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Tendring District Council

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AGENDA

PLANNING COMMITTEE

DATE:	**Tuesday, 7 July 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 Land
Councillor Sudra
Councillor Wiggins

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

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

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DATE OF PUBLICATION: Thursday, 25 June 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 - 22)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Tuesday, 9 June 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 - 26/00287/OUT - Land to North of Colchester Road, Elmstead, CO7 7EF (Pages 23 - 80)

Outline Planning Application (access to be considered) – for up to 30 dwellings and associated infrastructure including public open space, landscaping, and sustainable drainage.

6 Report of the Corporate Director (Planning & Community) - A.2 - 26/00580/FUL - Albany House, 29 Albany Gardens West, Clacton-on-Sea, CO15 6HN (Pages 81 - 96)

Change of use from Dwelling (C3) to Children's Home (C2).

7 Report of the Corporate Director (Planning & Community) - A.3 - 26/00085/FUL - Existing MUGA Within Crossways Recreation Ground, Crossways, Jaywick, CO15 2NB (Pages 97 - 114)

Construction of a floodlit Football Foundation Playzone.

8 Report of the Corporate Director (Planning & Community) - A.4 - 26/00388/FUL - Low Road Cafe, Lower Marine Parade, Dovercourt, CO12 3ST (Pages 115 - 142)

Erection of proposed café, storage, padel court, new landscaping and associated works (following demolition of existing café building).

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, 4 August 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, 9TH JUNE, 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 5), Bray, Codling, Land, Sudra and Wiggins
Also Present:	Councillors Baker, Bush, P Honeywood (except items 6 & 7), S Honeywood (except items 6 & 7) and Oxley
In Attendance:	Lisa Hastings (Corporate Director (Law & Governance) & Monitoring Officer), Gary Guiver (Corporate Director (Planning & Community)), John Pateman-Gee (Head of Planning & Building Control), Alison Pope (Planning Officer), Katrina Morrow (Planning Officer - Agency), Bethany Jones (Democratic Services Officer) and Katie Koppenaal (Democratic Services Officer)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

2. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the last meeting of the Committee, held on Tuesday 12 May 2026, be approved as a correct record and be signed by the Chairman.

3. DECLARATIONS OF INTEREST

Councillor Alexander declared an interest, in relation to Planning Application **26/00112/FUL – 1 Wellesley Road, Clacton-on-Sea, CO15 3PP,** in that he was one of the Ward Members and he was pre-determined. He therefore would 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 Bush, who was present in the public gallery, declared for the public record, in relation to the Planning Application **26/00515/FUL – Lacies View, Colchester Road, Stones Green, Harwich, CO12 5DA**, that he was the Ward Member for the application and that he would speak on the application in that capacity as well as in the capacity of the caller-in.

Councillor Oxley, who was present in the public gallery, declared for the public record, in relation to the Planning Application **26/00515/FUL – Lacies View, Colchester Road, Stones Green, Harwich, CO12 5DA**, that she was speaking on the application as a member of the public in favour of the application.

Councillor P Honeywood, who was also present in the public gallery, declared for the public record, in relation to the Planning Application **26/00112/FUL – 1 Wellesley Road, Clacton-on-Sea, CO15 3PP,** that he was one of the adjacent 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.

4. 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.

5. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.1 - 26-00112-FUL - 1 WELLESLEY ROAD, CLACTON-ON-SEA, CO15 3PP

Earlier on in the meeting, as reported under Minute 3 above, Councillor Alexander had declared that he was one of the local 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 deliberated but exercised his right as a Ward Member to speak on the application.

Also, as reported under Minute 3 above, Councillor P Honeywood, who was present in the public gallery, had declared that he was one of the adjacent 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.

It was reported that the application sought permission for a change of use of a three-story building at 1 Wellesley Road, Clacton-on-Sea, to temporary emergency accommodation (Sui Generis).

Members were informed that the site was located within a highly sustainable town centre location and had been vacant since 2020, with no reasonable prospect of being brought back into beneficial use and could make a meaningful contribution towards addressing a clearly identified need for emergency accommodation within the District.

The Committee heard that whilst concerns had been raised in relation to residential amenity and the nature of the use, those impacts could be effectively mitigated through a robust Management Plan and planning conditions. The proposal would not result in harm to the character of the area, highway safety, or ecology, and would provide an acceptable standard of accommodation for future occupiers.

Officers told Members that the Council could not currently demonstrate a five-year housing land supply and, as such, the titled balance was engaged. Whilst it was acknowledged that the proposal for temporary emergency accommodation did not constitute conventional housing in the strictest sense, it nonetheless resulted in an overall increase in residential accommodation. On this basis, it was considered appropriate that the titled balance applied in this instance. Having regard to this, the significant social benefits arising from the provision of such accommodation were not considered to be outweighed by any adverse impacts identified.

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.

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

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

Fawaad Shaikh, the agent for the application, spoke in support of the application.

Councillor P Honeywood, one of the adjacent Ward Members and the caller-in, spoke against the application.

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

Matters raised by Members of the Committee:-	**Officer response thereto:-**
Could Officers explain in simple terms why this application is not a House in Multiple Occupation (HMO)?	*An HMO is a house occupied by three or more unrelated individuals as their only or main residence where they have individual lockable bedrooms but where basic amenities such as kitchen or a bathroom are shared. In this case, each unit is self-contained and has a kitchenette and their own bathroom/shower room facilities.* *In terms of the Use Class Order, the definition of a HMO for Class C4 is small, shared houses occupied between three to six unrelated individuals so therefore, in terms of understanding the configuration of the property is one aspect, but the other aspect is that the Council is dealing with 19 units. That is also the definition that is outlined with the Local Plan (policy LP11) and as the Council is dealing with 19 units, Officers are dealing this as a Sui Generis proposal.*
With the smaller room sizes, is it fair to say they actually have a kitchen?	*They do have kitchenettes which includes a sink unit and minimal cupboards which would be shown on all of the floorplans*
What form does the bathroom/shower room take and do Officers have the room sizes?	*The bathroom/shower rooms are also in the floorplans. The smallest units are nearly 13 square metres, and the largest units are nearly 35 square metres. The rest of the units range from those sizes.*
Do Officers feel that the impact of 19 small units would be lesser of that of an HMO?	*A Management Plan would be in place to manage the residents that would be staying at the property, to control the use of it, the times, potentially the length of stay and a diary of those who are staying and the length of period that they are staying so it can be monitored should it need to be by the Planning Enforcement Team*
Why would the Council expect the impact of this application to be any less than an HMO?	*Officers have not compared the use of this property to a HMO as Officers are not considering it as that, but Officers have looked at the use of the building and its previous use as well as the intensity of its use and that is why Officers feel that it is acceptable here.*
Is this property, in comparison to Spendells, similar or does it differ?	*Spendells house is Council owned, whereas this property is privately owned. Spendells also provides 31 flats and specifically for families. It is set up with larger*

	flats, communal washing machines. It is a very different facility. This property will be for single people or couples.
Is there anything like this property already in Clacton town?	*Officers believe there will be, yes.*
Are there any restrictions on who can use this facility?	*At this stage, the Committee is looking at this building and its use rather than who will use it, but it would be used for temporary accommodation and it usual for a Local Authority to place homeless people with temporary emergency accommodation because they have a statutory duty under the housing legislation to do so.*
What is the maximum stay at this facility?	*Because of the type of accommodation it is, it is only suitable for temporary accommodation. It maybe weeks, it could go to months, but there is no time limit as far as Officers are aware, but it is something that could be managed within the Management Plan which is conditioned as part of the Planning Conditions proposed.*
What if Tendring District Council (TDC) stopped using the building as temporary accommodation, could someone else continue to do so and then would it be a permanent long-term building?	*The Committee is currently looking at what is before them in planning terms which is temporary emergency accommodation. If that was to change, then a new full planning application would be required, and the use itself will be within the Management Plan that Officers will sign off. If it was to continue to be used as temporary emergency accommodation by another user, they would need to submit a new Management Plan to show the Council how it would be used. If it was not used as temporary emergency accommodation, then it would need planning permission for any future use.* *There is nothing within the provision of this application made to the Council that specifically restricts that the only client of this use shall be TDC. An Authority would be one of the main users of this sort of facility.* *Whilst this facility is not being specifically being used by TDC, Cabinet in January 2026 made a decision that a procurement exercise was going to commence for the provision of temporary accommodation and that would an open and transparent process and it will be available to other properties across the District. Whilst the applicant may desire for TDC to use the property for temporary emergency accommodation, if they are not successful through the procurement exercise it will not be used by TDC. The Council is in an interim position, and this matter was discussed at Resources and Services Overview and Scrutiny Committee and the Council's Management Team have also highlighted that there needs to be additional resource provided to housing team to be able to 'speed up' the procurement process. Whatever happens within this Planning Committee meeting will be a separate decision to*

	whether TDC will use this property for temporary emergency accommodation.
Could a maximum time limit be conditioned within the Management Plan?	*As Officers, when it is recommended to the Committee, Officers take into consideration a range of material considerations, including the planning uses of the site and to a degree, how unrestricted they may have been. When it comes to temporary emergency accommodation the individual circumstances of the individual of why they need that accommodation is not known. As long as it is a monitored position and part of the programme of management. There is no reason why it should not be dealt with in the Management Plan.* *There is a specific time limit for how long temporary emergency accommodation can be used if it is being used by a Local Authority for homelessness purposes. If the accommodation is being used by a Local Authority for temporary accommodation there is a fixed period in homelessness legislation.*
Have the fire services been to do any checks of the property?	*The size of the rooms will be for singles or couples, not for families. If the Local Authority places homeless people within there it will be under housing legislation that the private housing team at the Council would inspect the property to ensure it is safe, it is their duty.*
For a 35 square metre room, is there a maximum limit of people that can go in there?	*It will be big enough for single people or couples. It will be down to the Local Authority that is placing the people in there to accommodate the rooms appropriately.*
Was there a reason the Committee did not go inside the building (reference to the site visit)?	*The plans can give a feel for what is within the building, there was no reason to go inside the building.*

It was moved by Councillor Sudra, seconded by Councillor Fowler to approve the application; however, when being put to the vote, the motion was declared **LOST**.

It was moved by Councillor White, seconded by Councillor Bray that the application be deferred on the reasons as follows:-

- To view inside the property at a site visit to assess the extent of potential impact;
- Further information required on use set up, more Management Plan detail; and
- The difference between housing HMOs and Planning HMOs provided to ensure the committee is taking account of relevant considerations.

6. <u>REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.2 - 26-00515-FUL - LACIES VIEW, COLCHESTER ROAD, STONES GREEN, HARWICH, CO12 5DA</u>

Earlier on in the meeting, as reported under Minute 3 above, Councillor Bush had declared that he was one of the local Ward Members and had called-in the application and exercised his right in those capacities to speak on the application.

Also, as reported under Minute 3, Councillor Oxley had declared that she was speaking on the application as a member of the public in favour of the application.

The Committee was informed that the application sought planning permission for a revised self-build dwelling in a location outside of any defined Settlement Development Boundary, where development was strictly controlled.

Members were made aware that it was not thought that the previous reason for refusal under application reference 25/01713/FUL had been overcome.

The Committee heard that the proposal continued to present a visually extensive form of development, with a notable linear spread and footprint across the site. That resulted in a scheme that would still read as substantial and prominent within the rural landscape, failing to reflect the sporadic and modest pattern of development that characterised the surrounding area.

Officers reported that the Council could not currently demonstrate a five-year housing land supply and, as such, the titled balance was engaged. The need to provide housing that met the needs of groups with specific housing requirements was acknowledged. The proposal would result in an overall increase in residential accommodation and so, on that basis, it was considered appropriate that the titled balanced applied in this instance.

However, whilst the proposal would deliver the modest benefit of one self-build dwelling and the proposed dwelling had been designed to meet the needs of an occupier with protected characteristics under the Equality Act 2010; that benefit would not significantly and demonstrably outweigh the identified harms arising from the unsustainable location, the associated car dependency, and the erosion of the rural character of the area. Nor would the proposal meet the self-build criteria under TDLP Policy LP7 and the personal circumstances of this case did not outweigh the identified harm arising from the proposal's conflict with the unsustainable location of the site and harm to the rural character of the area.

Members also heard that, as such, having regard to Paragraph 11(d)(ii) of the NPPF, the adverse impact of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF (2024) taken as a whole. The proposal did not therefore constitute sustainable development, and the previous reason for refusal was considered to remain unresolved.

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

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

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

"An addendum has been submitted (06.05.26) in response to the Officer Committee Report. No additional information has been provided that hasn't already been included

within the suite of associated documents with the submission and addressed within the Committee Report.

Additional Planning History included to Section 4:
21/00868/FUL - Proposed barn and vehicular access – Approved 03.08.21

Additional Comments included to Section 5 –

Environmental Health ***29.05.26***

Contaminated Land *- Given the proposal sites proximity to historic and current agricultural land, the EP Team are requesting a Watching Brief to be applied to any approval:*

We are requesting 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.

(Also provide detail on minimum requirements for dealing with unexpected ground conditions being encountered during construction).

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

Construction Activities:

Have reviewed the submitted CMS and have no adverse comments to make.

Asbestos:

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

****INFORMATIVE*** *Foul Drainage: The application indicates a Sewerage Treatment Plant will be utilised as a way of disposing of foul waste; should the application be approved the Applicant / Agent should ensure the installation is fully compliant with the Environment Agency's Binding Rules and any other relevant Government guidance and British standards, in respect of these systems. Information on this can be found at: Septic tanks and treatment plants: permits and general binding rules: The general binding rules - GOV.UK (www.gov.uk). It is strongly recommended these rules are complied with, as they will minimise any potential nuisance to nearby residential dwellings, assist in preventing a potential Public Health nuisance, and minimise the potential for adverse incidents, of which may result in formal enforcement action.*

Update to wording at Section 6 – Representations to include:

Paragraph 6.2 to read: 'None from 3rd parties for or against'

Inclusion of paragraph 7.23 at Section 7 – Assessment which reads:

7.22 In conclusion, the development fails to comply with Policy LP7:

- *Outside defined proximity to settlements:*
  The site is not within the required walking distance of any settlement development boundary (exceeds 600m/400m thresholds).
- *Fails location criteria (a) and (b):*
  It is not safely accessible on foot within:
  - *600m of a strategic or smaller urban settlement; or*
  - *400m of a rural service centre.*

- *Does not meet criterion (c):*
  The proposal does not involve previously developed land, nor land demonstrated to be unviable for employment use.

- *Located beyond the planned settlement hierarchy:*
  The development lies outside all recognised SDBs and therefore conflicts with the spatial strategy directing growth to settlements.

- *Settlement context is weak:*
  Nearest settlements (Wix, Beaumont cum Moze, Great Oakley) are 'Smaller Rural Settlements', the lowest tier, further undermining compliance.

These points collectively mean the proposal does not satisfy the core locational requirements of Policy LP7 and is therefore not supported in principle under that policy.

Update to paragraph numbering Section 7 – Assessment

Section comprises paragraphs numbers 7 – 7.95 not 7- 7.96

Update to paragraphs 7.27 & 7.28 at Section 7 – Assessment to include:

Social objective

7.27 The application site is located approximately 1,613 metres to the south of Wix settlement development boundary, which significantly limits convenient access to day-to-day services and facilities. There are no footpaths or safe pedestrian routes connecting the site to the settlement. The nearest bus stop is situated to the north of the application site, approximately 2km away, which is not considered a walkable distance given the lack of a footpath. As a result, future occupants of the proposed dwelling would be heavily reliant on private transport for all daily needs. The proposal would provide a significant social benefit for the individual with protected characteristics and her family given the bespoke nature of the design proposal. However, when considering the social objective as a whole the unsustainable location of the site is considered to result in overriding harm failing to meet the social strand of sustainability.

7.28 The provision of one additional dwelling at a time when the Council is unable to demonstrate a five-year housing land supply would contribute to the district's overall housing stock, improve housing choice particularly given the self-build nature of the proposal, while also providing incremental population support for local services. This results in a modest social benefit however it is not considered that this modest benefit would outweigh the disbenefits of the location of the site and the future occupant's likely reliance on private transport for their day-to-day needs or the fact that no public benefits are identified. The proposal therefore fails the social aims of sustainability.

Update to paragraph 7.47 at Section 7 – Assessment to include:

7.47 Officers acknowledge that planning permission runs with the land and not with the applicant. The needs of the applicant's daughter have been taken into account, and Officers are sympathetic to the circumstances. The proposal has been assessed in the context of the Equality Act and national policy on inclusive design. However, these personal circumstances do not outweigh the identified harm arising from the proposal's conflict with the unsustainable location of the site and harm to the rural character of the area that would be if approved permanent and establish residential use in perpetually.

Update to paragraph 7.69 at Section 7 – Assessment to include:

7.69 Owing to the isolated and rural nature of the site and significant separation distance from any neighbouring properties, the proposal does not raise any concerns in relation to the impact on residential amenities.

Update to paragraph 7.80 at Section 7 – Assessment to include:

7.80 Adopted Local Plan Section 2 Policy PPL5 requires all new development to make adequate provision for drainage and sewerage, with a preference for connection to the mains in accordance with the drainage hierarchy and building regulations. Paragraphs 181, 187 and 198 of the NPPF (2024) require planning decisions to ensure that development is appropriate for its location and does not increase flood risk elsewhere or result in unacceptable pollution.

Update to paragraph 7.81 at Section 7 – Assessment to include:

7.81 Whilst detailed foul and surface water drainage proposals have not been submitted as part of this application, the submitted Planning Statement acknowledges that detailed surface water drainage and foul sewage disposal arrangements can be achieved and secured through appropriately worded pre-commencement planning conditions should planning permission be granted.

Update to paragraph 7.82 at Section 7 – Assessment to include:

7.82 At this stage, Officers are satisfied that there is no substantive evidence before the Local Planning Authority to demonstrate that the site could not be adequately drained or serviced. The proposal presents clear opportunities to improve localised drainage conditions within the site, particularly through the management, maintenance and potential enhancement of the existing on-site ditch network which currently forms part of the site's drainage infrastructure. The principle of development would not be prejudiced by the absence of detailed drainage design at this stage.

Update to paragraph 7.84 at Section 7 – Assessment to include:

7.84 Subject to such conditions, Officers are satisfied that the proposal would not likely result in an unacceptable risk of flooding, surface water run-off, or inadequate foul drainage provision, in accordance with the objectives of Section 14 of the NPPF (2024) and relevant local plan policies relating to flood risk and drainage.

Update to Section 8 – Conclusion to Omission of:

Whilst the proposal has been deemed acceptable in terms of highway safety, residential amenity, and ecology (including the potential for BNG and a wildlife-sensitive lighting design), these do not overcome the fundamental harm identified.

Update to Section 8 – Conclusion to include:

Whilst the proposal could be made acceptable in ecological, highway and amenity terms through conditions, these matters do not overcome the fundamental policy conflict relating to the site's unsustainable location and harm to rural character.

Update to Section 8 – Conclusion to include:

Officers are also not persuaded that the revised design reaches the exceptionally high threshold required under Paragraph 84(e) of the NPPF. Whilst bespoke and thoughtful, the proposal is not considered to be truly outstanding or sufficiently innovative such that it would significantly enhance its immediate setting or raise standards of rural design more generally for others.

Update to paragraph 9.2 Section 9 – Recommendation to read:

In addition, introducing a dwelling in this remote location would erode the rural character without outweighing benefit, and would set an unwanted precedent for further proposals in the area exacerbating this harm. The proposal therefore conflicts with Policy SP7 of Section 1 and Policies SPL3 and PPL3 of Section 2 of the Local Plan, which require high-quality design that responds positively to local character and protects the rural landscape from harm.

Whilst the proposal would deliver the modest benefit of one self-build dwelling this would not meet the self-build criteria under TDLP Policy LP7. This benefit is significantly and demonstrably outweighed by the identified harms arising from the unsustainable location, the associated car dependency for use and services, and the erosion of the rural character of the area. As such and having regard to NPPF Paragraph 11(d)(ii), the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework 2024 taken as a whole. The proposal does not therefore constitute sustainable development.

Update to Plans and Supporting Documents at Section 9 – Recommendation to include:

9.4 'Proposed Site Layout Plan' drawing No. 281LV_104_B (rec'd 08.06.26), received to clarify that the existing barn on site will remain ancillary to the host dwelling.

Update to paragraph 10.6 at Section 10 – Additional Considerations to read:

10.6 It is not considered that the recommendation to grant refuse 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.

Update to paragraph at Section 10 – Additional Considerations omission of:

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

Beth Deacon-Bates, on behalf of the applicant, spoke in favour of the application.

Councillor Ann Oxley, speaking as a member of the public, spoke in favour of the application.

Councillor Mike Bush, the Ward Member and Caller-in, spoke in favour of the application.

Matters raised by Members of the Committee:-	**Officer's response thereto:-**
Why would this not be a 'self-build'?	*It does not meet the self-build policy which is within the Officer report (A.2), at the top of page 44.*
Is the location that makes this property not comply with the self-build policy?	*Yes, that is correct.*
Would Officers describe this property as unique and bespoke?	*The Officer opinion is detailed within the Officer report.*
Could a Committee member weighting be different to an Officers?	*With the Public Sector Equality Duty, in all decisions that Local Authorities make, it has to give due regard to that duty. The Officer report highlights that one of the protected characteristics (disability) is impacted by this decision one way or the other. The protected characteristics, it is very rare that they are impacted in planning decisions, especially to the degree that this application is making reference to the disability. In this case, Members are under a duty to give due regard to that protected characteristic and the information that Members have. A refusal of planning permission which would affect efforts to remove or alleviate barriers connected to a protected characteristic by a planning decision in respect of equalities, the Public Sector Equality Duty is often scrutinised in planning decisions. Members are correct in that this is something that Members would not normally use in weighing up a decision for Planning Committee. Where it is applicable, Members have to take it into their consideration.*
Why do Officers take the view of not conforming to the rural landscape?	*The primary starting point for Officers is the development plan, which seeks to protect rural character, countryside and taking the need to account for agriculture openness and so on. Filling it up with*

	houses would be counterproductive of that aim of the Council's development plan. The Council does have some exceptions to allow development within the countryside, some of those come under the permitted development of barn conversions that are already there and the Government have prior approval for Class Q. the Council has a specific understanding for rural need to serve the interest of the rural environment. As a Council, Officers have gone through this with due regard in terms of serving a population, ensuring infrastructure is in the right location. In the Council's development plan, it says not go beyond the settlement boundaries except for affordable housing adjacent to or self-build in a specific measurement and access requirement in that respect. The NPPF supports the position, but it does say it shall not be an isolated property. The permission that the Committee is dealing with lies with the land, not the individual. This property would have a lifetime beyond the individual and Members are looking at the planning harm of that in a wider sense.
Is the land concerned agricultural?	*Officers do not have a definite answer. By default, it would be agricultural, but Officers cannot be certain.*
Is the barn for small animals?	*Yes, that is correct.*
Was the barn subject to the same process or was it under a different scheme?	*It was under a separate scheme, under a full application in 2021.*
Do we know the grade if this was agricultural land?	*Looking back at the planning history for the application for the barn, it was proposed as a barn on that basis Officers would of the opinion that Members are dealing with an agricultural use site at this moment in time.*
Has this application ever been to an inspector before?	*The most recent example was in Dovercourt in 2020, it was dismissed by the appeal inspector whilst they considered the disabled access to be a benefit they overruled that on the basis that the harm to the countryside was not in line with the Council's development plan. That is the only record that has been found within the last 15 years.*
Does the one in Dovercourt fall under the same scope as the one the Committee have before them?	*No, because Members would have to determine the individual merits at the time. The Local Plan was in a different position back then. The application in Dovercourt was only to give Members an example of an exceptional house. This application is rare to come to the Council.*
Should Members be minded approving this application, would Members be setting a precedent, what other damage could occur by doing so?	*Normally, personal circumstances and considerations would not be a material consideration, but it is the case that in relation to protected characteristics that if it is significant then those personal circumstances can be considered as material consideration. Members are looking at the land, but there are various, albeit rare, situations where a protected characteristic is relevant. Members would not be setting a precedent because*

	Members are saying that this situation was exceptional for the reason Members would give. If Members were minded approving the application, err on the side of caution as there is also case law that states when granting permission against Officer recommendation, Members have to give reasons why they are granting permission and subject to conditions.

