local Plan and paragraph 135 of the NPPF.

Environmental Protection

- 7.70 The Environmental Protection Team have confirmed that given the previous fire on the site, a Watching Brief should be conditioned (on any subsequent approval) and adhered to throughout the demolition and construction phase. They have requested 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.
- 7.71 They have also assessed the Demolition/Construction Plan and have no adverse comments to make on this document.

Habitats, Protected Species and Biodiversity Enhancement

- 7.72 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 biodiversity.

- 7.73 This development is subject to the general duty outlined above. The proposal seeks the replacement of an existing dwelling with a new house which would not result in a significant loss of protected habitat or impact upon the existing biodiversity of the site. A condition will be added to secure a Biodiversity Enhancement Strategy to ensure appropriate measures are incorporated. 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.
- 7.74 Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for self builds/custom homes development and therefore the proposal is not therefore applicable for Biodiversity Net Gain, but shall be conditioned as self build to ensure compliance with BNG legalisation.
- 7.75 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.
- 7.76 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 represents improvements on the previously refused scheme inline with the appeal decision that must be considered a material consideration of great weight while the application is determine on its own merits. The proposal has notable reductions in height, massing and bulk, and is a more coherent and sympathetic architectural approach. The revised design respects the established character of Harold Road, provides appropriate separation to neighbouring properties, and maintains an acceptable relationship with the adjacent Conservation Area..
- 8.2 The dwelling meets relevant design, amenity, self-build, sustainability, drainage and highway requirements, and delivers a high standard of accommodation for future occupants. Objections and concerns raised by the Town Council and neighbours have been carefully considered; however, the amendments undertaken sufficiently address the issues previously identified by both the Council and the Planning Inspector.
- 8.3 Overall, the development complies with the policies of the Tendring District Local Plan and the National Planning Policy Framework. The proposal is therefore considered acceptable, and approval is recommended subject to the conditions set out within this report.

9. Recommendation

Recommendation: Approval

That the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 9.1, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; The informative notes as may be deemed necessary.

9.1 Conditions and Reasons

1. COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

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

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

NOTE/S FOR CONDITION:

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

2. APPROVED PLANS & DOCUMENTS

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

DPB25009/001A - Site Plan
DPB25009/003 - Amended Existing and Proposed Block Plans
DPB25009/005K - Amended Existing and Proposed Elevations
DPB25009/006J - Amended Existing and Proposed Streetscene
DPB25009/004I - Amended Proposed Floor Plans
Construction Management and Demolition Plan
Sustainably Plan
Planning Design and Heritage Statement.

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

NOTE/S FOR CONDITION:

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

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not

materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

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

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

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

Furthermore, the following scheduled actions shall be undertaken.

- Prior to commencement of the development, details of the (a) individuals, (b) associations of individuals, or (c) persons working with or for individuals or associations of individuals, both building the development and who are to occupy the dwelling/s if different shall be confirmed in writing to the local planning authority. Should there be any changes to these details during construction, these shall be updated in writing to the local planning authority.
- On first occupation details of the first occupier of the dwelling/s shall be confirmed in writing to the local planning authority and subsequently the Local Planning Authority shall be informed of if and when that occupier changes within the first year of occupation.

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

4. COMPLIANCE REQUIRED - SUSTAINABILITY MEASURES

CONDITION: The development hereby approved shall be carried out in full accordance with the specifications, and recommendations contained within the following documents:

- Sustainability Plan – Received 20/02/2026

These measures shall be implemented prior to first occupation of the dwelling and shall thereafter these measures be permanently retained/maintained in the approved form.

REASON: To ensure that the development incorporates appropriate sustainability, energy efficiency and resource saving measures.

5. COMPLIANCE: DEMOLITION AND CONSTRUCTION

CONDITION: The development hereby approved shall be carried out at all times in full accordance with the Construction Management and Demolition Plan received by the Local Planning Authority on 20th February 2026, unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of safeguarding residential amenity, minimising disturbance to neighbouring occupiers, and ensuring the safe and efficient operation of the highway network during

the construction period.

6. CONTAMINATION

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

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

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build, then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

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

7. ACTION REQUIRED: PARKING

CONDITION: Prior to the dwelling being first occupied, the parking areas on the hereby approved plans shall be provided in their entirety and shall then be retained in its approved form and used for no other purpose.

REASON: To ensure suitable parking provision is provided in accordance with highway safety.

8. REMOVAL OF PERMITTED DEVELOPMENT - ROOF ADDITIONS

Notwithstanding the provisions of Schedule 2 Part 1 Class B, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no addition or enlargement to the approved dwelling's roof shall be carried out except in complete accordance with details which shall previously have been approved, in writing, by the Local Planning Authority following the submission of a planning application for such development.

Reason - In the interests of visual amenity and safeguarding privacy of neighbouring properties.

9. SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF OBSCURE GLASS

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the windows at first floor level within the side elevations of the dwelling shall be glazed in obscured glass before the development hereby permitted is first occupied/used and shall thereafter be permanently retained in this approved form. The obscured glass shall be designed as equal or higher than Pilkington Textured Glass Level 5 Standard as published January 2010 (as amended).

REASON: To protect the privacy and amenities of the occupiers of neighbouring property.

NOTE/S FOR CONDITION

Level 5 is also referred to as Privacy Level 5 and this web site may be of use, the Council accepts no responsibility for content.

<https://www.pilkington.com/en-gb/uk/householders/decorative-glazing>

If you are in any doubt as to the level referred, please contact the Local Planning Authority to discuss.

10. FURTHER APPROVAL: AGREEMENT OF MATERIALS

CONDITION: No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

REASON: To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

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

While this condition does not detail in what form the materials sought shall be detailed to the Local Planning Authority, it is suggested that a plan is submitted with the details to show where the materials will be located and the extent of coverage.

11. APPROVAL REQUIRED: LANDSCAPING SCHEME

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

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

NOTE/S FOR CONDITION:

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

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

12. COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased

arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of visual amenity, the character and appearance of the area and to underpin the Council's duty to enhance the biodiversity credentials of the development under the NPPF 2023 and s40 of the NERC Act 2006 (as amended).

13. APPROVAL REQUIRED: BIRODIVERSITY ENHANCEMENT STRATEGY

CONDITION: Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist 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).

Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. Also, in determining this application the LPA have identified matters of concern within the application (as originally submitted) and negotiated, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the LPA has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informative

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

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

Environmental Protection

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.

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. There are none known in this matter.

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/>.