After a short adjournment and following the debate, it was moved by Councillor Bray, seconded by Councillor White and:-

RESOLVED that:-

1) the Corporate Director (Planning & Community) be authorised to grant full planning permission subject to the conditions to be resolved as follows:-

   - Time limit;
   - Approved plans;
   - Self-build development;
   - Occupation of disabled/neurodiverse and succession relative;
   - RAMs;
   - Construction management scheme;
   - Ecology conditions;
   - Landscaping;
   - Facing materials;
   - Removal of Permitted Development rights – all;
   - Barn to be ancillary to dwelling on occupation;
   - Retention of parking;
   - Energy efficiency measures; and
   - Foul drainage conditions

2) the Corporate Director (Planning & Community) to indicate the reasons for approval, as put forward in the debate, such as, the needs of the protected characteristics considered as significant to outweigh the planning harm as the exceptional circumstances of the need.

7. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - PLANNING AND ENFORCEMENT PLANNING REPORT

The Committee had before it the latest planning enforcement report based on live information taken on 27 April 2026.

Members were aware that the enforcement policy sought to report on the following areas:-

- number of enforcement enquires received/registered;
- number of enforcement enquiries closed to date that year;
- number of live cases presented by category, electoral Ward and time period since receipt; and
- enforcement-related appeal decisions.

Members noted that some areas continued not to be available given the resources to export information from the available system were not possible with the current database sofrware, or as addressed directly in the Officer report.

RESOLVED that the contects of this report (A.3) be noted.

The meeting was declared closed at 7.13 pm

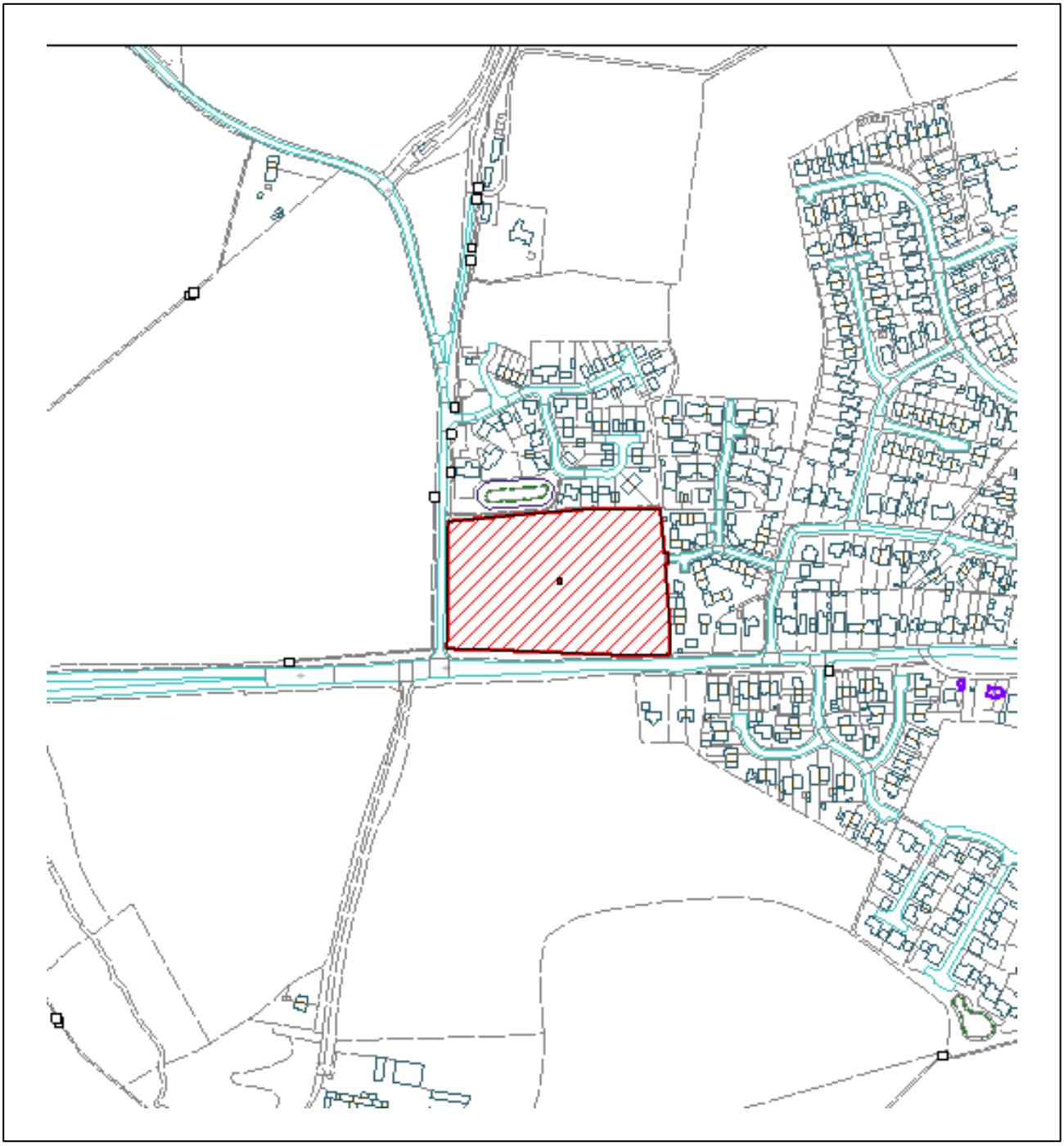
Chairman

PLANNING COMMITTEE

7th July 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.1 PLANNING APPLICATION – 26/00287/OUT – LAND TO NORTH OF COLCHESTER ROAD ELMSTEAD CO7 7EF



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Application:	26/00287/OUT	**Expiry Date:**	31st July 2026
Case Officer:	Alison Newland		
Town/ Parish:	Elmstead Market Parish Council		
Applicant:	Mr Louis Wong - Welbeck Strategic Land IV LLP		
Address:	Land to North of Colchester Road Elmstead CO7 7EF		
Development:	Outline Planning Application (access to be considered) - for up to 30 dwellings and associated infrastructure including public open space, landscaping, and sustainable drainage.		
Referral Reason:	Departure from Local Plan		
Recommendation:	Outline approval subject to conditions (and S106 agreement)		

1. Executive Summary

1.1 The application site lies outside but abutting the settlement development boundary in the adopted Local and Neighbourhood Plans; within a Green Landscape Buffer in the adopted Neighbourhood Plan; and within a draft Strategic Green Gap in the emerging Local Plan. No objections have been raised by consultees.

1.2 The tilted balance applies and the report concludes that the proposal should be recommended for approval.

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. Further information on our Neighbourhood Plans and their progress can be found via our website https://www.tendringdc.uk/content/neighbourhood-plans

The Elmstead Neighbourhood Plan

2.7 Elmstead Neighbourhood Plan 2013 - 2033 (adopted 21.10.2024) is applicable to this application. Paragraph 14 of the NPPF states: In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply: a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).

2.8 The Elmstead Neighbourhood Plan was adopted less than five years ago and includes policies and allocations to meet their identified housing requirement (this is zero due to the neighbouring Tendring Colchester Borders Garden Community). In situations where the tilted balance applies under NPPF paragraph 11d the adverse impact of allowing development that conflicts with the neighbourhood plan is therefore likely to significantly and demonstrably outweigh the benefits.

3. Planning Policy

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

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

Local:
Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)
SP1 Presumption in Favour of Sustainable Development
SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs
SP6 Infrastructure & Connectivity
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)
SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP3 Green Infrastructure
HP5 Open Space, Sports and Recreation Facilities
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
LP5 Affordable Housing
PP12 Improving Education and Skills
PPL1 Development and Flood Risk
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL7 Archaeology
PPL9 Listed Buildings
PPL10 Renewable Energy Generation and Energy efficiency Measures
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network
CP3 Improving the Telecommunications Network
DI1 Infrastructure Delivery and Impact Mitigation

Elmstead Neighbourhood Plan
ELM1 SETTLEMENT DEVELOPMENT BOUNDARIES
ELM2 PROTECTING THE SETTING OF ELMSTEAD MARKET
ELM5 AFFORDABLE HOUSING
ELM6 FIRST HOMES
ELM7 HOUSING MIX
ELM8 ZERO CARBON BUILDINGS
ELM9 DESIGN CODES
ELM10 IMPORTANT VIEWS
ELM12 MOVEMENT AND CONNECTIVITY
ELM13 MANAGING TRAFFIC
ELM16 NATURE RECOVERY NETWORK

Essex Minerals Local Plan Adopted July 2014
S8 Safeguarding mineral resources and mineral reserves
DM1 Development Management Criteria

Supplementary Planning Documents
Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
Tendring Provision of Recreational Open Space for New Development SPD 2008
Essex Design Guide
Technical housing standards: nationally described space standard Published 27 March 2015

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

4. <u>Relevant Planning History</u>

No relevant planning application history.

5. Consultations

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

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

Essex County Council Heritage **25.03.2026**

The development site comprises a parcel of land on the outskirts of Elmstead Market circa 400m north-east of the grade II listed 'Fen Farmhouse' (LEN: 1111473). Ten additional listed buildings are located within a 1km study area, as identified within the submitted historic environment desk-based assessment. I agree with the conclusion of the report that there will be no harm to any designated or non-designated heritage asset.

The scheme is therefore in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the NPPF.

Affinity Water

The site is not located within an Environment Agency defined groundwater Source Protection Zone (SPZ) or close to our abstractions.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

For any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system), a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency
Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

Anglian Water Services Ltd **09.04.2026**

Assets Affected

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

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

Wastewater Treatment

When assessing Dry Weather Flow (DWF) headroom at the receiving Water Recycling Centre (WRC), we apply a three-year Q90 DWF average (2023-2025), together with the flows associated with sites that already benefit from planning consent. Our DWF dataset is reviewed and updated annually in consultation with the Environment Agency. This ensures that our planning assessments reflect the most up-to-date information regarding the WRC's compliance with its environmental permit and its ability to accommodate additional flows from new development without creating an unacceptable risk of breaching environmental legislation. This approach also ensures that there is no pollution or deterioration of the receiving watercourse.

Based on the above assessment, Thorrington WRC is within the acceptance parameters and can accommodate the flows from the proposed growth.

Used Water Network

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

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

Independent Water Networks Ltd

None received

Essex County Council Archaeology **24.03.2026**

The proposed development is located in an area of archaeological potential, aerial photographic evidence for cropmark features is recorded in the surrounding fields. Previous archaeological investigation to the north have revealed little archaeological activity, however cropmarks immediately west appear to indicate trackways and the site is located along a postulated Roman Road (Colchester Road). Recent archaeological investigations to the southeast have uncovered

significant Roman settlement and industrial activity. Saxon and early medieval activity has been uncovered to the northeast of the historic core.

A desk based assessment and geophysical survey have been submitted with the application which conclude the site has moderate potential for archaeological remains. The geophysical survey identified some features of possible archaeological origin. To understand the potential for, and significance of, archaeological deposits impacted by the proposal, a programme of trial trenching followed by excavation is being recommended in line with paragraph 218 of the National Planning Policy Framework (2024). A recognised team of professionals should undertake the archaeological work. Should this reveal archaeological deposits it could be followed by further targeted excavation/mitigation; this could be outlined in further detail by a brief from this office to inform a WSI.

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

Archaeological trial trenching and excavation

(1) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.
(2) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above, and any subsequent mitigation has been agreed.
(3) The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority.
This shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority.

Essex County Fire Officer **16.03.2026**

Essex County Fire and Rescue Service would ask that the following are considered:

- Use of community spaces as a hub for our Prevention teams to deliver Fire Safety and Education visits, with the shared use of an electric charging point.
- Adherence to the requirements of the Fire Safety Order (where applicable) and relevant building regulations
- Installation of smoke alarms and/or sprinkler systems
- Implementation of vision zero principles where there are introductions of or changes to the road network.
- Appropriate planning and mitigations to reduce risks around outdoor water sources.
- Suitable principles in design to avoid deliberate fire setting.
- Consideration for road widths to be accessible whilst not impeding emergency service vehicle response through safe access routes for fire appliances including room to manoeuvre (such as turning circles).
- Access for Fire Service purposes must be considered in accordance with the Essex Act 1987 - Section 13, with new roads or surfaces compliant with the table below to withstand the standard 18 tonne fire appliances used by Essex County Fire and Rescue Service.

- Implementation of a transport strategy to minimise the impact of construction and prevent an increase in the number of road traffic collisions. Any development should not negatively impact on the Service's ability to respond to an incident in the local area.
- A risk reduction strategy to cover the demolition, construction and completion phases of the

project.
- Implementation of a land management strategy to minimise the potential spread of fire either from or towards the development site.

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

ECC Green Infrastructure **19.03.2026**

We do not object. However, we would advise the following recommendations and conditions are considered to further improve the GI/Landscape strategy and help achieve net environmental gains and climate resilient development:

1. Landscape and GI Strategy/ GI Parameter Plan

The Landscape Strategy Plan, Landscape/GI Strategies within the Design and Access Statement (DAS) and GI Parameter Plan demonstrate a landscape-led approach to site design. They highlight the retention, protection and enhancement of existing boundary trees, hedgerows, and other landscape features. The proposals include a range of welcomed biodiversity and landscape enhancement measures, including:

- Creation of a series of connected green spaces forming a coherent Green/Blue Infrastructure network across the site, including open space areas, planted corridors and SuDS features of two attenuation basins and a bioretention swale.
- Approximately 1.90 acres (around 39% of the site) will be dedicated to open space.
- Provision of a Locally Equipped Area of Play (LEAP) integrated with natural play features.
- Eastern green space incorporating flower-rich grassland, native fruit trees and a trim trail.
- A new landscaped structural buffer along the western boundary with woodland planting.
- Strengthened northern and southern landscape edges through additional native tree and hedgerow planting.
- Street trees and individual feature trees.
- Private gardens and planted frontages.

We welcome and support the vision and commitments set out in the Design and Access Statement (DAS), which align with the objectives of the GI Strategy. The inclusion of street trees along eh primary street within the GI Parameter Plan would further help to define and strengthen the green corridors. It is, however, positive to note that the DAS acknowledges how the routes through the GI have been designed to be attractive.

If the application is approved, the Landscape and GI Strategies, Landscape Strategy Plan, GI Parameter Plan and the Biodiversity Net Gain measures should all be secured through a detailed Landscape/Green Infrastructure Plan secured by condition. This Plan should consolidate all planting details, specification schedules and the implementation programme required to deliver and maintain the proposed GI, ensuring high-quality establishment and long-term success.

2. Biodiversity Net Gain

The proposal is supported by a Biodiversity Net Gain (BNG) Statement, which reports a positive on-site net gain of +1.03 area habitat units (+24.63%) and +1.89 hedgerow units (+65.07%), which is welcomed.

In addition, the Ecological Impact Assessment (EIA) and DAS propose ecological enhancements outside the BNG metric, such as bird, bat and invertebrate boxes, log piles, bat and pollinator friendly planting (including fruit and seed-bearing planting), hedgehog highways. The DAS

provides a welcome commitment to nature recovery, including the intention to produce an Urban Wildlife Strategy. These GI and ecological features, together with the associated mitigation measures, are essential to delivering high quality GI. It is therefore important that these commitments and all such measures are carried through into the detailed design and secured via suitably worded planning conditions.

We welcome the BNG Statements and EIA reference to a Habitat Management and Monitoring Plan (HMMP) to be produced to provide detail of the creation and management of the habitats.

3. Management and Maintenance

It is essential that the management and monitoring of GI habitat features are planned from the outset, alongside BNG requirements, to ensure their successful long-term delivery. We welcome the Landscape and Visual Appraisal (LVA) recommendation that all landscaped areas and public open spaces will be managed and maintained through the implementation of a Landscape & Ecology Management Plan (LEMP).

The EIA also confirm that measures to protect trees and vegetation during construction will be set out in a Construction Environmental Management Plan (CEMP), which can be secured by condition. These are welcomed and ECC therefore recommends that the following plans are secured through planning conditions:

- Construction Environmental Management Plan (CEMP):
To protect existing GI during construction and support the establishment of new GI features.
- Landscape and Ecological Management Plan (LEMP): To define implementation timelines, maintenance regimes, funding mechanisms, and monitoring protocols for GI assets.
- Biodiversity Gain Plan and Habitat Management and Monitoring Plan: To ensure that both BNG and GI objectives are achieved and sustained over time.

To ensure satisfactory delivery and long-term management and maintenance of retained and new green infrastructure assets we would recommend the following conditions:

Condition 1: No development shall take place until a Landscape/Green Infrastructure Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted Plans shall include:

- Planting schedules, including species lists, planting sizes at the time of planting, and proposed numbers and/or planting
densities where appropriate.
- Written planting specifications, including all operations associated with soil preparation, cultivation, planting, establishment and maintenance for trees, shrubs, wildflower and grassland areas.
- Details of any advance or early planting to be undertaken prior to or during construction, where feasible, to support the early establishment of key landscape and green infrastructure features.
- A phasing and implementation programme for all Green Infrastructure elements, including timescales for delivery and details of the required construction and maintenance quality standards for each phase of development.

The development shall be carried out and thereafter maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Conditions 2 - 4: Statement of intention for GI delivery and management.

Notwithstanding the details submitted as part of the application, no development shall occur until full details of the proposed GI/Landscape arrangements and access are submitted via the appropriate document, (such as a Landscape Strategy, Construction Environment Management

Plan, Landscape and Ecological Management Plan and Habitat Management and Monitoring Plan) and approved in writing by landscape specialist/ecologist at the Local Planning Authority. It is recommended the conditions for the Construction Environment Management Plan, Landscape and Ecological Management Plan and Habitat Management and Monitoring Plan to include the following:

Condition 2: Further information to be included in the Construction Environment Management Plan (CEMP) to outline the protection of retained Green Infrastructure (GI), such as trees and hedges, during construction. The CEMP should also detail how new GI will be implemented in phases, in relation to the development's phasing, to allow for early establishment where feasible.

Reason: The phased implementation of new GI of the development construction will allow for the GI to mature and it will provide further benefit of reducing/buffering the aesthetic impact from the construction work.

Condition 3: Additional information to be included in the Landscape Ecological Management Plan and work schedule to provide details on the management and maintenance operations for a minimum of 10 years. This plan should include:

a. who is responsible for GI assets (including any surface water drainage system) and the maintenance activities/frequencies.
b. how management company services for the maintenance of GI assets and green spaces shall be funded and managed for the lifetime of the development.
c. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved LEMP/Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Condition 4: Further information to be included in the Biodiversity Gain Plan and Habitat Management and Monitoring Plan to ensure the agreed biodiversity net gain (BNG) and associated GI goals are achieved. It is essential to consider from the outset how GI habitat features will be managed and monitored alongside BNG to ensure effective delivery.

Reasons: To ensure measurable net gains and compliance with LPA's Green Infrastructure Green and Blue Infrastructure and Biodiversity and Geodiversity Policies allowing the LPA to discharge its duties under the NPPF (2024). GI must be maintained for the development's lifetime as per the approved Maintenance Plan(s). Appropriate management, maintenance, monitoring and funding mechanisms are essential to maintain the GI's value. This ensures GI assets continue to provide high-quality, multi-functional benefits.

Failure to provide the required information before starting work may reduce the development's value, making it undesirable and increasing climate change impacts like flood risk or air pollution.

Other Consideration

New Tree Planting and their early establishment
ECC GI Team will expect that all new trees on new developments will have their establishment considered at the time of planting. This should include weeding, mulching and watering. All newly planted trees with a trunk diameter of 6cm or more will be watered for three years via a buried watering tube, irrigation bag or irrigation well; applying 60 litres per visit, at least 14 times between May and September. Mulch, stakes, ties and weed establishment will also be inspected and actioned as required. Stakes and ties should be removed 3 years after planting.

Essex Local Nature Recovery Strategy (ELNRS)
The ELNRS provides countywide strategic guidance for nature recovery, identifying areas of ecological importance and opportunities for habitat creation or enhancement. It includes:
- Strategic Opportunities for habitat creation:

- Woodland
- Grassland
- Scrub
- Freshwater (Standing Water & River Buffers)
- Coastal and Marine habitats
- Areas of Particular Importance for Biodiversity (APIBs) - including nationally and locally designated sites.
- Potential Opportunities - highlighting urban and other areas suitable for ecological enhancement.

Although the site does not fall within a designated LNRS strategic opportunity area for habitat creation or enhancement, the LNRS mapping nonetheless highlights opportunities to enhance urban, woodland, grassland, scrub, and freshwater (standing water) habitats. There is also potential to ensure coordination and alignment with the LNRS opportunities identified for the nearby planning application at Land North of Meadow Close and West of Holly Way (26/00193/OUT), particularly in relation to woodland enhancement. Each of these habitat types presents valuable opportunities to support and strengthen local biodiversity. The ELNRS should continue to be used to guide biodiversity enhancements across the site.

These maps support decision making by identifying where habitat creation would have the greatest positive impact. They can be viewed at: https://place-services.maps.arcgis.com/apps/webappviewer/index.html?id=d7e07ae774ea432497 65b4b8f6514513

ECC Highways Dept **02.06.2026**

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps and in conjunction with a site visit. Access to the site would be formed through Meadow Close, which forms part of earlier residential development. Meadow Close has been extended to the north with an additional residential development while access to the close is taken from a priority-controlled T-junction with Oatlands, the proposed development will form an extension of this and will provide suitable internal connections. Parking would be provided in line with the adopted guidance contained in the EPOA Parking Guidance (2024) document, while cycle parking would be provided within the curtilage of each dwelling. It is anticipated that the development could generate up to 16 two-way movements in the AM and PM peaks, based on bespoke trip rates obtained from the existing access. The Oatlands/A133 Colchester Road junction has been tested with the development trips added in the 2031 future year, which demonstrates it would continue to operate well within capacity, considering these factors:

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

i. vehicle routing,
ii. the parking of vehicles of site operatives and visitors,
iii. loading and unloading of plant and materials,
iv. storage of plant and materials used in constructing the development,
v. wheel and underbody washing facilities.
vi. Before and after condition survey to identify defects to highway in the vicinity of the access

to the site and where necessary ensure repairs are undertaken at the developer expense when caused by developer.

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

2. No development shall commence above slab level until final details of the site access for vehicles and associated works from Meadow Close into the development, as shown in principle on drawing no. 7331.003 Rev. A, have been submitted to and approved in writing by the local planning authority (in consultation with the local highway authority)

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1, and DM7.

3. No occupation of the development shall take place until the following have been provided or completed:

a) The introduction of a 20MPH Zone for Meadow Close from the junction with Oatlands.
b) The introduction of some form of traffic calming measure on Meadow Close between the junction with Oatlands and the junction for the northern arm of Meadow Close.
c) The introduction of double yellow lines over a maximum distance of 15-metres in either direction and including the radius kerbs at the junction with the northern arm to Meadow Close and opposite the junction.
d) As indicated, the provision of a new footway link at the southeast of the proposal site, connecting to the A133 Colchester Road and the wider pedestrian network.
e) Where possible, the introduction of a pedestrian only or combined pedestrian cycleway link between Barly Lane to the north and the proposed development.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10.

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

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

5. A financial contribution of £15,000 towards the future bus stop infrastructure upgrades at the nearest bus stops to the proposed development (150032001004 Elmstead Market, Oatlands (adjacent) and 150032001017 Elmstead Market, Oatlands (opposite) and/or towards the energy and maintenance costs of the Real Time screens at both stops.

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

ECC Schools Service

None received.

Essex County Council Ecology **26.03.2026**

No ecological objection subject to attached conditions

We have reviewed the Ecological Impact Assessment (Lizard, January 2026) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We are satisfied 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 Ecological Impact Assessment (Lizard, January 2026) 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).

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

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

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS
"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Lizard, January 2026) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY
"Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the

recommendations of the Ecological Impact Assessment (Lizard, January 2026), shall be submitted to and approved in writing by the local planning authority.

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

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

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

3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME
"Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

Environmental Protection **08.04.2026**

Have no comments to make during this planning phase. See below for observations and requests for document submission during any further planning phase:

Contaminated Land: with reference to the submitted Geo-Tech report dated February 2026; we would advise, as outlined in section 7 of the report, that once a further intrusive investigation will confirm the presence, or not, of any potential contaminants.

Demolition / Construction Methodology

Internal Noise: Given the proximity of the proposal site to an existing A-Road, whilst also having consideration of the location of the new A12 link road currently under construction, the EP Team would request submission of a scheme evidencing that the internal noise levels within the residential dwelling and the external noise levels in back garden will conform to the 'indoor ambient noise levels for dwellings guideline values' specified within BS8233:2014. 'Guidance on sound insulation and noise reduction for buildings', shall be submitted to and approved in writing

by the Local Planning Authority. No residential dwelling shall be occupied until the approved scheme is implemented.

Designing Out Crime - Essex Police **18.03.2026**

We recognise that communities where safety and security has been addressed and 'designed in' at the earliest planning stages, will enhance the health and wellbeing of its residents. Perception of crime and fear of crime can be an influential factor in determining the synergy and ongoing sustainability of a community.

An integrated approach to crime prevention at an early stage is necessary to all significant components of its design, planning, and layout. Good design and early co-ordination, incorporating 'Crime Prevention Through Environmental Design' (CPTED), can avoid the conflicts that may be expensive or impossible to resolve once the construction is complete.

While we acknowledge this is an outline application, upon review of the documentation submitted to the planning portal there is no reference to security; we would wish to identify the below Designing Out Crime considerations and observations for further consultation from a CPTED perspective:

' Physical security of dwellings and cycle storage: The proposed physical security intended for this development is not alluded to in the submitted documents however security forms a key part of a sustainable and vibrant development. We would welcome discussion around the considerations for security of the dwellings and further detail for specifications and standards of products including cycle storage.

' Road layout: We would advocate early engagement with our Roads Policing team to discuss road infrastructure and traffic management. This will be pertinent prior to the construction phase and equally to gage the long-term impact that the additional traffic could have on the local area. It is imperative that emergency services can always obtain unrestricted access, to the development and neighbouring communities. Essex Police recommend adopting the 'Safe system approach' to road design, this will ensure that vehicle, cycle and pedestrian access and movement is as safe as possible.

' Landscaping and Public realm provision: We would welcome discussion about the landscaping, play area and public realm provision. It is important that landscaping provision takes account of all other opportunities for crime that it may generate, to make sure that the environment is as unobstructed as possible allowing clear sight lines to the front of buildings, avoiding the creation of potential hiding places. We would like further information and specification regarding management and maintenance policies.

' Lighting provision: At the appropriate stage within the planning and development we would wish to discuss and review the lighting strategy to ensure its uniformity is maintained to prevent any potential dark areas that could offer opportunity for criminality. We understand that the ecology of the site could impact upon the amount of lighting provided and we would welcome discussions to ensure that the environment is as unaffected as possible, whilst maintaining safe spaces where people do not fear crime.

' Parking provision: We would wish to discuss provisions for car parking to ensure it is safe and secure and there is sufficient lighting and surveillance opportunities to enhance the feeling of safety for its users.

' Electric vehicle charging points (EVCP): We would recommend due consideration is given to the security provision for EVCPs and that early consideration will mitigate the opportunities associated with this emerging crime type. We would welcome consultation regarding the infrastructure, proposals, and management of EVCPs.

Security forms a key part of a sustainable and vibrant development and Essex Police considers that it is important that this site is designed incorporating the maximum achievable benefit of crime prevention through environmental design for which Secured by Design (SBD) is the preferred enabler, in this case Secured by Design - Homes.

SBD is the national official police security initiative that works to improve the security of building and their immediate surroundings to provide a safe and secure environment to help reduce the opportunities for crime and minimise the fear of crime, as referenced in the NPPF, 'Promoting Healthy and Safe Communities, the Essex Design Guide and the Tendring Local Plan, Policy SPL3,' c. the development incorporates or provides measures to minimise opportunities for crime and anti-social behaviour' and Policy LP4 'd. minimise the opportunities for crime and anti-social behaviour by ensuring good natural surveillance of both public and private spaces from buildings and the streets, providing clear definition between public and private spaces and convenient access for emergency services'.

We would welcome the opportunity to discuss with the applicant the security design aspects of the application to ensure provision of a safe and secure environment for future residents.
Contact with Essex Police Designing Out Crime team is via email: designingoutcrime@essex.police.uk .

Housing Services

None received.

North Essex Parking Partnership **06.03.2026**

We would recommend that the turning points at the end of the new road are subject to double yellow lines, to prevent parking and to allow larger vehicles to turn.

UU Open Spaces **18.03.2026**

Public Realm Assessment

Play Space - current deficit of 1.47 hectares of equipped play in Elmstead
Formal Play - current deficit of 3.04 hectares of open space in Elmstead
Settlement provision: Charity Field 0.9 miles from the development site

Officer Conclusions and Recommendations

No off-site contribution is being requested as play and open space is being met on site.

Tree & Landscape Officer **02.04.2026**

The main body of the application site is in agricultural use and does not contain any trees or other significant vegetation.

All four boundaries are demarcated by established trees and hedgerows

In order to show the extent of the constraint that the existing trees and boundary hedgerows, on the application site and on adjacent land, are on the development potential of the land the applicant has provided an Arboricultural Impact Assessment (AIA).

The AIA contains a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) that shows the extent of the Root Protection Areas (RPA's) of trees and hedgerows and shows how retained vegetation will be physically protected for the duration of the construction phase of any approved planning permission. This information is in accordance with BS5837: 2012 Trees

in relation to design, demolition and construction ' Recommendations.

The section of the AIA entitled Implications Assessment sets out the works that will potentially affect trees and draws the conclusion that 'providing the recommendations within sections 4 and 5 and the Arboricultural Method Statement included within Appendix 7 are adhered to then impacts to trees should be kept to a minimum.' This is considered to be an accurate description of the potential impact on trees and sets out an adequate level of specialist construction techniques required to minimise harm to trees.

Therefore, the information contained in the AIA adequately demonstrates that the development can be implemented without causing harm to retained trees if the measures set out in the AIA are complied with fully.

In terms of the likely impact of the proposed development on the area, it is clear that the proposed change of use of the land has the potential to have an adverse impact on the local landscape character.

In order to quantify the likely harm to the local landscape character a Landscape and Visual Assessment (LVA) has been provided to show the degree of harm that will arise from the proposed development and to includes details of the measures that will be implemented to mitigate the harm.

The application site is situated in the Bromley Heath Landscape Character Area (LCA) and sections 4.10 to 4.13 of the LVA accurately describes the baseline qualities and characteristics of the LCA within which the application site is situated.

It is also noted that the application site is situated with the 'Green Gap' and that any development has the potential to compromise the purpose of the gap. Additionally, the Elmstead Parish Landscaping Setting Report describes the local importance of maintaining a buffer between existing settlements.

Notwithstanding the overarching requirement to maintain the green gap and buffer zone the application site has a distinct urban fringe character with built development adjacent to both its northern and eastern boundary and roads adjacent to both the southern and western boundaries. Strong boundary vegetation provides a high level of screening and enclosure.

In the Summary and Conclusion section of the LVA it states that 'Overall, the visual envelope of the site is relatively limited due to the nature of the local topography and intervening layered field boundaries. Visual receptors are similarly limited to those in close proximity to the site with residential receptors to the north, east and south-east of the site having potential for the greatest visual effects of any development within the site. Any views of the site are in the context of the western approach into Elmstead Market and the residential dwellings that contribute to this settlement edge character.'

The description is considered to be an accurate reflection of the value of the site and the likely impact of the development on the local landscape character. It goes on to say.

'The landscape and GI proposals will establish a robust enhanced landscape framework within the site that contributes positively to local landscape character and creates ecological benefits as well as providing new well-connected recreational open space for existing and future residents.'

On balance it is considered that the position of the application site and the extent of boundary vegetation, combined with the soft landscaping proposals, is such that new development in this location would not have a significant adverse impact on local landscape character

Should planning permission be likely to be granted then details of soft landscaping as indicated

on the Soft Landscape Masterplan and Green Infrastructure Plan should be secured, as a reserved matter, in order to soften, screen and enhance the appearance of the development.

ECC SuDS Consultee **16.06.2026**

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

Condition 1: No works except demolition shall takes place until a detailed surface water drainage scheme for the site, in accordance with the Flood Risk Assessment and Drainage Strategy by Stuart Michael Associates, ref 7331-FRA issue 02, dated November 2025, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
• Limiting discharge rates for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change to 0.5l/s from the south-west detention basin and 0.2l/s from the south-east basin. All relevant permissions to discharge from the site into any outfall should be demonstrated.
• Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
• Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change
• Provision of 10% urban creep allowance applied to the impermeable areas used to calculate the required storage, in accordance with BS8582.
• Final modelling and calculations for all areas of the drainage system.
• The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
• Detailed engineering drawings of each component of the drainage scheme.
• A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
• A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

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

Condition 2: No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff

rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3: Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing,by the Local Planning Authority.
Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4: The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

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

6. Representations

Elmstead Parish Council - Object

6.1 After careful consideration and considerable engagement with parishioners, Elmstead Parish Council must object to this planning application.

6.2 Elmstead is recognized specifically in the emerging Tendring Local Plan as having no additional need for housing provision before the plan period ends in 2033, because of the vast allocation of housing withing the Tendring Colchester Borders Garden Community that provides potentially thousands of new dwellings within the parish boundary. As required in NPPF chapter 5, a sufficient supply of homes is established so this cannot be used as justification for more speculative house building in contradiction to the Local Plan and its Elmstead Neighbourhood Plan content.

6.3 If there was an established need for additional housing in Elmstead this would have been considered during the neighbourhood plan process and we would suggest other sites outside of the limited and sensitive landscape buffer zone would be prioritized over the area in the application. However this line of reasoning is inconsequential when the best place for additional housing within Elmstead Parish would be within the Tendring Colchester Borders Garden Community where it can benefit from the vast amounts of new infrastructure being promised.

6.4 We must also recognize this application is made in the wider context of a parish that has had an approved increase of housing stock by 70% in the last 15 years, having had no significant upgrade to infrastructure such as school provision, local healthcare, or transport access – be it public or by private vehicle. Indeed all such public services have thus far declined noticeably due to increased pressure from excess housing.

6.5 In an effort to prevent further such degradation the community encouraged the Parish Council to develop the Elmstead Neighbourhood Plan, which was confirmed by referendum in late 2024 with overwhelming public support.

6.6 The neighbourhood plan establishes 18 policies to ensure development in Elmstead is positive for the parish and its community. This application is noncompliant with at least 6 policies and raises serious questions with its interaction with a further 5 policies.

6.7 From the publicly available application documents it is clear some accommodations have been made to try and acquiesce to the neighbourhood plan, but vital sections of many policies have been entirely disregarded.

6.8 Paragraph 14 of the NPPF states that when a neighbourhood plan became part of the development plan within the last 5 years,- which Elmstead's NP did, and the neighbourhood plan contains policies and allocations to meet its allocated housing requirement – which Elmstead does (the requirement is for zero homes due to the garden community development, the neighbourhood plan goes beyond this to consider a site for the most needed locally affordable housing). This being the case, Elmstead Parish Council does not need to presume in favor of the development and so we would begin by focusing on the numerous ways the proposal contravenes our Neighbourhood Plan.

6.9 Policy ELM1 defines the settlement development boundary of Elmstead market and Lanswood. The entirety of the application site is outside of the development boundary. As the proposal makes no effort to justify its development on what is currently countryside farmland it is in direct contravention with this policy
Policy ELM1 also reinforces and works alongside Tendring's local plan policy SPL2: Settlement development boundaries – with Elmstead being defined as a rural service center, development here could only be considered if the area was a rural exception site with a specific need to support the application – no such reasoning is provided in the application.
Policy ELM2 is even more consequential as it designates a green landscape buffer between the settlement development boundary, and the boundary of the Tendring Colchester Borders Garden Community. This policy is essential to maintaining the 'open countryside' justified in ELM2 5.15 to ensure separation between Elmstead Market and the garden community protecting a now limited valued landscape, preventing coalescence with the new settlement and retaining the distinct valued identities of both settlements. It is essential that a sufficient area of open countryside be maintained to delineate the transition from the urban garden community to rural landscape and on into Elmstead's rural village.
ELM2 B defines 4 key ways in which development in this landscape buffer must be considered:
ELM2 B i confirms that development in the landscape buffer must comply with ELM1 – which this application does not.
ELM2 B ii states development in the area must improve access to and enjoyment of the countryside – which this application does not, it has a negative impact on both.
ELM2 B iii makes clear development in the landscape buffer must not diminish the physical/visual separation between Elmstead Market and the Garden Community.
In travelling along the A133 from Colchester into Elmstead, the new A1331 roundabout is less than 800 meters from the residential edge of the village. This is the bare minimum distance needed to maintain a visual separation by a transition from the forthcoming high density urban garden community, moving into the rural vista of open countryside and on into the rural village locale of Elmstead. Of this approximately 760 meter length of countryside the proposed development takes up nearly 200 meters – over a quarter of this vital landscape that prevent coalescence and protects Elmstead's identity and heritage as a rural settlement. This loss cannot be mitigated or compensated for – and with much of the remaining distance being under the influence and pressure of garden community uses, the site is essential as Elmstead's adjacent buffer.
ELM2 B iv requires developments in the buffer to protect and reinforce the buffer – which the development makes no effort towards as it is actively degrading the core purpose of the buffer.

ELM9 details the design codes in the partner document to the neighbourhood plan. We would draw attention to code SD2 that confirms development outside the settlement boundary is only supported by the codes if development is appropriate to a countryside setting – which the application is not.

6.10 Out of all interaction with the Elmstead Neighbourhood Plan we must draw special consideration to policy ELM13 Managing Traffic. Specifically, location i being the junction between Oatlands and the A133 where it is assumed most of the development traffic will access the wider road network. The neighbourhood plan concludes in part ELM13 A that 'public realm improvements and traffic mitigation measures are required to enhance the active travel environment and improve residential amenity and highway safety'. As the proposed development will generate a significant increase in traffic onto the A133 the policy demands the development should 'contribute to public realm improvements and traffic mitigation measures' at this key location.

6.11 For the application to be compliant with the neighbourhood plan policy we would expect to see a proposal to materially improve the 'Oatlands junction' to better and more safely facilitate a balanced flow of traffic, especially at peak times.

6.12 Meadow Close is of particular concern as there are existing issues due to the narrow confines of the road layout. Being intended as a quiet network of cul-de-sacs the road layout was designed for minimal residential parking and no through traffic.

6.13 There are already issues with increasing numbers of delivery vans which lacking any dedicated parking space block the road as they stop to make deliveries. The same situation is far more understandable when occasionally ambulances and dedicated NHS transport must stop to accommodate residents of the retirement complex that comprises much of Meadow Close. Yet the most disruption is caused by larger vehicles such as refuse lorries which must out of necessity mount the pavement to make some turns within the Meadow Close, as must larger delivery vehicles and presumably fire engines if they had cause to go down there. Any vehicle accessing the new site would greatly add to this problem, and the drastic increase in general traffic will only add to the disruption. We have dire concerns that given the above average frequency that ambulances visit the complex this disruption will have dire health consequences for someone who needs urgent ambulance care.

6.14 Due to the nature of Meadow Close housing there is a far greater than average proportion of residents with additional mobility needs such as walking aids and wheelchairs who are most concerned about the impact such traffic will have on their ability to merely leave their homes. Numerous residents are already worried about social isolation before the impact of dozens more vehicles per hour which some state would make them feel incapable of safely crossing the road as it requires longer than some drivers are patient enough to wait and especially during the construction period they feel it was dangerous to be moving around large vehicles that may have limited space to maneuverer or stop and restricted visibility.

6.15 The proposal does not address the route or considerations for HGV construction traffic to access the site, but we would suggest such traffic will be of a frequency and scale that safe transit through Meadow Close is impossible. When a prior much smaller development was built adjacent to Meadow Close, construction vehicles, especially vans, clogged the local roads blocking visibility splays at junctions and endangering pedestrians. If the planning application were to progress we must demand a detailed condition that all such construction vehicles will be parked on the application site, with stringent enforcement in place. Likewise when this adjacent development was being built, and in previous years when the land was agricultural, there have been problems with construction vehicles and tractors carrying mud onto the road (and often pavements due to inadequate turning radius of the narrow roads) which is a significant health and safety concern for residents of the complex with mobility concerns. We would expect extra mud management consideration to be given to the site.

6.16 Due to the narrow and tight turns of Meadow Close we have no viable solution to enable the development safe access on the proposed route, but at the very least would expect augmentations to the roads within Meadow Close to provide safe crossing points, potentially being zebra or alternative crossings so residents with limited mobility can safely cross the road even at peak traffic times.

6.17 Given the complications and cumulative pressure being put on the unsuitable Meadow Close access we must question why the access was not via Tye road, which is now no longer a through road so presents a perfect opportunity to avoid many of these issues and provide a safer and more efficient route to access the A133 and wider road network. The use of Tye Road as the route for heavy construction vehicles during the development being of special importance to avoid large vehicles frequenting a problematically small residential road.

6.18 We would like to note that on 3 different weekday mornings, both in and after the presumed peak travel hours, the wait to drive from Oatlands onto the A133 was more than triple that noted in the applications transport assessment at over 40 seconds, not the mere 12 the transport assessment suggested.

6.19 We are unsure if this is a failure of data or modelling but it is clear it does not represent the reality of traffic using that junction. The methodology behind the data is flawed in that it combines the flow from Oatlands to both east and west directions on the A133. The majority of cars are turning west to travel towards Colchester, which requires crossing the eastbound lane with simultaneous gaps in traffic in both directions.

6.20 The assessment also leaves out any consideration of traffic flow from the westbound Colchester Road A133 into Oatlands (would be A to B on table 6.1 of the travel assessment). This is perhaps the most essential consideration of the junction's capacity as it includes many vehicles accessing Elmstead Primary School, all of which have right of way over and so slow B-AC traffic.

6.21 We are very concerned the traffic impact is not properly considered in the transport assessment.

6.22 The combined effects of these many concerns regarding vehicular access seem to contradict Local Plan SPL2C in numerous ways.

6.23 Even vehicles the size of the mobile library van have significant problems navigating the narrow (often under 4 meter wide) roads within Meadow Close, being most unfortunate as it is frequently blocked by other vehicles, removing residents access to library services as Elmstead has no other library provision and no local library is easily accessible via public transport. The same can be said for recycling services, as the only way to access Clacton refuse center is via car, and this is recognized as being under excessive demand during peak times preventing residents from properly disposing of household waste. Additional houses will only worsen this problem and increase improper waste disposal methods such as the frequent fly tipping that happens within a few hundred meters of the application site.

6.24 While we appreciate the application seems to align with the affordable housing requirements in ELM5 we would make clear that a detailed application must comply with the ELM5 B clause that' the affordable housing in the development should include 25% First Homes, with the balance of the remainder affordable housing being split as 70% affordable homes for rent and 5% shared ownership at 25% equity.'

6.25 In the past 15 years Elmstead has grown from approximately 800 houses to now being well over a thousand dwellings, and with this and other approved and outstanding developments could reach 1500 homes by the end of the local plan period. In that time the village's only healthcare facility – a repurposed bungalow that serves as a GP surgery, has seen both the number of doctors and its opening hours reduced to where it is now part time. A significant number of

residents can now only use GPs outside the parish, increasingly further afield that are only accessible by car with no public transport option. The village GP surgery is incapable of servicing any more homes, meaning all residents of the new development would have no local healthcare provision at all. The same can be said of dentistry, and pharmacy access, both of which are also difficult to access by public transport from the village's rural location.

6.26 It should also be noted that even if the current GP surgery had expanded capacity, it lacks dedicated patient parking places and is on a narrow road where street parking is often unavailable. Given the proposed development's location of the outskirts of the village, most homes are over a kilometer from the surgery, meaning we would expect many people in need of a doctor's appointment to arrive by car – with nowhere suitable to park at the surgery.

6.27 Overwhelmed public services are even more apparent when we consider the education provision locally. Being almost adjacent to Elmstead Primary School, the development would presumably take priority for school places, yet the school, which has a capacity of 208 pupils, currently has 211 students. We have made clear for the last decade that additional primary school provision is desperately needed, and the community is now in the awful position that some families have children at different primary schools requiring years of disruptive daily travel for students to reach schools in different villages on time. It is also presumed that Elmstead Primary School will provide places for the initial phases of the Tendring Colchester Borders Garden Community. We have had no official suggestion of how a school that is already oversubscribed could provide for significantly more pupils across the primary school age range.

6.28 What is certain is residents of the new development could face their children not being allocated spaces at the school next door. Or potentially new residents children are allocated spaces while those who have lived in the village long term – and may well have attended the school themselves in their youth, are faced with having to arrange for their children to go to school outside the community in neighbouring villages with no public transport access, even when such families may already have other children at Elmstead Primary School!

6.29 We were shocked to learn the local primary school had not been consulted or even informed of this proposed development until approached by neighbouring residents. We would ask that if the school has not been given adequate time to respond to the proposal they are now consulted properly with ample opportunity to provide the best informed perspective on local education.

6.30 Much the same can be said for Market Field School, the SEND school located at the village core, which is even more drastically over capacity at more than 150% its ideal number of students. While the school is managing such pressure admirably it is unconscionable to place additional pressure from more housing upon them. One of many issues Market Field School faces from so many students and staff from an inadequate site is transport for a number of hours at the beginning and end of the school day, beyond peak travel times, as the A133 flows with continuous traffic, blocking cars from joining the road from both School Road – and Church Road which we would expect to see an increase of traffic from the new development. This junction is identified as a priority for improvement in the neighbourhood plan as ELM13ii with an expectation that developments which place additional strain on this junction will contribute towards improvements.

6.31 It should also be noted that any secondary school children living in the new development would be expected to walk over a kilometre and cross 2 arms of this highly congested junction during peak hours, with only one arm of this route having any form of pedestrian crossing.

6.32 We must also point out that much like the last 7 housing developments that have commenced in Elmstead, this substantial site brings no direct employment opportunity once built. As an area of rural farmland adjacent to the rural service center village, the site in question would be one of a very limited selection that could support a prosperous rural economy as detailed in NPPF 88/89.

6.33 Finally we'd like to step back from the detailed policy considerations just to remind who will be most impacted if this site is developed according to the application. An already overburdened school will be pushed even further beyond its capacity to safely and effectively teach the children in our community. Increasingly concentrated traffic and parking on residential roads will make the journey to this school longer and more hazardous.

6.34 Yet possibly more impacted are the residents of Meadow Close, which is a dedicated retirement neighbourhood with its own tight knit community of people who chose to dwell there because it's a haven of peace and safety that enables people to live well, with as much independence as possible. The simple fact is this development will have a substantial negative impact on these residents' quality of life.

6.35 Given the massive impact this will have on Meadow Close residents we are disappointed to hear that many of these directly adjacent properties did not receive official notification of the planning application and so may not have an opportunity to meaningfully respond.

6.36 The NPPF focuses on supporting sustainable development. The rate at which Elmstead has been developed with no expansion of infrastructure and public services is unsustainable – as supported by the objections to this application which show how lives have been negatively impacted by irresponsible housebuilding pressure.

6.37 As the development proposal does not comply with established local plan making, we have no choice but to object to the application and ask you to refuse it.

Officer response to Parish Council Objection

6.38 Most points raised are addressed within the report below. In addition, reference is made to ENP Policy ELM13 A that public realm and traffic mitigation improvements are required at the junction of Oatlands and the A133. A crossing point in Meadow Close is also requested by the Parish. Such requests have not been considered necessary by the Highway Authority however they do request a 20 MPH zone for Meadow Close in this area, traffic calming measures and double yellow lines plus bus stop improvements as detailed in the report below. Such measures are considered to suitably mitigate the transport impacts of the proposal. Furthermore, the separately approved installation of a new puffin crossing on the A133 to the west of Oatlands will directly benefit existing and proposed residents in this location.

6.39 Preference is given by the Parish Council to a Tye Road point of vehicular access, however the application must be assessed as submitted. As detailed in the report access is deemed acceptable. The accuracy of the Transport Assessment is questioned however no concerns are raised in this respect by the Highway Authority who have also undertaken a site visit.

6.40 It is stated the local school has not been consulted and this would not normally be the case as ECC Schools as Education Authority have been consulted as detailed in the report and are the appropriate body to represent all schools

6.41 Regarding neighbour consultations all neighbours which share a boundary to the application site were written to on 05/03/26. A site notice was also posted at the proposed point of vehicular access on 17/03/26. An Evening Gazette advertisement was published on 13/03/2026. Therefore exceeding the statutory notification requirements for this application.

6.42 Neighbour / Local Representations

A total of 35 letters of objection were received that raised the following planning matters in the public interest (officer response in italics where not addressed in the report).

- No Local Plan requirement or need for additional dwellings in Elmstead Market given recent significant growth
- Conflict with Local Plan and Neighbourhood Plan policies
- Detrimental to the approach to, character and layout of the village
- Loss of agricultural land and greenfield land
- Access is a problem as Tye Road and A133 are unsuitable but proposed access and construction traffic and noise will compromise elderly occupants of the adjacent sheltered housing
- Will exacerbate traffic, road surface and congestion issues
- Proposed site access is too narrow
- Insufficient capacity for GP surgeries, nurseries, schools and community facilities (*the proposal is below the threshold for consultation with the NHS/securing contributions to healthcare. ECC schools have been consulted regarding schools and nurseries as detailed in the report. There is no policy requirement for community facilities in this case other than the proposed equipped play area).*
- Existing drainage, water pressure and sewerage concerns will be exacerbated
- Landscape harm
- Loss of habitat, wildlife and biodiversity
- Density too high
- Residents not informed of the proposal
- Would set a precedent for speculative development
- Request a committee decision (*The application has not been called in to Planning Committee by the Local Member but as an Officer recommendation of approval it is referred to Planning Committee in accordance with the Council's Constitution)*
- Outside Settlement Development Boundary
- Part of green buffer to the garden community
- Loss of privacy, light and increased pollution and disturbance
- Loss of view and property value (*not material planning considerations)*
- Combined impact with 26/00193/OUT for 85 dwellings *(the Highway Authority and Council are aware of both applications in making their assessment and recommendations)*
- No pedestrian crossing over the A133 (*The Highway Authority have confirmed that a Puffin Crossing on the A133 near Oatlands is to be installed in the next few months)*
- Question accuracy of northern site boundary *(this concern has been raised with the applicant who assures that the site boundary line is correct and conforms with the submitted certificate)*
- Developer not been transparent to buyers that this is effectively Phase 3 (*not a material planning consideration)*
- Poor public transport

7. Assessment

Site Context

7.1 The application site lies wholly outside but abuts the settlement development boundary (SDB) for Elmstead Market to its northern and eastern boundaries. To the north is a recent residential development at Tye Green/Barley Lane; to the East is more established sheltered housing at Meadow Close; to the South lies the busy A133 Colchester Road with farmland beyond; and to the west lies Tye Road with agricultural land beyond. The site comprises open arable land with established trees and hedgerows to the site boundaries which provide a reasonable level of screening and includes protected trees along the western boundary. The closest listed building is around 235 metres to the east and there are large scattered areas of low surface water flood risk predominantly to the southern and eastern parts of the site. The site lies within the sand and gravel safeguarding area but is below the threshold for consultation with ECC Minerals.

Planning History

7.2 No previous planning applications.

Proposal

7.3 Outline Planning Application (access to be considered) - for up to 30 dwellings and associated infrastructure including public open space, landscaping, and sustainable drainage.

7.4 The proposal includes a range of supporting documents including indicative layout plans to indicate how the site could be laid out for 30 dwellings. Vehicular/cycle/pedestrian access is proposed onto Meadow Close to the east, and pedestrian/cycle access onto A133 Colchester Road to the SE corner.

7.5 The applicant has submitted a detailed response (dated 3rd June 2026) in relation to conflict with the Elmstead Neighbourhood Plan.

- They contest that the ENP was prepared in the context of the 2012 NPPF so was not required to set out a specific housing requirement for designated neighbourhood areas. (However, it was prepared in the context of the 2021 NPPF when this was a requirement.)
- They dispute the zero housing requirement and therefore consider the ENP does not benefit from the enhanced protection afforded by NPPF paragraph 14. It also does not reflect Tendring's latest housing needs. They refer to the acute affordable housing need with 383 households on the housing register (18%) specifying Elmstead as their preferred choice (31/03/2023). TCBGC will not meet this need in the short term if at all.
- Local Plan policies SP3, SPL1 and SPL2 do not preclude new residential development on sites adjoining the SDB. Conclude that ELM1 is out-of-date but nonetheless the proposal abuts the SDB and maintains defensible boundaries.
- In relation to ELM2 the TCBGC has a country park which provides a strategic buffer preventing coalescence independently of the application site. The site is not publicly accessible but would become so under the proposals. The LVIA submitted in support of the TCBGC application also confirms viewpoint 16 close to the site would result in no change. ELM10 Important Views would be preserved.
- The delivery of up to 30 dwellings, including affordable dwellings, in a sustainable location attracts substantial weight with the benefits significantly and demonstrably outweighing any harm. Inspectors in appeal cases such as Melksham, Faversham and Henfield have afforded reduced weight to neighbourhood plan policies where the underlying housing requirement was absent or inconsistent with up-to-date evidence.

Principle of Development

7.6 The development plan comprises the Tendring District Local Plan (LP) 2013-2033, Section 1 which was adopted on 26 January 2021 (TDLP1) and Section 2 of the Tendring District Local Plan 2013-2033 and Beyond which was adopted on 25 January 2022 (TDLP2).

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

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

7.9 Elmstead Market is categorised in Policy SPL1 as a 'Rural Service Centre' in recognition of its size and reasonable range of services and facilities, particularly when compared against many of the District's smaller rural villages. Rural Service Centres are the next most sustainable category of settlement following Strategic Urban Settlements and Smaller Urban Settlements.

7.10 The site lies wholly outside of any settlement development boundary and is not allocated for development in the adopted Local Plan. The location therefore constitutes development in the countryside for the purposes of the adopted Local Plan. The scheme is therefore in conflict with Local Plan Policies SPL1 and SPL2, which seek to direct new housing growth to within defined settlement boundaries. However, the housing policies post 26/01/2026 are now out of date and the 3.22 year supply represents a significant shortfall against the minimum five year requirement.

7.11 Given the Council's housing land supply deficit, paragraph 11(d) of the National Planning Policy Framework, known as the "tilted balance", is engaged. In such circumstances, planning permission should be granted unless; (i) policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusal (which is not the case here), or (ii) the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. The application therefore must be considered with regard to the NPPF's overarching objectives, including directing development to sustainable locations, making efficient use of land, securing well-designed places, and supporting the delivery of needed homes.

Status of Emerging Local Plan Preferred Options Draft

7.12 No sites in Elmstead Market are included as potential strategic housing allocations in the Council's Emerging Local Plan Preferred Options Draft. The absence of draft allocations within Elmstead Market is due to its up-to-date Neighbourhood Plan and proximity to the Tendring Colchester Borders Garden Community (current hybrid application 26/00424/TCBGC). The Emerging Local Plan also proposes a Strategic Green Gap (Policy PPL6) around the village (including the application site) in order to retain the separate identity and prevent coalescence of settlements. This is in recognition of the adopted Neighbourhood Plan, the significant amount of development that has recently taken place in and around the village, and the proximity of both the Tendring Colchester Borders Garden Community (TCBGC) (Up to 9000 dwellings) and emerging Hare Green Garden Village (up to 4,500 total dwellings).

7.13 The Emerging Local Plan Preferred Options Draft completed public consultation on 23.03.2026. Recommended changes agreed at Local Plan Committee on 08.06.2026 do not affect this view. At this stage the Emerging Local Plan carries very limited weight because it has not been tested through examination and remains subject to change.

Three Strands of Sustainable Development

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

<u>Economic Role</u>

7.15 The development would generate short-term economic benefits through construction activity and would support local suppliers and employment. Longer term benefits include increased expenditure in the village and wider district. These economic benefits attract limited to moderate weight.

7.16 The permanent loss of Grade 2 (very good) agricultural land represents an economic disbenefit. However, this isolated field comprises around 1.98 hectares. It is therefore considered that the

economic benefits associated with up to 30 new dwellings would outweigh this loss of very good agricultural land.

Social Role

7.17 The proposal will provide up to 30 dwellings including 30% affordable housing and in excess of the policy requirement for public open space in a sustainable location abutting the SDB for a Rural Service Centre. The applicant confirms willingness to mitigate the impacts upon habitats sites and bus stop upgrades/traffic calming through a future legal agreement.

7.18 Given the District's significant housing and affordable housing shortfall and the site's sustainable location with good access to services and public transport, the social benefits of the development carry substantial weight.

Environmental Role

7.19 The development would extend the built form into the countryside into a designated Green Landscape Buffer in the adopted ENP and therefore results in some landscape impact and loss of very good agricultural land. However, the technical assessments confirm that impacts on landscape, highways, ecology, trees, drainage, archaeology and amenity can be mitigated through design and/or planning conditions. Biodiversity Net Gain is demonstrated, with mitigation to protect habitats and species. Environmental effects are therefore limited and capable of being satisfactorily managed and mitigated.

7.20 To conclude on the overall sustainability of the proposal, it is considered that the social and economic benefits of the proposal would override the limited environmental effects.

Adopted Elmstead Neighbourhood Plan (ENP)

7.21 Paragraph 14 of the NPPF states: In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply: a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).

7.22 The ENP was adopted less than five years ago and includes policies and allocations to meet their identified housing requirement. The agreed housing requirement was zero due to the forthcoming neighbouring TCBGC. ENP Policy ELM4 does also include redevelopment of the former Elmstead Community Centre to residential use (6-9 dwellings) for affordable local needs housing.

7.23 The proposal raises potential conflict with ENP Policies ELM1 and ELM2 as detailed below.

7.24 The site lies outside but abutting the SDB of the ENP to its northern and eastern boundaries. ELM1 B states: Schemes within **and adjoining** the defined settlement boundaries should provide defensible boundaries to create a definitive settlement edge. In this case the site abuts the SDB to its full northern and eastern boundaries. Its full western and southern boundaries abut the highway (Tye Road and A133 Colchester Road). The site therefore provides clearly defensible boundaries and is effectively the rounding off of the settlement in relation to the existing surrounding residential development to the immediate north and east. **The proposal is considered to comply with ELM1 B**.

7.25 ELM1 C states: Proposals for development outside the settlement boundaries will only be supported if they accord with development plan policies managing development in the countryside. The relevant sections of this report assess the rural landscape impacts of the proposal and confirm grounds for refusal could not be sustained on this basis. ELM1 C adds: Proposals which reinforce the physical

and visual separation of Elmstead Market and Lanswood will be supported. Lanswood is at the opposite end of the village so no conflict is raised in this respect. **The proposal does not therefore conflict with ELM1 in this regard.**

7.26 The site lies within the designated Green Landscape Buffer. ELM2 confirms this has: the spatial purpose of protecting a valued landscape on the urban fringe of the TCBGC providing access to the countryside; avoiding coalescence; and retaining the separate identities of the TCBGC and Elmstead Market. ELM2 B confirms: Proposals for development within the Green Landscape Buffer will only be supported where they: i. represent the provision of appropriate development for a countryside location in accordance with Policy ELM1 Settlement Boundaries. **As detailed above the proposal accords with the provisions of ELM1 and furthermore is considered to accord with ELM B.**

7.27 ELM2 B ii confirms proposals will only be supported where they: improve access to, and the enjoyment of, the countryside in accordance with Policies ELM10 Important Views and ELM12 Movement and Access. There is not currently public access to the application site however the proposal will introduce this in terms of the provision of on site public open space. Important View 3 looks north up Tye Road directly adjacent to the western site boundary. ELM10 B confirms: Development proposals should preserve or enhance the local character of the landscape and through their design, height and massing should recognise and respond positively to the various Important Views. ELM10 C confirms: Development proposals which would have a significant adverse impact on an identified Important View will not be supported. The proposal includes the retention of the substantial screening to Tye Road and indicates new planting extending 9-12 metres from this boundary. The indicative layout with 1-1.5 storey height and modest massing viewed against existing surrounding dwellings demonstrates how the proposal would preserve this important view. **In conclusion there is therefore not likely to be conflict with these ENP policies.**

7.28 Under ELM12 an 'opportunity for a multi user route' is shown along the A133 footpath to the immediate south of the site towards Colchester. ELM12 B states: Development proposals on land that lies within or adjacent to the Network should sustain, and where practicable, enhance the functionality of the Network by virtue of their layout, means of access and landscape treatment. Improvements to this footpath have not been requested by the Highway Authority. However, a pedestrian/cycle link from within the site directly to this point is proposed which would ensure residents would benefit from any future improvements to this route. **There are therefore provisions to ensure the proposal accords with this ENP policy.**

7.29 ELM2 B iii confirms proposals will only be supported where they: would not diminish the physical and/or visual separation of the TCBGC development and Elmstead Market or harm its landscape setting. Since completion of the ENP the TCBGC Development Plan Document (DPD) has been adopted (17.06.2025). This includes its own 'Elmstead Strategic Green Gap' along its eastern edge to Elmstead Market. This reflects the aims of ELM2 Bii to ensure retention of the physical and visual separation of the TCBGC and Elmstead Market. Furthermore, the proposal would not project further west than the existing two storey residential development to the immediate north with Tye Road forming a strong defensible boundary. The proposal would not therefore materially diminish the physical and/or visual separation with the TCBGC. The impact on landscape setting is discussed in the report below and does not represent grounds for refusal. **The proposal does not therefore provide objectionable conflict with ELM2 B iii sufficient to warrant refusal.**

7.30 ELM2 B iv confirms proposals will only be supported where they: protect and reinforce the identified positive features of the landscape in the Green Landscape Buffer. The application site involves an arable field which is completely surrounded by defensive boundaries in the form of neighbouring residential development and well screened highways and would not compromise the remainder of the Green Landscape Buffer. The site is therefore considered to have a distinct urban fringe character and represents a logical rounding off of the settlement. Surrounding vegetation is retained and strengthened and as detailed elsewhere no objectionable landscape harm would result. **It is not therefore considered that any significant conflict with ELM2 would arise which would justify an objection sufficient to defend at appeal.**

7.31 NPPF Paragraph 14 confirms the adverse impact of allowing residential development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. Recent appeal decisions such as Melksham (APP/Y3940/W/25/3374421) and Henfield (APP/Z3825/W/25/3376143) confirm "Framework paragraph 14 is not absolute. It does not place a firm bar against development going ahead even if counter to a neighbourhood plan that meets the paragraph 14 tests" [and a judgement on "likely" is needed]. "Rather, paragraph 14 requires the decision-maker exercise judgement as to whether conflict with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits." "Furthermore, in an appeal decision for 250 dwellings in Faversham, Kent, the Inspector concluded that whilst the neighbourhood plan became part of the development plan within the past five years, it contains policies and allocations that would meet a housing requirement that does not accurately reflect up-to-date housing need. In this circumstance, the Inspector concluded the adverse impacts of the conflicts with the neighbourhood plan do not significantly and demonstrably outweigh the benefits."

7.32 With regard to NPPF Paragraph 14, the ENP became part of the Development Plan within the past five years. However, it contains policies and allocations that would only meet a housing requirement that does not accurately reflect up-to-date housing need. The conflict with the ENP is also limited to low level conflict with ELM2 Biii in terms of low level impact upon the landscape setting of Elmstead Market. Overall, and particularly because of the importance and weight to be applied to the proposed 30 dwellings, the adverse impacts of the limited conflict with the ENP would not significantly and demonstrably outweigh the benefits.

Loss of Agricultural Land

7.33 The Glossary to the NPPF defines best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification (ALC). Paragraph 180 b) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land".

7.34 The application site is indicated in the ALC map as Grade 2 (very good). This is on a scale of 1-5 where Grade 1 is 'excellent' and Grade 5 is 'very poor'. Natural England's guide to assessing development proposals on agricultural land states that Grade 2 'very good' quality agricultural land is: "Land with minor limitations that affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown. On some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops, such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than grade 1."

7.35 The site comprises an isolated field of around 1.98 hectares and the proposal will result in the loss of very good agricultural land. This harm is outweighed by the substantial benefits of up to 30 dwellings.

Access/parking/highway safety

7.36 Paragraph 114 of the NPPF requires that development provides safe and suitable access for all users, that parking and transport design accords with national guidance, and that any significant impacts on the transport network or highway safety are capable of being mitigated to an acceptable level. Paragraph 115 further clarifies that development should only be refused on highways grounds where it would result in an unacceptable impact on highway safety or where the residual cumulative impacts would be severe.

7.37 Local Plan Policy SPL3 Part B seeks to ensure that new development is served by a safe and practicable access, that the highway network can accommodate the traffic generated, and that

adequate vehicle and cycle parking is provided. The Essex Parking Standards set out the relevant minimum requirements for parking and turning.

7.38 The proposal seeks outline planning permission for up to 30 dwellings with only access to be considered at this stage. Vehicular access is proposed directly onto Meadow Close to the East where there is currently a field gate. A right turn onto Oatlands would then lead to the existing junction onto the A133 Colchester Road. Footpaths would join the existing footpaths in this area providing pedestrian connectivity to the village. A second point of access for pedestrians and cycles is proposed to the south east corner of the site which will provide a more direct connection to the bus stops and facilities further along Colchester Road.

7.39 Detailed access plans are provided showing the new 6m wide shared surface street with 2 metre wide footways which would then narrow to join the 4.8m wide Meadow Close carriageway. A Transport Assessment is also provided to assess the impacts of the proposed up to 30 dwellings on the transport network. A Residential Travel Plan is also provided however this is only required for developments of over 79 dwellings so is not secured by condition as it is not considered reasonable or necessary to make this development acceptable.

7.40 ECC Highways have reviewed the proposal and state it is anticipated that the development could generate up to 16 two-way movements in the AM and PM peaks, based on bespoke trip rates obtained from the existing access. The Oatlands/A133 Colchester Road junction has been tested with the development trips added in the 2031 future year, which demonstrates it would continue to operate well within capacity. They have no objection to the proposal subject to 5 conditions securing: 1. Construction Management Plan. 2. Site access details. 3. Completion of highway works to provide a) 20 MPH zone for Meadow Close from the junction with Oatlands, b) a traffic calming measure on Meadow Close between the junction with Oatlands and the junction for the northern arm of Meadow Close, c) The introduction of double yellow lines over a maximum distance of 15-metres in either direction and including the radius kerbs at the junction with the northern arm to Meadow Close and opposite the junction, d) new footway link at the southeast of the proposal connecting to the A133 Colchester Road and the wider pedestrian network, e) Where possible, introduction of a pedestrian only or combined pedestrian cycleway link between Barley Lane to the north and the proposed development. 4. Residential Travel Information Pack per dwelling. 5. Financial contribution of £15,000 towards the future bus stop infrastructure upgrades at the nearest bus stops to the proposed development (150032001004 Elmstead Market, Oatlands (adjacent) and 150032001017 Elmstead Market, Oatlands (opposite) and/or towards the energy and maintenance costs of the Real Time screens at both stops.

7.41 Conditions 1 (CMP), 2 (site access details) and 4 (RTIPs) are considered reasonable and necessary in the interests of highway safety and promoting sustainable transport and are to be secured by condition. Given the low density of the proposal sufficient off street parking to meet the needs of the development and its visitors in accordance with the Essex Parking Standards can be easily secured at reserved matters stage for Layout.

7.42 Condition 3 seeks various highway works to improve the safety of the existing road at Meadow Close by reducing the speed limit to 20 MPH, and introducing traffic calming and parking restrictions which are considered necessary improvements to mitigate the increase in traffic associated with the proposed development. These matters are secured by a condition which allows flexibility to acknowledge that these works will involve separate statutory consultations under Traffic Regulation Orders and are therefore subject to objection by the public. A new footway link is proposed to the south east corner of the site to enhance access to public transport and facilities in the Village but no details are provided of this at this stage. A condition is therefore imposed securing the full details of this link and its completion prior to first occupation of the development.

7.43 A pedestrian/cycle link to Barley Lane to the North is not included within the proposal. This is unfortunate as access through the application site would enhance accessibility to the village for existing residents on Barley Lane who currently have to walk via Tye Road. It is unknown whether

this is achievable with the neighbouring landowner so a condition securing this is not considered enforceable.

7.44 £15,000 is requested towards bus stop infrastructure upgrades at the two nearest bus stops on A133 Colchester Road and/or towards the energy and maintenance costs of Real Time screens at both stops. There is another pending application reference 26/00193/OUT for up to 85 dwellings at Land North of Meadow Close and West of Holly Way in very close proximity to the application site which seeks similar works. Real Time Information screens are to be installed at the Chapel Lane bus stops this year and this request would provide the same facilities for this next set of bus stops to enhance the public transport service. It is considered that these bus stop improvements are reasonable and necessary to improve the public transport service at these stops which are a very short walk from the proposed access link onto A133 Colchester Road. The wording of the S106 will be flexible to allow for the possibility of 26/00193/OUT being approved/allowed at appeal and therefore for the detail of the bus stop improvements of up to £15,000 to be submitted and agreed under a clause discharge of the S106 to ensure any bus stop improvements aren't duplicated/the specific works are agreed.

7.45 Subject to the above conditions/S106 agreement the proposal is acceptable in terms of access and highway safety.

Scale, Layout & Appearance

7.46 Paragraph 131 of the NPPF expects new development to be well designed, visually attractive and respectful of local character. Local Plan Policy SP7 also seeks good quality urban and architectural design, while Policies SPL3 and LP4 require layouts that relate well to their surroundings and help create a sense of place.

7.47 ENP Policy ELM9 states proposals will be supported provided they have full regard to the essential design guidelines and codes, where applicable relevant to the character area typologies within which they are located as set out in the Elmstead Design Guidance and Codes Report. Design Code SD2 confirms development outside the settlement boundary is only supported by the codes if development is appropriate to a countryside setting.

7.48 Appearance, Scale, Landscaping and Layout are reserved. However indicative plans show how the site could be developed for 30 dwellings with public open space to the south and east incorporating new and existing soft landscaping. Vehicular access is taken from Meadow Close to the east with an additional pedestrian/cycle connection proposed in the SE to provide a more direct route to the village and bus stop.

7.49 Building heights are indicated to be up to 1.5 storeys. Given the two storey development to the north and the single storey development to the east this is considered an appropriate scale.

7.50 Given the low density of development (around 15 dwellings per hectare) a detailed layout could easily ensure compliance with back to back separation distances and also provide ample private amenity space and off street parking to meet the needs of up to 30 dwellings on this site.

7.51 No concerns are therefore raised at this stage that these matters could not be satisfactorily addressed at reserved matters stage.

7.52 ENP Policy ELM7 states that new residential development will be expected to include in their housing mix a majority of 1-bedroom and 2-bedroom dwellings given the specific need in Elmstead. The application form confirms the housing mix is unknown so a condition will be imposed to secure this requirement.

Landscaping/Biodiversity

7.53 Paragraph 136 of the NPPF sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible.

7.54 Local Plan Policy PPL3 states: The Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance, including to native hedgerows, trees and woodlands. New development within the rural landscape should minimise the impact of light pollution on the site and its surroundings, in order to protect rural amenity and biodiversity. Local Plan Policy LP4 seeks high-quality design and states that new residential development should make a positive contribution to the District's sense of place by incorporating and maximising green infrastructure, including verges, trees and other planting.

7.55 ENP Policy ELM16 identifies the boundaries of the site as part of the existing green infrastructure network and the western area of the site as areas of potential for additional riparian/floodplain woodland. ELM16B states proposals that lie within or adjoining the Network are required to have full regard to maintaining and improving the functionality of the Network, including delivering a net gain to general biodiversity assets, in the design of their layouts, landscaping schemes and public open space provisions. ELM16C states proposals that will lead to the loss of land lying within the Network and that will undermine its integrity will be resisted. Development proposals that will lead to the extension of the Network to create additional recreational opportunities will be supported, provided they are consistent with all other relevant policies of the development plan. As detailed in the ecology and landscape sections the proposal complies with ELM16 by retaining and enhancing existing green infrastructure, minimum 10% BNG and provision of extensive open space and soft landscaping.

7.56 The site lies outside, but abutting to the north and east, of the SDB. The remaining two boundaries abut the highway to Tye Road to the west and A133 Colchester Road to the south. The site therefore provides clearly defensible boundaries and is effectively the rounding off of the settlement in relation to the existing surrounding residential development to the immediate north and east.

7.57 Landscaping is a reserved matter but an indicative Landscape Strategy Plan is provided which shows retention and strengthening of boundary vegetation, new tree planting, attenuation features, play equipment and grassed public open space.

7.58 All four boundaries are demarcated by established trees and hedgerows but the main body of the site is in agricultural use. Along the western site boundary with Tye Road are trees protected by Tree Preservation Order 16/00004/TPO (T1 Oak, G1 - 11 Oak, 1 Holly G2 - 28 Oak).

7.59 The application is accompanied by an Arboricultural Survey and Implications Assessment and a Hedgerow Regulations Assessment which are in accordance with the relevant requirements. The assessments accurately assess the likely impacts upon existing vegetation which are acceptable subject to the specified mitigation which is secured by condition to ensure the development is implemented without harm to retained vegetation.

7.60 The application is also accompanied by a Landscape and Visual Impact Assessment (LVIA) to quantify the likely harm to the local landscape character. The LVIA concludes the site is visually well contained with any views seen in the context of the western approach into Elmstead Market and the existing dwellings that contribute to this settlement edge character. The landscape proposals will result in a robust green infrastructure framework designed to lessen any potential adverse landscape or visual effects. Effects upon the landscape character of the site and its immediate context are assessed to be Moderate Adverse on completion reducing to Moderate/Minor Adverse after 15 years with the maturation of the proposed landscape features.

7.61 It is acknowledged that the site has an urban fringe character, being directly adjacent to residential development to the north and east, and roads to the south and west. Strong boundary vegetation provides a high level of screening and enclosure and this is to be retained and enhanced with

additional planting and open space. Currently the site provides an attractive entrance to the village from the West which reflects the verdant hedgerow/tree boundaries along both sides of the A133 Colchester Road. However, the houses to the north and bungalows to the east are clearly visible across the site through the gaps in boundary vegetation. The indicative layout retains and strengthens the boundary vegetation with open space and planting inside the western and southern boundaries which will soften the appearance of the proposed dwellings. It is therefore considered that the proposal would not result in harm to visual amenity or landscape character that would justify grounds for refusal.

7.62 The site is not designated in the adopted local plan but in the emerging Local Plan is proposed as part of a Strategic Green Gap around the village in order to retain the separate identity and prevent coalescence of settlements with the TCBGC. Very limited weight is currently afforded to the emerging local plan. Furthermore, as detailed under the principle of development section the proposal would not result in coalescence with the TCBGC with Tye Road forming a strong defensible boundary and the TCBGC Elmstead Strategic Green Gap beyond.

7.63 The site falls within the Green Landscape Buffer of the ENP under Policy ELM2. However, it is not considered that development of this site would adversely affect the function of the remainder of the buffer as it provides a logical squaring off of the settlement. Strong defensible road boundaries would prevent any further expansion in this area.

7.64 In concluding no objectionable landscape harm Officers are mindful of recent appeal decision 6004354 at land west of Sladburys Lane, Clacton which was allowed on 03/06/2026. That proposal was also for 30 dwellings abutting the SDB with dwellings to two sides but was within a designated Strategic Green Gap in the adopted Local Plan so was subject to higher landscape protections. The Inspector states: “Whilst the extent of development is confined to the appeal site, which is relatively contained in the wider context, the proposal would nevertheless result in a permanent loss of openness of part of the SGG. Taking these factors together, the degree of harm would be moderate, as substantial areas of the SGG would remain open and undeveloped, continuing to perform its strategic function. Nevertheless, the proposal would conflict with Policy PPL3 of the Local Plan Section 2, which seeks to protect the rural landscape and avoid overriding harm to its character.” “The identified benefits associated with the delivery of up to 30 dwellings, given the Council’s housing delivery position, collectively would be substantial.” “Overall, the moderate adverse impacts arising from the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does apply.” This allowed appeal is a material planning consideration and the Local Planning Authority must have regard to previous decisions to ensure consistency in decision making.

7.65 The Green Infrastructure Team do not object to the proposal and request conditions to secure a CEMP, LEMP and BGP+HMMP. Landscaping is a reserved matter so this would be considered and addressed at that later stage. Conditions are recommended as detailed under the landscape, ecology, BNG and drainage sections which would address the other requirements.

Heritage Assets

7.66 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

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

7.68 Local Plan Policy PPL9 states proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal will cause harm to a listed building, the relevant paragraphs of the NPPF should be applied.

7.69 There are a number of Grade II listed buildings close to the site which include Glen Cottage around 235m to the east; with Lime Cottages, The Limes, and Chase House (470m away) beyond. Fen Farm is located around 400m south. There is no intervisibility between the site and the listed buildings except glimpses of the roof of Fen Farm through the treeline on Colchester Road. There is no historic functional or ownership connection between the application site and the heritage assets.

7.70 Place Services Heritage confirm they agree with the conclusions of the Historic Environment Desk-Based Assessment that there will be no harm to any designated or non-designated heritage asset.

Archaeology

7.71 The NPPF explains that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation (Paragraph 207). Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (Paragraph 208).

7.72 Local Plan Policy PPL7 states that, proposals for new development affecting a heritage asset of archaeological importance or its setting will only be permitted where it will protect or where appropriate enhance the significance of the asset. Where a proposal will cause harm to the asset, the relevant paragraphs of the NPPF should be applied dependent on the level of the harm caused.

7.73 Place Services Archaeology have reviewed the submitted desk based assessment and geophysical survey which concludes the site has moderate potential for archaeological remains. A programme of trial trenching followed by excavation is therefore recommended in line with paragraph 218 of the NPPF. This is secured by condition.

Impact on Residential Amenity

7.74 Paragraph 135 of the NPPF requires that planning decisions ensure developments create places that are safe, inclusive and accessible, and which promote health and well-being with a high standard of amenity for existing and future users.

7.75 Local Plan Policy SP7 seeks to ensure that the amenity of existing and future residents is protected. Local Plan Policy SPL3 Part C requires that development does not result in material harm to the privacy, daylight or general amenity of neighbouring occupiers, while Part B requires new development to be designed and orientated to provide adequate daylight, outlook and privacy. Policy LP4 further requires that new dwellings provide appropriately sized and configured private amenity space in keeping with local character.

7.76 To the north of the site lies two storey dwellings at Barley Lane, to the east lies single storey sheltered accommodation dwellings at Meadow Close. The indicative block plan shows how the site could be developed for 30 single and 1.5 storey dwellings with adequate spacing to prevent any significant loss of light, outlook or privacy. This would be assessed at reserved matters stage for Layout, Scale and Appearance but raises no concern at this stage.

7.77 Adequate private gardens are indicated on the layout plan and any internal layout would be assessed at reserved matters stage to ensure compliance with the nationally described space standards to

ensure satisfactory living accommodation.

7.78 Environmental Protection highlight the close proximity of the A133 and the new A12 link road and request evidence that noise levels within the dwellings and rear gardens will conform to the specified standards. This is addressed by planning condition.

7.79 Vehicular access is taken via Oatlands and Meadow Close so existing residents in this area will experience increased traffic and the associated noise and disturbance from the additional vehicles/pedestrians/cycles accessing the up to 30 new dwellings. However, there is already around 16 dwellings accessed beyond the proposed point of access off Meadow Close so the additional associated vehicular movements for up to 30 more dwellings is not likely to result in significant noise/disturbance which would justify an objection on these grounds. Conditions are also included which request a speed limit reduction to 20 MPH and traffic calming measures in this area to reduce speed and improve safety.

7.80 An internal footpath to reach the second point of access for cycles and pedestrians onto the A133 is proposed along the south east corner of the site. There is a proposed play area roughly central to the site and trim trail equipment to the north eastern corner of the site. It is considered the trim trail equipment would be better located in the main area of open space away from the neighbouring sheltered housing, this would be dealt with at reserved matters stage. The proposal will bring activity in close proximity to the rear gardens and dwellings along Meadow Close however sufficient space is available for soft landscaping to ensure no significant loss of privacy or amenity to these dwellings and this would be fully considered at reserved matters stage. The rear gardens of the dwellings indicated to the northern part of the site are shown set back behind additional planting to ensure sufficient separation to the rear of neighbouring dwellings at Barley Close to preserve their amenity.

7.81 A construction method statement condition is included to minimise disruption to existing residents during construction. A condition also secures details of any external lighting to minimise light pollution to neighbouring residents.

Drainage

7.82 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.

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

7.84 The proposal is to connect to the main foul sewer in accordance with Policy PPL5 and the NPPF.

7.85 Anglian Water confirm sufficient capacity exists to accommodate the wastewater and foul flows from the development. They have assets which may affect the future site layout and this is addressed by an informative.

7.86 Affinity Water make comments in relation to potential pollution during construction and water efficiency measures – this would be addressed by the contamination, construction management, and resource efficiency conditions.

7.87 Local residents raise concerns relating to existing water pressure and sewerage problems. Comments refer to unpleasant odours coming from the existing drain covers in Meadow Close. Objectors raise concern the proposal will exacerbate existing problems. The Environmental Permitting (England and Wales) Regulations 2016 provide a legal framework for water discharges,

requiring companies to hold permits and comply with conditions to prevent pollution. Additionally, the Water (Special Measures) Act 2025 introduces further duties, including: Pollution Incident Reduction Plans, real-time monitoring of discharges and enhanced transparency and accountability. Ultimately, the Environment Agency regulates and enforces these environmental protections. The planning system must assume that these regimes will operate effectively and cannot presume unlawful pollution will occur. In this case the Environment Agency regulates what is unacceptable levels of water pollution, by default what accords with the planning consideration of the NPPF Para 187(e) in this regard of connected drainage. The current planning application can only be required to handle the waste from the new housing and cannot be required to address existing problems in the drainage network.

Flood Risk

7.88 Paragraph 181 of the NPPF states that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 goes on to say that, developments should incorporate sustainable drainage systems. The systems used should, amongst other things, take account of advice from the lead local flood authority and have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

7.89 Local Plan Policy PPL5 requires that all new development must make adequate provision for drainage and sewage treatment and should include sustainable drainage systems (SuDS). Policy SPL3, Part B criterion g), requires that development reduces flood risk and integrates sustainable drainage within development.

7.90 The site lies within flood zone 1 (low risk) but has significant scattered areas of surface water flood risk mainly around the eastern and southern areas of the site. The indicative layout is a logical response to the surface water drainage constraint with no dwellings built upon these areas.

7.91 The application is accompanied by a Preliminary Flood Risk Assessment and Drainage Strategy. A proposed attenuation basin is located in the south west corner of the site.

7.92 Essex County Council SuDs (Lead Local Flood Authority) have been consulted and initially confirmed a holding objection due to insufficient information. Following the submission of additional information they have removed their objection subject to three conditions which are included in the recommendation.

Sustainable Construction & Energy Efficiency

7.93 Local Plan 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 Local Plan 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.

7.94 ENP Policy ELM8 confirms all development should minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping. These matters would be assessed at reserved matters stage.

7.95 Some details are provided in the submitted Design and Access Statement however a condition is imposed to secure full details of the required sustainability measures.

Section106 of the Town and Country Planning Act 1990

7.96 Paragraph 56 of the NPPF states that local planning authorities should consider whether otherwise

unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

7.97 The applicant is willing to enter into a S106 agreement to make the below contributions/commitments.

Affordable Housing

7.98 Paragraph 64 of the NPPF states: Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site… Paragraph 66 of the NPPF states: Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.

7.99 The proposal includes up to 9 affordable homes on site, equating to 30% of the total development, in accordance with the requirement in TDLP Policy LP5 that major residential schemes of 11+ homes provide 30% affordable units for acquisition by the Council or its nominated partners at a discounted value.

7.100 ENP Policy ELM5 also requires 30% affordable housing. ELM5B states the starting point should be 25% first homes, with the remainder to be 70% affordable rent, 5% shared ownership at 25% equity. ELM6 confirms First Homes are to be secured with a minimum 40% discount from full open market value.

7.101 The size and type of affordable housing will be specified by the Council on a case-by-case basis having regard to ELM5, ELM6, the latest Strategic Housing Market Assessment (SHMA) and housing needs register and will be the subject of negotiation between the Council and the developer or applicant as required by the S106 agreement.

Highways

7.102 Local Plan Policy CP1 states proposals for new development must be sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport. In order to reduce dependence upon private car transport, improve the quality of life for local residents, facilitate business and improve the experience for visitors, all such applications should include proposals for walking and cycling routes and new or improved bus-stops/services.

7.103 £15,000 is requested towards bus stop infrastructure upgrades at the two nearest bus stops on A133 Colchester Road and/or towards the energy and maintenance costs of Real Time screens at both stops. These bus stop improvements are considered reasonable and necessary to improve the public transport service at these bus stops which are a very short walk from the site. The wording will be flexible to prevent any duplication of work/surplus payments as a similar request has also been made for 26/00193/OUT.

7.104 The wording of the S106 will be flexible to allow for the possibility of nearby application 26/00193/OUT being approved/allowed at appeal and therefore for the detail of the bus stop improvements of up to £15,000 to be submitted and agreed under a clause discharge of the S106 to ensure any bus stop improvements aren't duplicated/the specific works are agreed.

Public Open Space

7.105 Policy HP5 requires major new residential development to provide a minimum 10% of the gross site area as open space. The indicative plans show the development would provide for in excess of the

10% requirement. The S106 will include details of the management and timings of implementation and transfer of the public open space alongside associated maintenance responsibilities thereafter.

7.106 There is a deficit of 1.47 hectares of equipped play in Elmstead. The proposal includes a Local Area of Play (LAP) and trim trail equipment full details and provision of which will be secured by S106.

Recreational Disturbance Mitigation (RAMS)

7.107 A financial contribution (currently £175.55) per dwelling is required towards the Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS) to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with TDLP Policies SP2 and PPL4 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Biodiversity Net Gain

7.108 The required 30 year monitoring fee of £12,826.28 will be secured by S106.

Education

7.109 ECC Schools have been consulted and followed up for comments however no comments or S106 request have been received.

7.110 A comment has also been received from Latimer who are the controlling interest for the proposed neighbouring Garden Community. They request the Council secures monetary contributions towards education, healthcare, active travel measures, and transport mitigation at TCBGC, which this proposed development, if approved, would benefit from. However, given the timescales involved with the TCBGC this request is considered premature as any approval of this application would likely result in this development being occupied significantly in advance of any infrastructure being available for these new residents within the TCBGC.

Ecology and Biodiversity

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

General duty on all authorities

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

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

7.114 The application is accompanied by an Ecological Impact Assessment (EIA). The EIA includes details of proposed ecological enhancements such as planting; grassland; bird, bat and invertebrate boxes; and log piles. A condition is imposed to secure submission of a Biodiversity Enhancement Strategy. Therefore, the development on balance and with consideration of the impact of the development and

baseline situation on site, does conserve and enhance biodiversity interests

Biodiversity net gain

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

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

7.117 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.

7.118 The submitted Biodiversity Net Gain Statement confirms over 10% BNG will be provided, delivered for at least 30 years and a Habitat Creation Management and Monitoring Plan should be produced. This is secured by condition and the BNG monitoring fee will be secured via S106.

7.119 Protected Designated Habitats

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

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

Protected Species

7.122 In accordance with Natural England’s standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species.

7.123 The EIA concludes the main body of the site (arable land) is very low ecological value with higher value trees and hedgerows retained to the site boundaries. The reptile survey recorded no reptiles indicating the likely absence of this species but recommends precautionary measures. Bat foraging and commuting activity along the site boundaries requires protection including a sensitive lighting

scheme. The site also offers some suitable habitat for invertebrates and breeding birds with avoidance and mitigation measures proposed.

7.124 Place Services Ecology confirm no objection subject to conditions. They are satisfied there is sufficient ecological information available to support determination of this application. Conditions are included to ensure compliance with the EIA recommendations, submission of a Biodiversity Enhancement Strategy and wildlife sensitive lighting scheme.

Ecology Conclusion

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

Other considerations

7.126 In relation to potential contaminated land a Phase 1 Geo-Environmental Assessment has been submitted which states there 'should be no significant geo-environmental issues that would prevent the Site from being developed for its intended use. An intrusive ground investigation may be carried out at the appropriate time to inform the design of buildings and onsite infrastructure. If these investigations reveal any potential contamination, then these will be dealt with as necessary at that time.' A condition is therefore imposed for further contamination investigation to ensure the site is safe for human habitation.

7.127 The Fire Service, Police and NE Parking Partnership provide advisory comments for the applicant to take into consideration in any future reserved matters submission.

8. Planning Balance and Conclusion

8.1 The Council cannot currently demonstrate a five-year housing land supply, and therefore the presumption in favour of sustainable development (the "tilted balance") applies. In this context, planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

8.2 While the proposal lies outside the SDB and therefore conflicts with Policies SPL1 and SPL2, it abuts the SDB to two boundaries. Conflict with the ENP is limited. Landscape impact is contained and can be mitigated effectively through reserved matters design, landscaping and layout. It would deliver up to 30 homes including 30% affordable housing. The scheme would generate economic benefits during construction and through additional local expenditure. It provides public open space in excess of the policy requirement, Biodiversity Net Gain, and improvements to two local bus stops.

8.3 Technical assessments confirm that matters relating to highways, drainage, flood risk, ecology, residential amenity and archaeology can all be satisfactorily addressed through conditions or planning obligations. No statutory consultee objects to the proposal, subject to appropriate mitigation. When considered against the economic, social and environmental objectives of the NPPF, the scheme delivers significant benefits that clearly outweigh the limited and manageable harms. The adverse impacts do not significantly and demonstrably outweigh the benefits, and the development therefore constitutes sustainable development in accordance with paragraph 11(d) of the NPPF.

8.4 For the avoidance of doubt, the provisions of paragraph 14 of the National Planning Policy Framework (2024) have been carefully considered in the determination of this application. The Elmstead Neighbourhood Plan forms part of the statutory development plan, was made within the

last five years, and includes policies and allocations intended to address local housing needs. On that basis, it is accepted that paragraph 14 is engaged and is a material consideration of substantial weight in the decision-making process.

8.5 However, paragraph 14 does not operate as an absolute bar to development. It requires the decision-maker to exercise planning judgement as to whether the adverse impacts of granting permission, including conflict with neighbourhood plan policies, are likely to significantly and demonstrably outweigh the benefits of the proposal when assessed against the Framework as a whole. In this case, the neighbourhood plan proceeds on the basis of a housing requirement of zero arising from the anticipated delivery of the Tendring Colchester Borders Garden Community. While this forms part of the development plan and attracts significant weight, the Council must also have regard to its current housing land supply position, which demonstrates a substantial shortfall. This represents an important and up-to-date material consideration which was not fully reflected at the time the neighbourhood plan was prepared.

8.6 The proposal is acknowledged to give rise to conflict with elements of the neighbourhood plan, in particular its location within the designated Green Landscape Buffer and outside the defined settlement development boundary. That conflict has been given significant weight in the planning balance. However, the degree of harm arising has been assessed as limited, having regard to the site's relationship to the existing built form, its containment by strong defensible boundaries, and the ability to mitigate landscape and visual effects through design and landscaping secured at reserved matters stage.

8.7 Balanced against this, the proposal would deliver up to 30 dwellings, including policy-compliant affordable housing, in the context of a significant district-wide housing shortfall, together with associated economic and social benefits. Having regard to all material considerations, it is concluded, as a matter of planning judgement, that the adverse impacts arising from conflict with the neighbourhood plan, while significant, are not such that they significantly and demonstrably outweigh the benefits of the proposal when assessed against the Framework as a whole. Accordingly, paragraph 14 does not indicate that planning permission should be refused in this instance.

9. Recommendation

9.1 Approval (inc. S106 requirements)

Recommendation: Outline Approval subject to securing Planning Obligations

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

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

3. The informative notes as may be deemed necessary.

Or;

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

9.2 Planning Obligations - Heads of Terms

CATEGORY	TERMS
Affordable Housing Provision (onsite or contribution??)	30% on site provision through an Affordable Housing Scheme
RAMS financial contribution	£175.55 per dwelling
Open Space provision	Provision of on-site Open Space and Maintenance Responsibilities.
Highways	Up to £15,000 for bus stop improvements
Biodiversity Net Gain Monitoring fee	Securing a financial contribution towards the 30-year monitoring of the Biodiversity Net Gain Plan and implemented scheme.

9.3 Conditions and Reasons

1 COMPLIANCE REQUIRED: TIME LIMIT FOR RESERVED MATTERS APPLICATION

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

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

NOTE/S FOR CONDITION:

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

2 APPROVAL OF RESERVED MATTERS

CONDITION: No development shall commence on a phase until approval of the details of:-

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

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

REASON: To enable the Local Planning Authority to secure an orderly and well-designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan.

NOTE/S FOR CONDITION:

This condition requires approval of all reserved matters for that dwelling and its plot as may be listed to be agreed in writing prior to any commencement of the approved development for that dwelling and its plot. Failure to comply with this condition may result in the permission becoming lapsed and unable to be carried out.

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

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

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

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

LANDSCAPING: The treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features. If plots are individually submitted the Landscaping for the area between that plot and the site frontage to that plot shall also be included.

3 COMPLIANCE: APPROVED PLANS & DOCUMENTS

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

- Site Location Plan LP01 Rev. A
- Proposed Access Arrangements 7331.003 Rev. A
- Access Parameter Plan PP01 Rev. A (in relation to points of access only)
- Arboricultural Survey and Implications Assessment dated 14/01/2026
- Ecological Impact Assessment LD3426-ECO-REP-005-00-ECIA
- Flood Risk Assessment and Drainage Strategy SMA Ref: 7331.FRA
- Flood Risk Assessment Technical Note received 06.05.2026
- Geophysical Survey Report MSTM1295
- Hedgerow Regulations Assessment dated 03 April 2025
- Historic Environment Desk-Based Assessment dated September 2022
- Landscape and Visual Appraisal dated January 2026
- Transport Assessment dated February 2026
- Utilities Statement dated October 2025
- BNG Metric Calculator received 18.02.2026
- Phase 1 Geo-Environmental Assessment dated February 2026

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

NOTE/S FOR CONDITION:

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

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

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

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

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

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

including opening times, parking and advertisements (including flags and directional signs).

o) Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developers expense when caused by the developer.

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

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

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

5 FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN

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

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

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

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

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

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

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

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

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

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

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

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

Ways to achieve 10% BNG may include:

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

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

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

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 a 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.

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.

7 FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 1

CONDITION: No development or preliminary groundworks shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The evaluation shall be carried out in its entirety as may be agreed.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure

the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage as there is an unacceptable risk of loss and damage to archaeological and historic assets.

8 FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 2

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

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

9 FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 3

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

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

10 FURTHER APPROVAL: SUDS WATER DRAINAGE SCHEME

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

- Limiting discharge rates for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change to 0.5l/s from the south-west detention basin and 0.2l/s from the south-east basin. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Provision of 10% urban creep allowance applied to the impermeable areas used to calculate the required storage, in accordance with BS8582.

- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

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

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

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

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

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to the commencement of development. This condition is imposed to ensure the potential impact on a sensitive area is considered and harm avoided that may be detrimental to amenity and the environment. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

12 FURTHER APPROVAL - SUDS WATER DRAINAGE MAINTENANCE DETAILS

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

Planning Authority.

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

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

13 FURTHER APPROVAL - SUDS WATER DRAINAGE MAINTENANCE LOG DETAILS

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

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

14 AGREEMENT OF HOUSING MIX

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

REASON: To ensure 1) a mix of dwelling sizes to reflect the overarching vision for growth within Elmstead Market as required by Elmstead Neighbourhood Plan Policy ELM7 and the evidence of housing need contained in the latest Strategic Housing Market Assessment 2) to allow for consideration of the development's impact on local highways.

NOTES FOR CONDITION:

The housing mix shall broadly reflect the housing need identified in Elmstead Neighbourhood Plan Policy ELM7 unless there are genuine physical or economic viability reasons why this mix cannot be achieved.

15 COMPLIANCE: ECOLOGICAL APPRAISAL RECOMMENDATIONS

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

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

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

16 FURTHER APPROVAL REQUIRED - BIODIVERSITY ENHANCEMENTS

CONDITION: Prior to any works above slab level a Biodiversity Enhancement Strategy for protected, 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 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;
e) details of initial aftercare and long-term maintenance (where relevant).

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

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

17 FURTHER APPROVAL - WILDLIFE SENSITIVE LIGHTING SCHEME

CONDITION: Prior to occupation a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for 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 show how and where external lighting will be installed (through the provision of appropriate lighting technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

18 ACTION AND DISCHARGE REQUIRED: DETAILS OF PROPOSED ACCESS

CONDITION: No development shall commence above slab level until final details of the site access from Meadow Close into the development, as shown in principle on drawing no. 7331.003 Rev. A, have been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation, the approved access shall be laid out and constructed in its entirety. The access shall then be retained in its approved form.

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

19 ACTION AND DISCHARGE REQUIRED: HIGHWAYS

CONDITION: No occupation of the development shall take place until the following have been provided or completed, or alternative measures as may be agreed, in accordance with details to

have been previously submitted to and agreed in writing by the Local Planning Authority:
a) The introduction of a 20MPH Zone for Meadow Close from the junction with Oatlands.
b) The introduction of some form of traffic calming measure on Meadow Close between the junction with Oatlands and the junction for the northern arm of Meadow Close.
c) The introduction of double yellow lines over a maximum distance of 15-metres in either direction and including the radius kerbs at the junction with the northern arm to Meadow Close and opposite the junction.
d) As indicated, the provision of a new footway link at the southeast of the proposal site, connecting to the A133 Colchester Road and the wider pedestrian network.

REASON: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

20 RESIDENTIAL TRAVEL INFORMATION PACK

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

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

21 COMPLIANCE REQUIRED: TREE/VEGETATION PROTECTION

CONDITION: Development shall be carried out in accordance with the submitted Arboricultural Survey and Implications Assessment and Hedgerow Regulations Assessment. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees/vegetation to be protected. Any trees/vegetation dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees/vegetation of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees/vegetation.

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

22 AGREEMENT OF LOCAL RECRUITMENT STRATEGY

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

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

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

23 AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: Concurrent with the first reserved matter a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include as a minimum:-

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

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

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

NOTES FOR CONDITION:

Slab level normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visualised above ground level or seek confirmation from the Local Planning Authority for your development.
Broadband provision is included to ensure the development is able to be equipped with high speed broadband to enable opportunities for web-based communication and homeworking reducing the need for unsustainable travel.

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

24 AGREEMENT OF NOISE LEVELS

CONDITION: Concurrent with the reserved matter submission for appearance a scheme detailing the internal noise levels within all dwellings and their rear gardens in relation to BS8233:2014 (or latest revision) shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the approved scheme prior to occupation of the dwelling to which it relates.

REASON: To ensure a satisfactory level of amenity for future residents due to the proximity to an existing A-Road and the new A12 link road.

25 FURTHER APPROVAL - CONTAMINATION REPORT

CONDITION: A written report shall be submitted to the Local Planning Authority for approval detailing the findings of the intrusive ground investigation as recommended in the submitted Phase 1 Geo-Environmental Assessment. 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 use/occupation of the development.

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

Informatives

Positive and Proactive Statement

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

Highways Informatives

- Internal layout to be subject to a 20mph Zone.
- Priority for pedestrians and cyclists across internal junctions.
- Prior to any works taking place in the highway, the developer should enter into a S106 and S278 agreement or Minor Works Authorisation with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- All or some of the requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
- All highway related details should be agreed with the Highway Authority.
- As indicated in the supporting information, the development should be in accordance with the 2024 Essex Parking Guidance: 2024 Essex Parking Guidance | Essex Design Guide

i) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

ii) 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

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

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

SuDS Informatives

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

Anglian Water informatives

1. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087 Option 2.
2. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
3. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087 Option 2.
4. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 Option 2 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

10. Additional Considerations

Equality Impact Assessment

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

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

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

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

Human Rights

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

10.5 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the

First Protocol (protection of property) and Article 14 (right to freedom from discrimination).

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

Finance Implications

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

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

11. Declaration of Interest

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

12. Background Papers

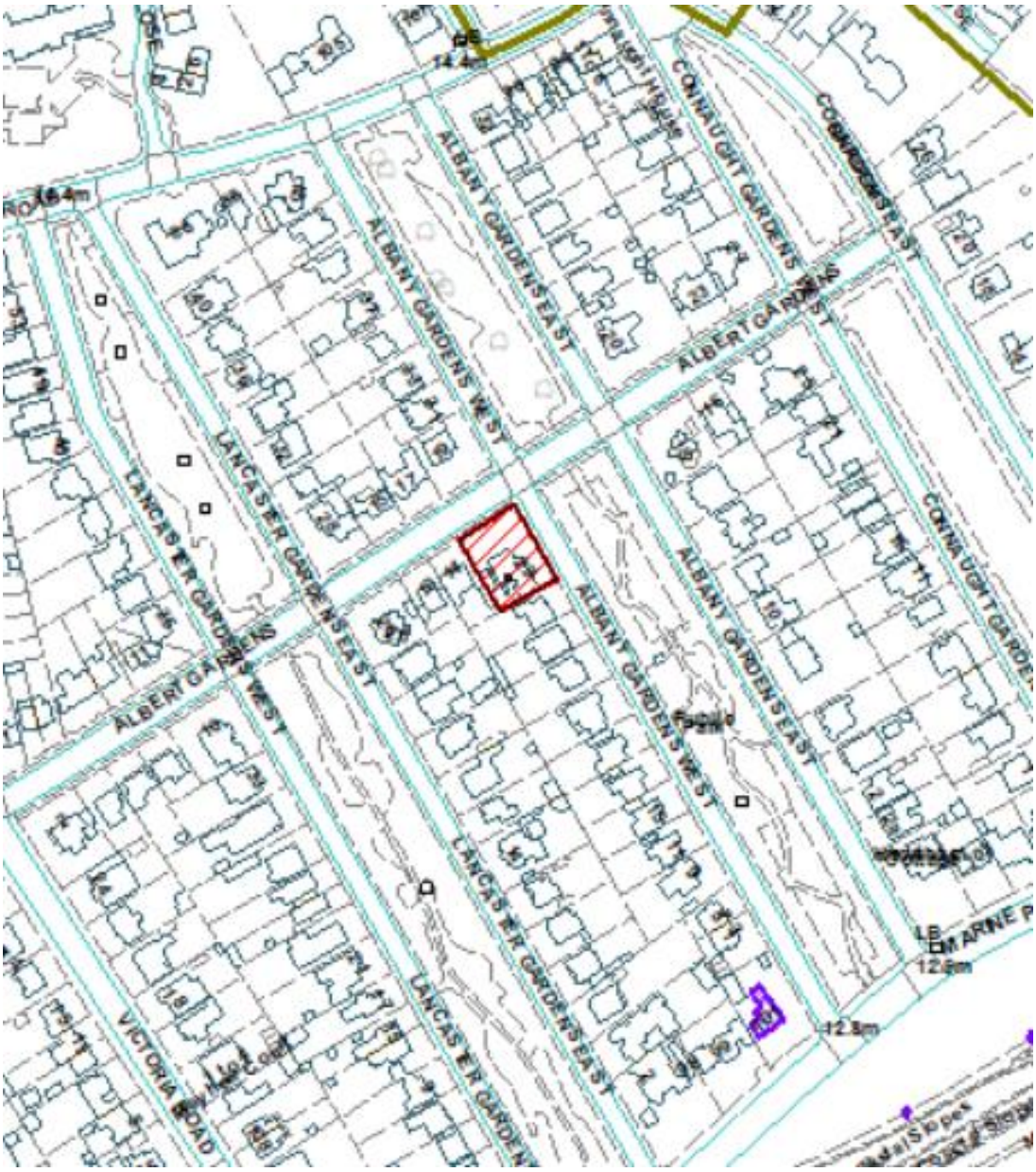
12.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report)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

PLANNING COMMITTEE

7th July 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.2 PLANNING APPLICATION – 26/00580/FUL – ALBANY HOUSE 29 ALBANY GARDENS WEST CLACTON ON SEA CO15 6HN



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Application:	26/00580/FUL	**Expiry Date:**	15th June 2026
Case Officer:	Charlotte Cooper		
Town/ Parish:	Clacton Non Parished		
Applicant:	Kennedy - Thameside Pathways Ltd		
Address:	Albany House 29 Albany Gardens West Clacton On Sea CO15 6HN		
Development:	Planning Application - Change of use from Dwelling (C3) to Children's Home (C2).		
Referral Reason:	Cllr S. Honeywood as Ward member call-in, see details in report		
Recommendation:	Full Planning approval subject to conditions		

1. Executive Summary

1.1 The proposed change of use is considered acceptable and would not result in material harm to the character of the area, heritage assets, highway safety, residential amenity, drainage, ecology or biodiversity interests.

2. Status of the Local Plan

Planning Policy Context

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

Housing Supply

2.2 The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. Paragraph 78 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of 5% to ensure choice and competition in the market for land, unless the Housing Delivery Test (HDT) demonstrates significant under delivery of housing over the previous 3 years - in which case a higher buffer is required. Section 1 of the Local Plan, which establishes the District's annual housing requirement, reached five years old on 26 January 2026.

2.3 The Council demonstrates its supply of specific deliverable sites within the Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in December 2025.

2.4 From 26th January 2026, the Council is required to calculate its five-year land supply position against the local housing need determined using the Standard Method set out in Planning Practice Guidance. The housing requirement for Tendring is 1,063 homes a year. The most recent SHLAA demonstrates a 3.22-year supply of deliverable housing sites. The SHLAA can be viewed on the Council's website: https://www.tendringdc.gov.uk/content/monitoring-and-shlaa

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

Neighbourhood Plans

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

3. Planning Policy

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

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

Local:
Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)
SP 1 Presumption in Favour of Sustainable Development
SP 2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP 3 Spatial Strategy for North Essex
SP 4 Meeting Housing Needs
SP 7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)
SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
LP10 Care, Independent Assisted Living
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL9 Listed Buildings
PPL12 The Gardens Area of Special Character, Clacton-On-Sea
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

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

4. Relevant Planning History

87/01238/FUL	Change of use from single dwelling to geriatric nursing scheme	Approved	20.10.1987

90/00867/FUL	Two storey front extn and first floor single storey rear extn to residential home for the elderly	Approved	27.11.1990
13/00900/FUL	Change of use from registered residential home for the elderly to private dwelling (retrospective application).	Approved	28.10.2013
13/01231/FUL	Single storey side extension.	Approved	07.01.2014

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 **19.05.2026**

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.

Given the scale of the proposed development and the area to be available for parking within the site, which complies with Tendring District Council's adopted parking standards therefore, from a highway and transportation perspective the proposal is acceptable to the Highway Authority.

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

Essex County Council Adult Social Care **13.05.2026**

The proposal is to provide accommodation for up to five children and young people aged 8-17. This would include four bedrooms in the main house, along with a self-contained annex designed to support one young person preparing for independent living, meaning a maximum of five children or young people would be living at the property at any one time.

The children placed in the home would have emotional and behavioural difficulties. The care approach is described as trauma informed.

We also note that the home is intended to be registered with Ofsted and run in line with the Children's Homes (England) Regulations 2015.

We have reviewed our data to provide you with a picture of the current situation in the area in question. In respect to the data regarding children in mainstream homes, the following data is applicable at present:

- How many CYP with Tendring as home district are in mainstream residential care homes? 4.
- How many CYP with Tendring as home district are supported in district in mainstream residential care homes? 0.

- The total number of Essex CYP supported in district in mainstream residential care homes is 4.

In respect to the data regarding children in children with disabilities (CWD) homes, the following data is applicable at present:
- How many CYP with Tendring as home district are in CWD homes? 2.
- How many CYP with Tendring as home district are supported in district in CWD homes? 0.
- The total number of Essex CYP supported in district in CWD homes is 2.

The total number of registered homes in the district is 12.
The total number of registered beds in the district is 42.

At this stage, the applicants have not contacted or discussed their plans with us. We would encourage them to attend one of our weekly Children's Residential drop-in sessions, where colleagues from our residential, commissioning and procurement teams can offer advice, guidance and support on their proposals.

As a general principle, provision with larger numbers of residents or a more institutional presentation does not align with Essex County Council's preferred model, nor with our current sufficiency needs. We note that the applicant is proposing a four-bed home within the main residence, alongside a self-contained annex to support a young person preparing for independent living.

Across Essex, children's homes typically accommodate around four children, with a strong emphasis on creating a homely, therapeutic environment. This supports stability, promotes inclusion within the local community, and enables step-down pathways where appropriate. In this respect, the proposed children's home broadly aligns with our preferred model in terms of scale, for supporting children who are able to live within a group home setting.

In respect to our current sufficiency priorities, there is a particular need to increase smaller-scale provision, specifically solo or two-bed homes for children with more complex needs, where group living arrangements may not be suitable.

Environmental Protection **17.06.2026**

Have reviewed the application and noted the noise and Anti-Social Behaviour plan and have no comments to make.

Waste Management **01.05.2026**

As a residential care home, provision of waste and recycling services will be chargeable. Local authority provision is 55 litre kerbside boxes for twin stream dry mixed recycling on alternate weekly collection, weekly separate food waste collection and fortnightly residual waste collection from 180 litre wheeled bin

6. Representations

6.1 Details of Committee Referral

Call-in received by:

Cllr Honeywood -Ward councillor for St Pauls ward

Summary of reasons for call-in:

- Contrary to development plan or government Guidance
- Highways Impacts or other traffic issues
- Negative impacts on neighbours

6.2 Parish / Town Council

Clacton is non-parished

6.3 Neighbour / Local Representations

A total of 58 letters of objection have been received in relation to the proposed development; these raised the following summarised material planning considerations;

- Harm to The Gardens Area of Special Character
- Harm to visual amenities / appearance
- Harm to residential amenities
- Highway safety / parking
- Fails to comply with adopted policies PPL12, LP10, HP1, SPL3 and CP1
- Loss of C3 dwelling
- Setting an unwanted precedent

It noted that one comment has stated there was no expiry date completed on the site notice posted at the site, however the case officer's site photos clearly show the date of 28.05.2026. Further comments have been made relating to a 'lack of consultation', however the Council have consulted with the immediate neighbouring dwellings and have also posted a site notice, outside the site which is available for public viewing. The Council are therefore satisfied adequate consultation was undertaken which exceeds the statutory requirements.

Furthermore, many of the objections raise concerns over safety and lack of information relating to the type of people the home will serve. The proposal is for a children's home. The individual reason why children may need the home is not a material planning consideration and the situations leading children to require a safe environment can be varied. If residents have serious safety concerns this would be a police matter.

All other material planning considerations raised have been addressed in the below report.

7. Assessment

Site Context

7.1 The application site serves a residential dwelling located on a corner plot at the west of Albany Gardens West and to the south of Albert Gardens. The site is located within the settlement development boundary of Clacton on Sea, as defined by the Tendring District Council's Local Plan 2013-2033 and Beyond. The site is also located within the Gardens Area of Special Character.

Planning History

7.2 Planning permission was granted for the change of use from a single dwelling to geriatric nursing home under reference 87/01238/FUL in 1987. in 2013 permission was granted for the change of use from registered residential home for the elderly to private dwelling (Retrospective application), under reference 13/00900/FUL.

Proposal

7.3 This application is seeking full planning permission for the change of use from Dwelling (C3) to Children's Home (C2).

7.4 The proposal seeks to provide a home to accommodate up to five children and young people aged 8-17 years old. The home comprises of four children's bedrooms within the main home and an attached self-contained annex, able to support one young person ready for a move to independent living.

7.5 The home will employ up to 15 members of staff including;

- Registered Manager – Responsible for overall operation, supervision and compliance.
- Deputy Manager – Supports management and oversees daily routines.
- Residential Support Workers – Provide direct care and supervision.

It is important to note that whilst the home will employ up to 15 members of staff, no more than 3 members of staff are on site at any time (two carers plus manager).

Staff work on extended 24-48 shifts, minimising daily staff travel. With digital handovers reducing the overlap and avoiding unnecessary comings and goings. The manager works core weekday hours with flexibility for remote work.

7.6 The only external changes proposed are for the removal of a window on the ground floor front elevation and replacement with an access door and window, serving the living area.

Principle of Development

7.7 Paragraph 61 of the National Planning Policy Framework (NPPF) states: To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community. Paragraph 63 of the NPPF seeks to ensure that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; looked after children; older people; students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.

7.8 Adopted Local Plan Policy LP10 (Care, Independent Assisted Living) confirms that the Council will support the provision of care homes and extra care housing in settlement development boundaries. All new care homes and extra care housing must offer a high quality, safe, secure and attractive environment for their residents and provide sufficient external space to accommodate the normal recreation and other needs of residents, visitors or employees. Proposals shall have no significant material adverse impact on residential amenity, highway safety, or the form and character of nearby settlements and shall be otherwise appropriate in scale and design for their location, having regard to other policies in the Local Plan.

7.9 Officers acknowledge that the site provides a small garden area. However, this is considered sufficient to cater for day-to-day domestic needs, such as drying clothes, and does have some space for play. The site is located within a sustainable location with a number of open space areas within walking distance, including the seafront and Eastcliff Recreation Ground and play area, which is approximately a 12-minute walk from the site. The site is therefore considered able to cater for the normal recreation and other needs of residents, visitors and employees. Policy LP10 also requires consideration of residential amenity, highway safety, and the form and character of the surrounding area. These matters are assessed in detail in the relevant sections below and, for the reasons set out in those assessments, the proposal is not considered to result in significant harm in respect of those matters. The proposal is therefore considered acceptable in accordance with Policy LP10.

7.10 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 11(d) of the National Planning Policy Framework (NPPF) requires decision-makers to apply the tilted balance, giving added weight to schemes that contribute to meeting identified housing needs. Paragraph 63 of the NPPF confirms the need for housing for looked after children, such as the current application, to be assessed and reflected in planning policy. The proposed C2 care home use is therefore an alternative form of 'housing' in planning terms and the loss of a standard class C3 dwelling to a class C2 residential care home is not considered to materially impact the housing supply for the district. However, the proposal does provide a specialist form of housing and this carries positive weight in the planning balance.

Scale, Layout & Appearance

7.11 Paragraph 135 of the NPPF requires that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, maintain a strong sense of place and create places that are safe, inclusive and accessible.

7.12 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.

7.13 The only external changes proposed are for the removal of a window on the ground floor front elevation and replacement with an access door and window, serving the living area. The proposal is therefore considered to have minimal effects on the visual amenity of the area, with the site retaining the appearance of a residential property, in keeping with its surroundings. The proposal is deemed appropriate in terms of its visual impacts.

The Gardens Area of Special Character

7.14 The application site is located within the Gardens Area of Special Character. Policy PPL12 of the adopted local plan states that within The Gardens Area of east Clacton, new development shall have particular regard to the special character and appearance of the area. To ensure that this special character is safeguarded, new development shall;

a. Conform generally to the existing building line;

The only external changes proposed are for the replacement of one window at the ground floor front elevation with an access door and window. The proposal will not result in any changes to the existing building line. The proposal complies.

b. Be of two-storey scale;

The property will remain of a two-storey scale. The proposal complies.

c. Conform to the existing density of development and not appear cramped or incongruous in the streetscene;

The only external changes proposed are for the replacement of one window at the ground floor front elevation with an access door and window. This is considered to be a minor change and will not result in the plot appearing overly cramped or incongruous within the streetscene. The proposal complies.

d. Not include any flats; and

The proposal does not include any flats. The proposal complies.

e. Be residential, or retain a residential appearance. Commercial uses, including private hotels, guesthouses and offices will not normally be considered appropriate.

The proposal would retain a residential appearance. The change of use is to a small-scale children's home falling within Use Class C2, rather than a commercial use such as a hotel, guesthouse or office. The only external alteration is the replacement of one ground floor front elevation window with an access door and window, and the building would continue to present as a residential property within the streetscene. The proposed occupation and staffing arrangements would remain limited in scale, with up to five children and no more than three members of staff on site at any one time, and would not give rise to a materially commercial or institutional appearance. The proposal therefore complies.

7.15 The proposal therefore complies with Policy PPL12.

7.16 Heritage Assets

7.17 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

7.18 Local Plan Policy PPL9 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal would cause harm to a Listed Building the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused.

7.19 The application site is located approximately 179 metres from the Grade II listed Moot Hall, which is situated further south on the corner of Albany Gardens West and Marine Parade East. Given the separation distance between the application site and the listed building, together with the intervening built form and the limited nature of the proposed external alteration, the development would preserve the setting of the listed building and would accord with the statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Plan Policy PPL9 and the relevant provisions of the NPPF.

Highway Safety/Parking

7.20 Paragraph 115 of the National Planning Policy Framework seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 116 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.21 Policy SPL3 (Part B) of the Adopted Local Plan seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.

7.22 Essex Car Parking Standards state that for C2 uses there should be one parking space per full time

equivalent member of staff, plus one visitor space per six beds. Given that there will be a maximum of three full time equivalent members of staff on site at any one time and a total of 5 resident children, this results in a requirement for a total of four parking spaces. The proposed block plan submitted with this application shows a total number of 7 parking spaces located to the front of the property. The site is therefore able to provide adequate parking, in excess of that required by the Essex Parking Standards. No new or altered means of vehicular access is proposed.

7.23 Essex County Councils Highway Authority have been consulted on this application, they have confirmed they have no objection to the proposal, given its scale and available parking provisions.

7.24 Officers therefore deem the application acceptable in terms of highway safety.

Impact on Residential Amenity

7.25 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.

7.26 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.

7.27 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.

7.28 Aside from the replacement window at ground floor level with access door and window to the front elevation, no further external works are proposed. There will therefore be no significant adverse impacts on the loss of light or outlook. The building itself is unchanged, and as such the general physical relationship with the surrounding dwellings will be unaffected.

7.29 In terms of activity levels and potential noise, the proposal relates to the care of up to five children, with three members of staff on site at any one time. The staff operate on extended 24-48 shifts, minimising daily staff travel and changeovers. With digital handovers reducing the overlap and avoiding unnecessary comings and goings. The manager works core weekday hours with flexibility for remote work. This arrangement is considered unlikely to result in a material increase in traffic or disturbance in comparison to a fall back position of a large dwelling accommodating extended family or adult offspring. The proposal is not therefore considered likely to give rise to levels of noise or comings and goings materially different from those that could reasonably be expected from a larger family household.

7.30 Children living in the home will be engaging in normal domestic routines, and staff movements will be limited to predictable shift changeover periods. As such, the intensity of use would not be expected to create noise or disturbance beyond that typical of a large residential property. The small number of residents, combined with the structure and supervised nature of the care environment, further reduces the likelihood of any unacceptable behaviour or disruption. With three staff on site at all times, this extent of supervision is considered likely to be higher than that expected household arrangements found in C3 uses.

7.31 Vehicle movements associated with the proposal are similarly modest. The number of trips generated by staff arrivals, departures and occasional visitors will not significantly exceed the level of activity associated with the lawful C3 use. Accordingly, the impact on neighbouring amenity in terms of traffic, parking and general activity is not considered to represent grounds for refusal.

7.32 The proposal is therefore deemed compliant with the above-mentioned policies and is therefore

acceptable in terms of residential amenities. A condition has been imposed limiting the number of children and staff as that applied for to ensure the Local Planning Authority has control over any potential increase in impact due to changes in staff or children level.

Drainage

7.33 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 2025 states that planning policies and decisions should also ensure that new development is appropriate for its location considering the likely effects of pollution on the natural environment.

7.34 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.

7.35 The submitted application form confirms the proposal is connected to the mains sewer, this is the preferred option, Officers are content the proposal is acceptable in terms of drainage.

Habitats, Protected Species and Biodiversity Enhancement

7.36 General duty on all authorities

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

This development is subject to the general duty outlined above. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

7.37 Biodiversity net gain

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

7.38 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.

7.39 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 application seeks planning permission for the change of use of an existing dwelling to a children's home within Use Class C2, the same use as the site was previously before 2013 under the Use Class order. The site lies within the settlement development boundary of Clacton-on-Sea, a sustainable location for development, and the proposal would provide specialist accommodation for looked after children, to which positive weight is afforded. The principle of the development is therefore considered acceptable, particularly having regard to the site's location, the limited impacts of occupation, and the potential fallback position of a fully occupied extended family household with the associated levels of comings and goings.

8.2 The physical alterations are limited to the replacement of one ground floor front elevation window with an access door and window. As such, the building would retain its residential appearance and would not result in harm to the character or appearance of the streetscene, the Gardens Area of Special Character, or the setting of the nearby Grade II listed Moot Hall. The proposal would also provide adequate on-site parking, would not result in an unacceptable impact on highway safety, and would not likely give rise to materially harmful impacts upon neighbouring residential amenity in terms of noise, activity, outlook, privacy or general disturbance that would justify refusing planning permission.

8.3 The proposal is acceptable in respect of design, heritage, highway safety, residential amenity, drainage, ecology and biodiversity considerations. Subject to the recommended conditions, the development is considered to accord with the relevant policies of the adopted Tendring District Local Plan 2013-2033 and Beyond and the National Planning Policy Framework. There are no material considerations that would indicate a decision other than in accordance with the development plan and, accordingly, the application is recommended for approval.

9. Recommendation

9.1 Approval (no S106 requirements)

Recommendation: Approval

That the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 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.

- Site Plan – Received 10.04.2026
- Drawing No. 0220/26 B Revised Proposed Block Plan, Floor Plans and Front Elevation.
- Planning Statement – Received 10.04.2026
- Care Management Plan – Received 10.04.2026
- Good Neighbourhood and Community Engagement Plan – Received 10.04.2026
- Local and National Need Statement – Received 10.04.2026
- Missing child Protocol and Police liaison strategy – Received 10.04.2026
- Noise and Anti-Social Behavioural Plan – Received 10.04.2026
- Security Statement – Received 10.04.2026
- Sustainable Travel Statement – Received 10.04.2026
- Waste Management Plan – Received 10.04.2026

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

NOTE/S FOR CONDITION:

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

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

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be

considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3. COMPLIANCE REQUIRED; LIMITATION ON NUMBER OF RESIDENTS

CONDITION: The use hereby permitted shall operate with a maximum of five children aged 17 or under residing at the property at any one time, and a maximum of three members of staff working at the site at any one time.

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

Informatives

Biodiversity Enhancement Informatives

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

10. Additional Considerations

Equality Impact Assessment

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

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

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

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will likely have direct equality impacts on this target group.	Positive
Disability	The proposal put forward will likely have direct equality impacts on this target group.	Positive
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

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

Human Rights

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

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

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

Finance Implications

10.7 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application. There are none 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/.

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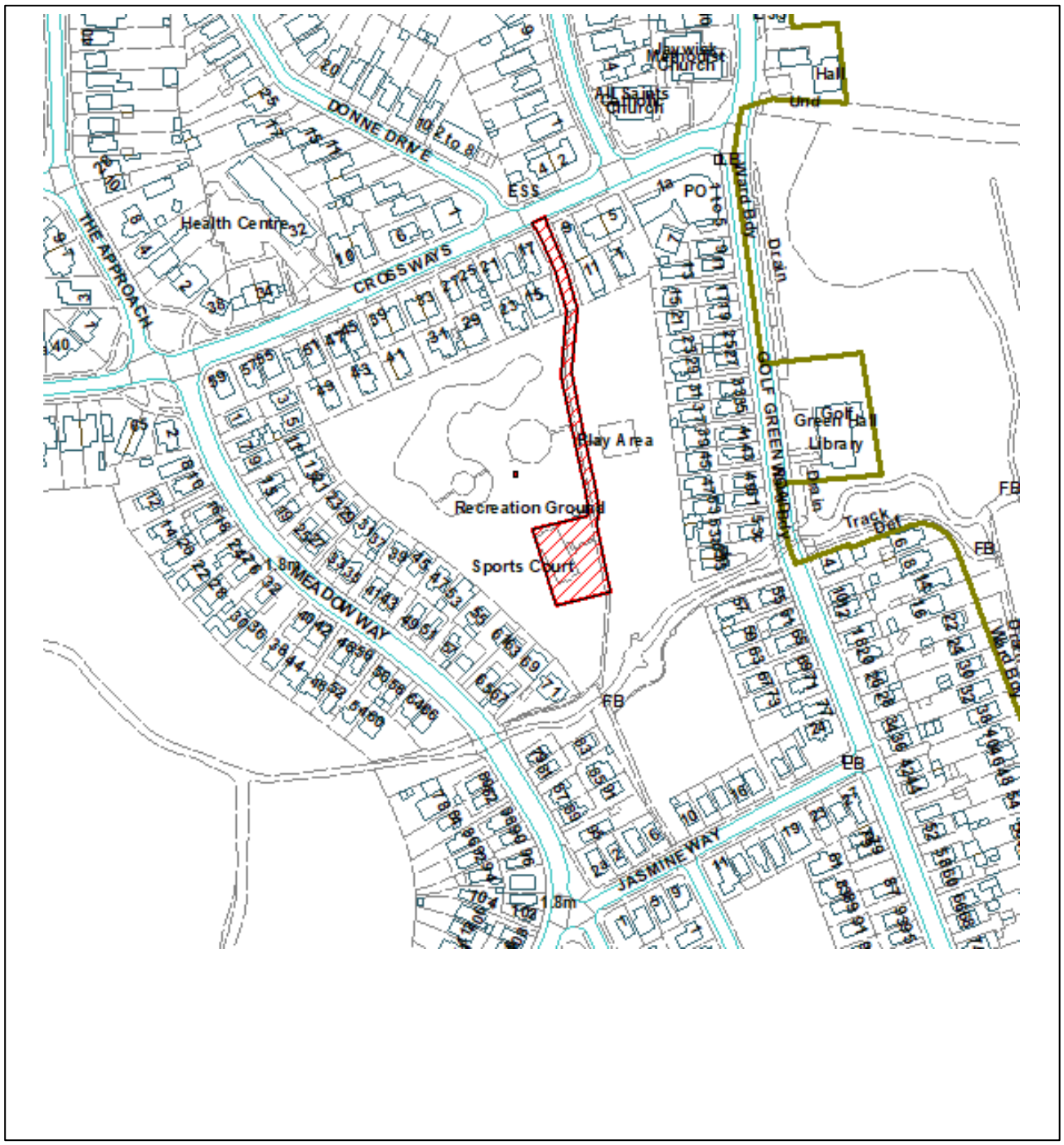
PLANNING COMMITTEE

7th JULY 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.3 PLANNING APPLICATION – 26/00085/FUL – EXISTING MUGA WITHIN CROSSWAYS RECREATION GROUND CROSSWAYS JAYWICK ESSEX



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Application:	26/00085/FUL	**Expiry Date:**	10th July 2026
Case Officer:	Alison Pope		
Town/ Parish:	Clacton Non Parished		
Applicant:	Tendring District Council		
Address:	Existing MUGA Within Crossways Recreation Ground, Crossways, Jaywick, CO15 2NB		
Development:	Planning Application - Construction of a floodlit Football Foundation Playzone		
Referral Reason:	TDC owned land and applicant		
Recommendation:	Full approval subject to conditions		

1. Executive Summary

1.1 This application seeks permission for the replacement of the existing MUGA at Crossways Recreation Ground with a Football Foundation PlayZone, including associated fencing, lighting and ancillary facilities. Technical consultees, including Essex Highways and Environmental Protection, raise no objections subject to conditions. The proposal has been demonstrated to be acceptable in flood risk terms, would not materially impact parking or highway safety, and would provide managed and inclusive access to the community. Biodiversity enhancements are also secured through additional planting and 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.

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)
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
HP1 Improving Health and Wellbeing
HP2 Community Facilities
HP4 Safeguarded Open Space
HP5 Open Space, Sports and Recreation Facilities
PP14 Priority Areas for Regeneration
PPL1 Development and Flood Risk
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL10 Renewable Energy Generation and Energy efficiency Measures
CP1 Sustainable Transport and Accessibility

4. Relevant Planning History

22/01836/TELLIC	Proposed installation of fixed line broadband electronic communications apparatus.	Determination	11.11.2022
24/01071/TELLIC	Installation of fixed line broadband apparatus.	Determination	06.08.2024
26/00084/ADV	Application for Advertisement Consent - 13 signs for Football Foundation Playzone.	Current	

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 **28.05.2026**

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. It is noted that the proposal is a replacement facility and will be located on private land and set well back from the public highway. It should be noted that public footpath 16 (Great Clacton_167) runs adjacent to the playzone, considering these factors from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to conditions securing the updated Construction Environmental Management Plan (Revision 1) and that the public's rights and ease of passage over public footpath no. 16 (Great Clacton_167) shall be maintained free and unobstructed at all times.

Environmental Protection **08.04.2026**

The Construction Environmental Management Plan was updated as recommended.

A condition is recommended that requests the LPA are contacted in the event of unexpected ground conditions being encountered during construction and the minimum requirements included for dealing with this.

Lighting: We have reviewed the submitted lighting assessment / predictions and are satisfied with their contents and have no adverse comments to make.

Opening Hours / Noise / Lighting: Recommendation to reduce the opening hours to 9am to 9pm, to protect the amenity of nearby, existing residential premises.

Tree & Landscape Officer **10.03.2026**

No trees or other vegetation on the application site will be adversely affected by the proposed development.

The Soft Landscaping Plan ref MCA-MUK3425-06 shows the planting of 9 new trees that will enhance the wider character and appearance of the public open space

Essex County Council Ecology **23.03.2026**

No ecological objection subject to conditions securing the mitigation measures identified in the Preliminary Ecological Appraisal (Sibbett Ecology Ltd, October 2025) and Construction Environmental Management Plan (McArdel Sport Tech, October 2025) and the proposed reasonable biodiversity enhancements for protected, Priority and threatened species.

Sport England **05.03.2026**

Sport England advises that the proposal falls outside its statutory remit and therefore no detailed comments are provided; however, the Local Planning Authority should ensure the development accords with Paragraph 104 of the NPPF and relevant local policies in respect of the protection and provision of sports facilities. Consideration should be given to any adopted Playing Pitch or Built Sports Facility Strategy, the potential impacts of new housing on demand for sports provision (with mitigation secured where necessary), and the use of Sport England's Active Design guidance to promote healthy communities, alongside appropriate planning conditions and community use arrangements where relevant.

6. Representations

6.1 Neighbour / Local Representations

Two representations have been received which raise the following concerns:

- Antisocial behaviour
- Noise and Light pollution
- Parking pressures
- Does not include adequate provision for wider community access—particularly for local residents and children—and lacks any form of supervision or management of the play areas alongside it

These matters are addressed in the body of the report.

7. Assessment

Site Context

7.1 Crossways Recreation Ground is designated as Safeguarded Open Space in the Local Plan, is owned by Tendring District Council and has Public Right of Way Great Clacton footpath 16 running north south through the park. The park is surrounded by the residential properties of Crossways, Golf Green Road, Jasmine Way and Meadow Way. The park benefits from an existing hard surfaced multi-use games area (MUGA) and play equipment while the majority of the park is laid to grass with limited tree planting across the site. The site also lies within the Jaywick and West Clacton settlement development boundary, a priority area for regeneration and flood zones 2 and 3.

Proposal

7.2 This application seeks planning permission for the construction of a floodlit football foundation Playzone to replace the existing MUGA. The Playzone will be fully encapsulated by 3m high fencing, with a 4 metre high goal recess section to the ends of the Playzone.

7.3 In addition, four LED floodlights to each corner of the Playzone are proposed, each measuring 8 metres in height, with bollard lighting along the public footpath leading from Crossways to the Playzone. There is also a spectator area, as well as ancillary features such as benches and bins.

7.4 The Playzone will be available from 09.00 – 21:00 Monday to Sundays. The booking system will comprise of set bookable timeslots, alongside open access timeslots. Access to the Playzone will be through a gate locking system and it will be free to use during the operational times, except when booking for commercial use.

7.5 A number of vinyl signs to each elevation are shown, but are not part of this application and require separate advert consent. This is a separate application under ref 26/00084/ADV.

Principle of Development

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

7.7 Paragraph 104 of the NPPF seeks to protect existing open space and sports provision, allowing development only where it can be demonstrated that the space is surplus to requirements, or that any loss would be replaced by equivalent or improved provision in terms of quantity and quality in a suitable location, or where alternative recreational benefits outweigh the loss.

7.8 In this instance, the proposal would replace the existing provision with an enhanced facility, representing an overall improvement in both the quality and usability of the recreational offer, and is therefore considered to accord with the requirements of the NPPF.

7.9 Local Plan Policy HP5 states The Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types. While the proposal also complies with Policy HP4 as it would not result in the loss of the Safeguarded Open Space.

7.10 The proposal is to provide a replacement outdoor sporting facility. The existing MUGA has a hard court and low perimeter fencing both of which are dated and near the end of useful life. The proposal therefore results in enhanced facilities that would expand the range of accessible sports, recreation and community facilities in Jaywick, which in turn supports community demands. Therefore, the principle is supported subject to the more detailed considerations below.

Scale, Layout & Appearance

7.11 Paragraph 135 of the NPPF requires that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, maintain a strong sense of place and create places that are safe, inclusive and accessible.

7.12 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 Policy SPL3 of the Local Plan also require, amongst other things, that boundary treatments and hard and soft landscaping are designed as an integral part of the development reflecting the function and character of the development and its surroundings.

7.13 The proposed Playzone is larger in scale than the existing MUGA and incorporates higher perimeter fencing, finished in a green colour. As a result, it will appear more prominent within Crossways Recreation Ground, particularly when viewed from the public right of way and by users of the adjoining recreational facilities. The structure will also be clearly visible from neighbouring residential properties. However, it would not be visible from surrounding streets.

7.14 In addition, a modest range of ancillary facilities are proposed, including two benches, two bins, and equipment storage, together with bollard lighting providing a route from Crossways to the Playzone, and four LED floodlights which would only be used when the pitch is booked during hours of darkness. These ancillary elements are considered appropriate to the function of the development and are not considered to give rise to any unacceptable visual harm.

7.15 The Council's Tree and Landscape Officer has confirmed that no trees or other vegetation on the application site will be adversely affected by the proposal while the proposed planting of 9 new trees will enhance the wider character and appearance of the public open space.

7.16 Notwithstanding the increased prominence of the playzone, the development is considered acceptable in this context given its siting within an established recreational area and its functional role, and it would result in a greater impact, but not unacceptable harm to the character or appearance of the area.

Highway Safety/Parking

7.17 Paragraph 114 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 115 adds that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.18 Local Plan Policy CP1 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.

7.19 Essex Highways have been consulted and raise no objection to the proposal, noting that it represents a replacement facility set well back from the public highway. It is also noted that Public Footpath No. 16 (Great Clacton_167) runs adjacent to the site, and conditions are recommended to secure the submitted Construction Environmental Management Plan and to ensure the public's rights and ease of passage over the footpath are maintained free and unobstructed at all times.

7.20 The use of Crossways Recreation Ground is not anticipated to change significantly as a result of the development, with the site continuing to function as a community recreation space. The proposed Playzone is intended to balance informal and unrestricted public access with bookable sessions for priority groups identified by the Football Foundation. Given that the proposal replaces an existing facility and does not materially intensify the overall use of the site, it is not expected to result in significant additional vehicle movements, and therefore parking pressures on surrounding streets are not considered likely to increase to a harmful degree.

Flood Risk and Drainage

7.21 The site is located within Flood Zones 2 and 3. Adopted Policy PPL1 requires that all development proposals include appropriate measures to respond to flood risk both on and off site, and that development within the Flood Zone (including Flood Zones 2 and 3, as defined by the Environment Agency) is supported by a Flood Risk Assessment (FRA). In this instance, the submitted FRA is considered appropriate to the scale, nature and location of the development, and proportionate to the level of flood risk identified.

7.22 The proposed Playzone is classified as a sport and recreation use and therefore falls within the water-compatible development category, as defined by Annex 3 of the National Planning Policy Framework. In accordance with Table 3 of the Planning Practice Guidance for Flood Risk and Coastal Change, such development is considered appropriate within Flood Zone 3, and the proposal is therefore acceptable in flood risk terms.

7.23 Whilst there are areas of Crossways Recreation Ground identified as being susceptible to surface water flooding, these do not include the application site. Furthermore, the proposed surface will be porous to allow for water infiltration, with surface water directed via a piped connection to the drainage ditch located to the south, thereby appropriately managing run-off.

Impact on Residential Amenity

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

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

7.26 It has been demonstrated, through the submitted lighting assessment and supporting illuminance data, that the proposed floodlighting and bollard lighting would unlikely have an adverse impact on neighbouring residential properties. The floodlighting and bollard lighting would only be active if the Playzone was booked for use during hours of darkness up to 9pm as the operation times.

7.27 The Playzone itself would not give rise to any significant overlooking, loss of privacy or adverse impact on outlook.

7.28 The proposal replaces an existing facility within the recreation ground and would result in a comparable pattern of use. The level of noise generated is not expected to be significantly different from the existing use of the park. The Council's Environmental Protection team raise no objection in respect of lighting or noise, subject to a restriction on operating hours to 21:00 in the interests of residential amenity.

7.29 In addition, the amended Construction Environmental Management Plan will be secured by condition to ensure that construction activities are appropriately managed throughout the build phase.

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.

7.30 General duty on all authorities

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

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

The planting of 9 new Rowan *Sorbus aucuparia* trees will provide benefits for frugivorous (fruit-eating) birds and for nectaring and phyllophagous invertebrates (butterflies, moths, aphids, beetles). Essex Highways require the trees to be a minimum distance of 3 metres from the public right of way. A Biodiversity Enhancement Strategy will be secured by condition to deliver the provision of nine Rowan trees, including their purpose, design details, locations, implementation timetable, responsible persons, and arrangements for aftercare and long-term maintenance.

Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

7.31 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.

7.32 Protected Species

The submitted Preliminary Ecological Appraisal confirms that there would be no impact on any designated sites, priority habitats, or protected or priority species. It confirms that the habitats on site are poor quality, containing common species. They contribute very little to biodiversity in Jaywick and are considered to be of value at the Site only scale.

In compliance with relevant wildlife legislation and planning policies, the development will adhere to best practices to protect and enhance the habitat for protected species, mammals and specifically hedgehogs in line with the mitigation set out in the Preliminary Ecological Appraisal (Sibbett Ecology Ltd, October 2025) and the Construction Environmental Management Plan V1 (McArdel Sport Tech, March 2026). A condition will be imposed on the grant of planning permission to secure the mitigation.

7.33 Conclusion

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

Other Considerations

7.34 Given the location of the site and its proximity to areas of historical, registered contaminated land, the Council's Environmental Protection team recommend the imposition of a watching brief to be secured by condition and adhered to throughout the construction phases of development.

7.35 Concerns have been raised regarding the adequacy of community access and the lack of supervision of the play facilities. In response, the Playzone will operate between 09:00 and 21:00 daily and will incorporate a flexible management approach, combining bookable sessions with open access periods. This approach is intended to balance informal and unrestricted use for the wider community with targeted access for priority groups identified by the Football Foundation, including lower socio-economic groups, women and girls, disabled people, those with long-term health conditions, and ethnically diverse communities. During open access periods, the facility will be freely available, with no booking required, and free of charge other than for commercial use. The inclusion of a booking system is also supported by national governing bodies and stakeholder groups as a means of facilitating inclusive access, particularly for underrepresented users. Clear signage will be provided on site to guide users to the booking system. Accordingly, it is considered that the proposal would provide an appropriate level of accessibility and management for a community facility of this nature.

8. Conclusion

8.1 The proposed development represents an appropriate and policy-compliant improvement to an existing recreational facility within safeguarded open space. It would enhance sports provision in terms of quality and accessibility, without resulting in unacceptable impacts on visual amenity,

residential amenity, highway safety, or flood risk. Subject to the recommended conditions, the proposal is considered to accord with the relevant policies of the Development Plan and the National Planning Policy Framework, and is therefore recommended for approval.

9. Recommendation

9.1 Approval (no S106 requirements)

Recommendation: Approval

That the Head of Planning and Building Control be authorised to grant full 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 than the expiration of three years from the date of this permission.

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

NOTE/S FOR CONDITION:

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

2 APPROVED PLANS & DOCUMENTS

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

The approved red line plan drawing is Drawing No MCA-MUK3425-03 received 15 January 2026
Drawing No MCA-MUK3425-01 Rev A
Drawing No MCA-MUK3425-02 Rev B
Drawing No MCA-MUK3425-04
Drawing No MCA-MUK3425-06

Drawing No MCA-MUK3425-07
Drawing No MCA-MUK3425-10 Rev A
Playzone Proposed Materials document dated 15th January 2026
Bollard Luminaire technical details by Powerlite Fitzgerald
Document detailing bollard lighting titled Project number : Crossways Path lighting by Powerlite Fitzgerald
Document detailing floodlighting titled Project number : Crossways MUK3425 by Powerlite Fitzgerald

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 WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on approved Drawing No MCA-MUK3425-06 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 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).

4 SPECIFIC RESTRICTION OF DEVELOPMENT: LIGHTING

CONDITION: The development hereby permitted shall be carried out in accordance with the details of the floodlighting and bollard lighting as shown on the approved plans/documents, one detailing bollard lighting titled Project number : Crossways Path lighting by Powerlite Fitzgerald and the other document detailing floodlighting titled Project number : Crossways MUK3425 by Powerlite Fitzgerald. The lighting shall be installed prior to first use of the development and shall thereafter be retained and operated only in accordance with the approved details. No additional external lighting shall be installed on the site defined by the red line plan unless details have first been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the external lighting is appropriately controlled in the interests of residential amenity, visual amenity, to minimise light pollution, and in the interests of biodiversity.

5 ONGOING REQUIREMENT IMPOSED - RESTRICTION ON OPERATION TIMES

CONDITION: The hereby permitted development/use shall only operate between the hours of 09.00 and 21.00 Mondays to Sundays and at no other times.

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

NOTE/S FOR CONDITION:

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

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

6 COMPLIANCE REQUIRED: CONSTRUCTION METHOD STATEMENT

CONDITION: The Construction Environmental Management Plan V1 received 28 April 2026 shall be adhered to throughout the construction period of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

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

7 FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN

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

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

Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024

NOTE - CONTEXT AND APPLICATION:

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

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

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

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

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

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

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

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

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

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

Ways to achieve 10% BNG may include:

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

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

CONDITIONS AND LEGAL AGREEMENT:

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

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

8 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 9, has been submitted to and approved in writing by the local planning authority for the site, and shall contain the following unless otherwise agreed in writing by the Local Planning Authority:

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

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

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

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

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

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

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

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

9 COMPLIANCE REQUIRED: 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 (Sibbett Ecology Ltd, October 2025) and Construction Environmental Management Plan V1 (McArdel Sport Tech, March 2026) 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).

10 FURTHER APPROVAL REQUIRED - BIODIVERSITY ENHANCEMENT STRATEGY

Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Sibbett Ecology Ltd, October

2025), shall be submitted to and approved in writing by the local planning authority.

The Biodiversity Enhancement Strategy shall include the following:
a) Purpose and conservation objectives for the proposed enhancement measures (9 Rowan Trees);
b) detailed designs or product descriptions to achieve stated objectives;
c) locations of proposed enhancement measures by appropriate maps and plans;
d) timetable for implementation;
e) persons responsible for implementing the enhancement measures;
f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details 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).

Informatives

Highways Informatives

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

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 16 (Great Clacton_167) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The area(s) directly adjacent to the public footpath in which the trees are to be planted should be no closer than 3m from the Public Right of Way.

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

10. Additional Considerations

Equality Impact Assessment

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

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

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

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

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

Human Rights

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

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

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

Finance Implications

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

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

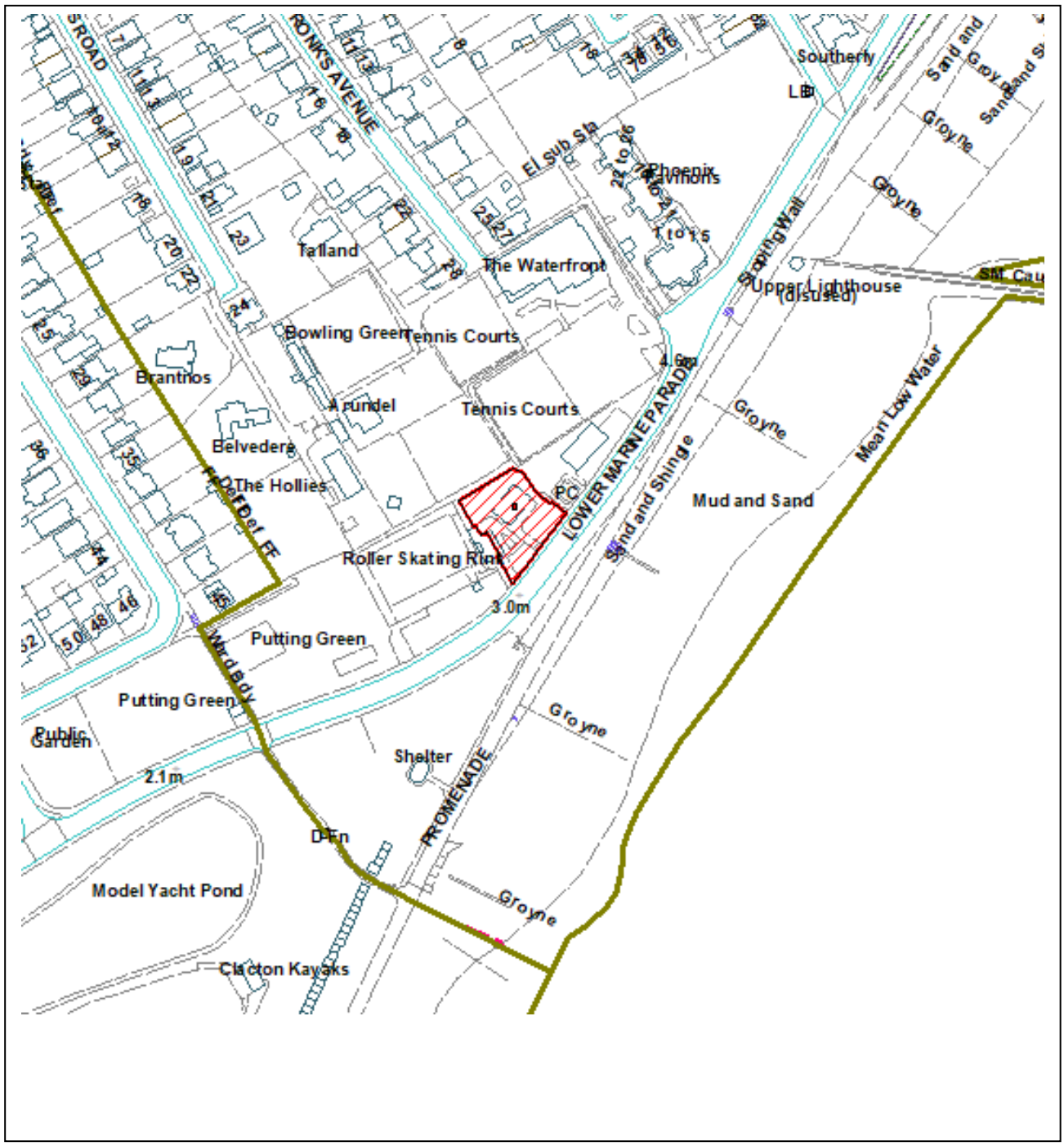
12.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report)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

7th July 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.4 PLANNING APPLICATION – 26/00388/FUL – LOW ROAD CAFE LOWER MARINE PARADE DOVERCOURT CO12 3ST



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Application:	26/00388/FUL	**Expiry Date:**	10th July 2026
Case Officer:	Matthew Lang		
Town/ Parish:	Harwich Town Council		
Applicant:	Richardson - Cliff Trading Company Ltd		
Address:	Low Road Cafe Lower Marine Parade Dovercourt CO12 3ST		
Development:	Planning Application - Erection of proposed cafe, storage, padel court, new landscaping and associated works (following demolition of existing cafe building).		
Referral Reason:	TDC owned land		
Recommendation:	Approval		

1. Executive Summary

1.1 The application seeks to redevelop an established seafront café within the Dovercourt Settlement Development Boundary, replacing the existing building with an enlarged, modern facility and introducing a new padel court. The proposal would enhance the site's tourism and leisure offer, support local economic growth, and improve the visual appearance of the area.

1.2 The development is acceptable in principle and accords with Local Plan policies, with benefits including improved design, increased visitor provision, and new recreational facilities. Technical matters relating to highways, flood risk, residential amenity, and ecology have been satisfactorily addressed, with no objections from consultees subject to conditions.

1.3 Overall, the scheme represents a sustainable redevelopment that would enhance the character and functionality of the site and is recommended for approval subject to appropriate planning 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.

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)
SP 1 Presumption in Favour of Sustainable Development
SP 5 Employment
SP 7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design

HP1 Improving Health and Wellbeing
HP2 Community Facilities
HP5 Open Space, Sports and Recreation Facilities

PP8 Tourism

PPL1 Development and Flood Risk
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL9 Listed Buildings
PPL10 Renewable Energy Generation and Energy efficiency Measures

CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network

Supplementary Planning Documents
Essex Design Guide

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

4. Relevant Planning History

26/00388/FUL	Planning Application - Erection of proposed cafe, storage, padel court, new landscaping and associated works (following demolition of existing cafe building).	Current

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/.

Environment Agency **13.04.2026**

Thank you for consulting us on the above application. We have reviewed the information as submitted and can confirm we have no objection to the proposed development as long as you have considered all flood risk considerations.

Flood Risk

We have no objection to the proposed development but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA), referenced AMA1000 FRA Rev 0 and dated 18 February 2026, are adhered to. In particular, the FRA recommends that

- Finished floor levels will be set no lower than 3.50 m AOD.
- Flood resilient / resistant measures will be incorporated into the development.

Our Flood Map for Planning shows the site lies within tidal Flood Zone 3a, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for a demolition of existing café and construction of a replacement café with outdoor terrace and padel court which is classified as a less vulnerable development, as defined in Annex 3:Flood Vulnerability classification of the National Planning Policy Framework.

Flood Risk Assessment

To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA, referenced AMA1000 FRA Rev0 and dated 18 February 2026, are:

Actual Risk

- The replacement café is of similar size and layout to the existing cafe, so there is no increase in vulnerability at the site and the flood risk to the proposed development remains the same as the risk faced by the existing development. The proposed replacement cafe also provides betterment through a small raise in finished floor levels (FFL) of 0.11m and includes improving the café's flood resilience.
- The site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.
- The site does benefit from the presence of defences. The defences have an effective crest level of 4.65 mAOD which is below 0.5% (1 in 200) annual probability flood level including climate change and therefore the site is actual risk of flooding in this event.
- Finished ground floor levels have been proposed at 3.50 m AOD. This is below the 0.5% (1 in 200) annual probability flood level including climate change of 4.96 m AOD and therefore at risk of flooding by 1.46m depth in this event.
- Flood resilience/resistance measures have been proposed
- A Flood Evacuation Plan has been proposed.
- Compensatory storage is not required.

Residual Risk

- Our data shows that in a worst-case scenario the site could experience worst case undefended flood depths of up to 1.64 metres during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 2.02 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event. You may wish to ask the applicant to provide a breach assessment for the development site in their FRA so that you can make a more informed decision on flood risk.

Safety of Building - Flood Resilient Construction

The FRA proposes to include flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding.

You should determine whether the proposed measures will ensure the safety and sustainability of the proposed development. Consultation with your building control department is recommended when determining if flood proofing measures are effective. Further information can be found in the document 'Improving the flood performance of new buildings' at: http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf. Additional guidance can be found in our publication 'Prepare your property for flooding', which can be found on our website at https://www.gov.uk/government/publications/prepare-your-property-for-flooding

Safety of Inhabitants - Emergency Flood Plan

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

Sequential Test

In accordance with the National Planning Policy Framework (NPPF) paragraph 174, development in flood risk areas should not be permitted if there are reasonably available alternative sites appropriate for the proposed development in areas with a lower risk of flooding. It is for the Local Planning Authority to determine whether or not there are other sites available at lower flood risk and whether the sequential test has been passed. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance here.

Exception Test

In accordance with the National Planning Policy Framework (NPPF) paragraphs 178 and 179, the proposed development must meet the requirements of the exception test. Our comments on the proposals relate to the part of the exception test that demonstrates the development is safe. The Local Planning Authority must decide whether or not the proposed development provides wider sustainability benefits to the community that outweigh flood risk.

Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Environmental Protection (Initial Comments) **14.05.2026**

STANDARD CONSTRUCTION - MINIMUM REQUIREMENT

In order to minimise potential nuisance caused by construction, Environmental Protection recommend that the following below is conditioned.

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

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

Lighting

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

Noise

Noise Assessment 1 (BS4142 - Extraction System) - I have reviewed noise assessment 1 conducted by dB Consultation Ltd and can confirm that Environmental Protection are satisfied that the assessment was carried out using the appropriate standards. I can confirm that EP agree with the conclusion and as such have no comments to make in relation to this part of the planning application.

Noise Assessment 2 (Paddle Court) - I have reviewed noise assessment 2 conducted by dB Consultation Ltd and can confirm that Environmental Protection are satisfied that the assessment was carried out using the appropriate standards. The assessment concludes that the impact from the paddle courts would cause a 'Significant Adverse Effect' at the nearest receptor. There is also no mitigation recommended in the report and as such Environmental Protection cannot support this application and therefore recommend the refusal of the padel court element of this application.

Reason: to protect the amenity and health of nearby residential properties and to reduce the likelihood of nuisance complaint relating to noise.

Environmental Protection (Follow up comments) **12.06.2026**

I have reviewed the revised noise impact assessment, and the report confirms that with mitigation, the noise from the padel court lowest observed adverse impact at NSR 1 and no observed effect level at NSR 2.

On this basis, we would have no objections to make in relation to this application but would note that the mitigation in the report is implemented.

Essex County Council Ecology **27.03.2026**

Thank you for consulting Place Services on the above application.

No ecological objection subject to attached conditions.

Summary
We have reviewed the Preliminary Ecological Appraisal and Roost Assessment (Arbtech, January 2026) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We are satisfied 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 and Roost Assessment (Arbtech, January 2026) 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).

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

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

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS
"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Roost Assessment (Arbtech, January

2026) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY
"Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal and Roost Assessment (Arbtech, January 2026), 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).

ECC Highways Dept **24.04.2026**

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. The vehicular access around the site is to remain as existing, while the established pedestrian access points with Lower Marine Parade will not change apart from providing two desire-line routes to the Café entrance. It is noted that the gross external area of the existing Cafe is approximately 133.5m², while the gross external area of the new Cafe is approximately 186m² (including the storage building), allowing for a greater volume of customers to sit indoors at any given time, particularly during poor weather. It is not envisaged that the modest increase in size of the building and the introduction of a padel court would give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site, considering these factors:

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

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

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

2. Any new boundary planting with Lower Marine Parade shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

3. The powered two-wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.
Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided in accordance with Policy DM8.

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

Informative:

i) All work within, or affecting, the highway 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.

iv) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have

regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

Sport England **25.03.2026**

Thank you for consulting Sport England on the above application.
Non-statutory planning advice

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

General planning guidance and advice can be found on our website:

- https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications

Loss of sports facilities

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

New sports facilities

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

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

Meeting the needs of new housing

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

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

Other relevant guidance, tools and contacts

Active Design

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing

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

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

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

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

6. Representations

6.1 Town Council

Harwich Town Council has no objections to this application but requests that the demolition of the existing building does not commence until after the 2026 summer season. Furthermore, the Council would ask that if the current lease includes minimum opening requirements, then can this be enforced, since the facility is presently closed.

6.2 Neighbour / Local Representations

4 letters of support have been received stating the following comments;

- The Lawn Tennis Association is supportive of this project as construction of this padel court would help further satisfy the demand for padel courts within Tendring as per the LTA's padel demand calculator and entry points should be sufficient to enable wheelchair access.
- Development will be a great asset to the whole community.
- Positive addition to the site, just need to ensure construction is managed carefully.

1 letter of observation has been received outlining the following points;

- Supports café redevelopment in principle.
- Café should remain primary use with distinctive seaside design.
- Concerns over repositioning of café, reducing quality of outdoor seating.
- Questions need/value of padel court (seasonal use, impact on café, lack of business case, intrusive features).
- Notes existing nearby leisure facilities, limiting justification for padel court.
- Raises doubts about noise assessment robustness.
- Queries solar panel effectiveness and potential overshadowing impacts.

7. Assessment

Site Context

7.1 The site is located on the northern side of Lower Marine Parade on the Dovercourt Seafront. The site currently accommodates a low level 1950's flat roofed café building with a grassed area to the front utilised as a seating area. To the southern side of the building is a small go-kart track and to the rear of the building is a grassed area beyond which is a scrappy hedgerow present on the northern boundary. The area is characterised by a mix of uses with community/leisure uses situated to the southwest, residential to the north and public toilets and tennis courts to the northeast.

7.2 The site is located within the Dovercourt Settlement Development Boundary and within Flood Zones 2 and 3.

Proposal

7.3 The application proposes the redevelopment of the site, involving the demolition of the existing café (approx. 133.5m² GEA) and its replacement with a larger café building of approximately 186m² (including a storage building). The increased floorspace would allow for a greater indoor seating capacity, particularly during inclement weather. Enhanced outdoor seating is also proposed, including a partially covered area with a retractable awning, and a terrace to the front. The café would be repositioned slightly further forward and re-orientated within the site to enable the provision of an enclosed glazed padel court to the rear.

7.4 The proposed café would feature a shallow mono-pitch roof, with a maximum height of approximately 3.75m, which is lower than the existing building (approx. 4.25m high). The proposed padel court, measuring 10m by 20m with a height of 4m, would also remain below the height of the existing café.

7.5 The proposed hours of operation are 08:00–17:00 daily for the café and 08:00–20:00 for the padel court.

Principle of Development

7.6 The development plan comprises the Tendring District Local Plan (LP) 2013-2033, Section 1 which was adopted on 26 January 2021 (TDLP1) and Section 2 of the Tendring District Local Plan 2013-2033 and Beyond which was adopted on 25 January 2022 (TDLP2).

7.7 TDLP2 Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies.

7.8 The site is located within the Dovercourt Settlement Development Boundary and accommodates an established café/tourism use. Consequently, the proposal to re-develop the existing café to improve the financial viability of the site by providing further covered seating areas and associated ice cream station/kiosk features would help to improve the visitor experience and enhance the site's contribution to the local tourism economy. Furthermore, the enhancements will help to sustain an existing business, provide local employment opportunities, and encourage increased footfall along the seafront, according with the objectives of sustainable development and economic growth as set out in the Council's Local Plan.

7.9 The introduction of the padel court to the rear of the site aligns with the aims of TDLP2 Policy HP2 which outlines that the Council will work with the development industry and key partners to deliver and maintain a range of new community facilities, including recreational and leisure facilities. It is acknowledged that padel is a sport that is increasing in popularity and this, combined with the absence of such facilities in the local area, means that the proposal would help meet an identified need for new and diverse recreational opportunities, contributing positively to the health and wellbeing of the community. Furthermore, the provision of a padel court would enhance the overall offer of the site, encouraging greater community use and supporting the Council's objectives to promote active lifestyles and inclusive access to sport.

7.10 In summary, the principle of development is acceptable in this case as weight is attached to the established use of the site which is well placed and easily accessible to the local towns of Parkeston, Harwich and Dovercourt.

Scale, Layout & Appearance

7.11 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.

7.12 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.

7.13 The existing building is of a utilitarian 1950s design and does not make a positive contribution to the character or appearance of the area. Its replacement with a more contemporary form is therefore supported. The proposed development incorporates a modern design approach, including extensive areas of aluminium framed glazing (finished in grey), vertical cladding, areas of white corrugated metal cladding, and a standing seam grey roof. The use of hexagonal plan forms provides a subtle reference to the nearby historic lighthouses, adding local distinctiveness. Overall, the contemporary architectural approach, together with the proposed material palette and colourful furnishings, would respond appropriately to the seaside context and the character of development along Lower Marine Parade. The scheme is therefore considered to represent an enhancement to the appearance of the site, particularly in views from the beach and promenade to the south.

7.14 The padel court to the rear would be enclosed by transparent plastic glazing together with 3 metre high acoustic fencing wrapping around one side and the rear of the court, this will allow users of the café views of the court when dining. Wider public views of the court and associated fencing will be limited due to the presence of surrounding buildings and the re-developed café building screening views. However, there are existing tennis courts located to the north and a roller-skating rink to the south meaning that leisure uses are a characteristic of the locality. The proposed layout would allow for a pedestrian pathway along the side of the building to enable use of the padel court independent of the café.

7.15 Whilst the terrace area takes up most of the area to the front of the building, there is space either side of the proposed ramp to provide some planting to assist in softening the development and enhancing its overall appearance.

7.16 Overall, the proposed redevelopment represents a significant improvement over the existing 1950s building, which currently lacks architectural merit and does not contribute positively to the character of the area. The introduction of a contemporary design will enhance the visual appeal of the site and strengthen its relationship with the seaside context of Lower Marine Parade. The inclusion of a padel court, sensitively sited to respect surrounding views and existing leisure uses, further supports the site's active and recreational character.

Heritage Assets

7.17 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

7.18 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.

7.19 TDLP2 PPL9 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.

7.20 Approximately 150 metres to the east of the site is the Dovercourt Lighthouses and Causeway Scheduled Ancient Monument. However, given the distance involved, the presence of other intervening structures and the limited intervisibility between the site and the designation, the impacts of the development are not considered to affect the setting of the monument.

7.21 As such the development is considered to suitably preserve the setting of the scheduled monument.

Highway Safety/Parking

7.22 Paragraph 115 of the NPPF 2024 requires Councils, when making decisions to ensure:

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

7.23 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.

7.24 Paragraph 109 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

7.25 TDLP2 Policy CP1 in the Local Plan 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.

7.26 TDLP2 Policy SPL3 Part B of the Local Plan seeks to ensure that access to a new development site is practicable, and the highway network will be able to safely accommodate the additional traffic the proposal will generate.

7.27 The site does not benefit from its own parking provision; however, the site is defined in the Essex Parking Standards as an area of high connectivity indicating easy accessibility via public transport, walking and cycling by way of its location along the seafront in Dovercourt.

7.28 Therefore, although the site does not benefit from its own off-street parking there is ample on road unrestricted parking on the opposite side of Lower Marine Parade and a nearby Tendring District Council car park. Lower Marine Parade has the advantage of footpaths on both sides of the road, and a zebra crossing is located to the front of the site.

7.29 The Highway Authority (ECC-Highways) has assessed the submitted information and have noted that vehicular and pedestrian access arrangements would remain largely unchanged, with only minor adjustments to provide improved pedestrian routes to the café. Although the proposed café is larger than the existing building, it is not considered that this increase, together with the introduction of a padel court, would materially increase traffic generation or alter the character of vehicle movements in the surrounding area.

7.30 Subject to conditions securing a construction management plan, appropriate boundary planting setbacks, and the provision of cycle and powered two-wheeler parking, the Highway Authority raises no objection and considers the proposal acceptable in highway safety and transportation terms.

Trees/Landscaping

7.31 Paragraph 136 of the NPPF 2024 sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible.

7.32 The application site is bounded by established hedgerows along the frontage with Lower Marine Parade and the rear boundary. No trees are present within the site.

7.33 The submitted drawing titled 'Site Plan as Proposed' indicates the retention and extension of the existing hedgerows, which would provide a degree of visual mitigation and assist in softening the appearance of the development. It is noted, however, that the existing hedges are currently in only moderate condition.

7.34 Whilst opportunities for additional soft landscaping are limited, there appears to be scope for the introduction of approximately 3 to 4 trees within the grassed areas to the front of the proposed café and to the east of the proposed padel court. The provision of such planting will be secured by way of a planning condition.

Impact on Residential Amenity

7.35 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.

7.36 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.

7.37 To either side of the site are established community and leisure uses, which are not expected to be adversely affected by the proposed redevelopment. Immediately to the rear lies a recently constructed dwelling (Arundel House), understood to be occupied by the tenant of the application site. It is noted, however, that the proposed padel court will be situated close to the rear boundary, where noise generated from its use may impact the amenity of this occupier.

7.38 Having regard to the context of the site a Noise Impact Assessment has been undertaken to assess the impacts of the proposed development upon the nearest receptors. The Noise Impact Assessment identifies Arundel House (5m from the site) and The Hollies (36m away) as the nearest receptors. Baseline monitoring recorded average daytime noise levels of around 50dB LAeq.

7.39 With mitigation, including a 3m high acoustic fence, predicted noise levels from the padel court are approximately 49dB at Arundel House and 36dB at The Hollies. At Arundel House, this would fall within the Lowest Observed Adverse Effect Level, meaning noise may be perceptible but would not materially affect living conditions. At The Hollies, impacts would fall within the No Observed Effect Level. Environmental Protection has confirmed that the assessment is robust and raises no objection, subject to installation of the acoustic fencing and its retention thereafter.

7.40 Construction activities have the potential to cause temporary disturbance. However, Environmental Protection recommends standard controls relating to working hours, site operations and deliveries. Subject to a condition securing the submission of a Construction Method Statement, such impacts would be temporary and adequately mitigated and would not result in unacceptable harm to neighbouring amenity.

7.41 The proposal includes a kitchen extraction system to the rear of the building, although precise details are yet to be provided the Noise Impact Assessment indicates that the existing system generates a specific sound level of approximately 70dB at 1m, with background levels around 50dB. A modern replacement system is predicted to have a sound level of approximately 38dB(A) at the nearest residential receptor (circa 22m). This is below existing ambient and background noise levels and represents an improvement on the current situation. Environmental Protection raises no objection in this respect. As detailed specifications are not yet finalised, a condition is recommended requiring approval of the extraction equipment, including noise details and any necessary mitigation. Subject to this, no unacceptable impact on residential amenity is anticipated.

7.42 A condition will be included to ensure details of any external lighting to the padel court are provided to ensure the lighting is designed and directed to prevent undue light spill and impact upon nearby residents.

7.43 Subject to appropriate conditions controlling construction, securing noise mitigation, and managing lighting/extraction equipment, the proposal would not result in unacceptable harm to residential amenity and is considered acceptable in this regard.

Flood Risk/Drainage

7.44 The application site lies within Flood Zone 3a, as defined by the National Planning Policy Framework (NPPF), where there is a high probability of tidal flooding. The proposal comprises the replacement of an existing café and is classified as 'less vulnerable' development. The development has been supported by a Flood Risk Assessment, which has been reviewed by the Environment Agency, who raise no objection subject to mitigation measures being secured.

7.45 In applying the sequential approach set out in NPPF paragraphs 174 and 175, the proposal is considered acceptable as it relates to the redevelopment of an existing facility in the same location, with no reasonably available alternative site at lower flood risk. The sequential test is therefore considered to be satisfied.

7.46 As the development is located within Flood Zone 3a and is classified as 'less vulnerable', the exception test is required. In this instance, the proposal would provide wider sustainability benefits through the retention and enhancement of a seafront facility and would not increase flood risk vulnerability. Furthermore, the FRA demonstrates that the development can be made safe for its lifetime without increasing flood risk elsewhere, thereby satisfying the second limb of the exception test.

7.47 The FRA confirms that whilst the site benefits from existing tidal flood defences, there remains a residual risk of flooding during extreme events, including overtopping or breach scenarios. The proposed development would not increase risk when compared to the existing situation and would result in betterment through an increase in finished floor levels to 3.50m AOD (approximately 0.11m above existing) and the incorporation of flood resilience and resistance measures within the construction.

7.48 These measures include resilient building design and materials to reduce potential flood damage, alongside a Flood Evacuation Plan and measures to improve the site's overall preparedness. The development will therefore be safer and more resilient than the existing café.

7.49 The Environment Agency recommends that the mitigation measures set out in the FRA are secured, including the minimum finished floor level and implementation of flood resilient construction. Subject to these measures, and consultation with relevant emergency planning bodies regarding evacuation procedures, the development is considered acceptable in flood risk terms.

7.50 The proposal is therefore considered to comply with the relevant provisions of the NPPF (in particular

paragraphs 173–179) and Tendring District Local Plan Policy PPL1, which seek to direct development away from areas at highest risk wherever possible and ensure that development is safe, resilient and does not increase flood risk elsewhere.

7.51 In terms of surface water drainage, the development proposes a sustainable surface water drainage strategy based on removing existing unsuitable connections and providing on-site attenuation. Existing surface water outfalls to the public foul sewer will be removed. Surface water runoff will instead be managed via on-site storage, with the building roof draining to a tank and the padel court draining to a granular sub-surface system sized to accommodate the required attenuation volumes.

7.52 Discharge from the site will be controlled at restricted rates into the existing public surface water system via new connections, ensuring runoff is limited to greenfield-equivalent rates. Due to the presence of existing public sewers crossing the site, separate agreements with Anglian Water will be required, including a potential diversion of the surface water sewer and protective measures where development is located above existing infrastructure.

7.53 As this proposal constitutes minor development, there is no requirement to consult the Lead Local Flood Authority (LLFA) on the surface water drainage details. However, an agreement with Anglian Water will be necessary to secure connections to the existing public sewer network.

Habitats, Protected Species and Biodiversity Enhancement

7.54 *General duty on all authorities*

The Natural Environment and Rural Communities Act 2006, as amended by the Environment Act 2021, places a general duty under Section 40 to conserve and enhance biodiversity. The Act defines the "general biodiversity objective" as the conservation and enhancement of biodiversity in England through the exercise of functions. Section 40 requires public authorities to consider the actions they can take to further this objective and to establish appropriate policies and specific measures to achieve it. Such actions may include conserving, restoring, or enhancing populations of particular species and habitats. Accordingly, in decision-making, the Local Planning Authority must be satisfied that proposed development would conserve and enhance biodiversity. This development is subject to the above duty. It proposes to incorporate a range of measures designed to deliver biodiversity benefits and offset the impacts of development, including insect-friendly planting, nesting boxes, habitat features, and new planting such as hedgerows and trees. The detailed specification of these biodiversity enhancements will be secured by condition. Overall, having regard to the existing baseline conditions and the impacts of the proposal, it is considered that the development would conserve and enhance biodiversity interests.

7.55 *Biodiversity net gain*

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals.

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.

The supporting documentation confirms that the site has a baseline value of 0.12 habitat units, requiring at least 0.14 units to achieve a 10% net gain. The proposed development would result in the loss of existing habitats and reduce the on-site value to -0.12 units. At this stage it is proposed that the required 0.14 biodiversity units would be secured off-site, details of which will be secured

via condition.

7.56 *Protected Species*

The Preliminary Ecological Appraisal and Roost Assessment (Arbtech, January 2026) identifies that the site is of low ecological value and that impacts on protected species are limited. The existing building has negligible potential for bats, and no evidence of roosting was recorded. There is some limited potential for nesting birds within vegetation and a low risk of reptiles within small areas of scrub; however, these impacts can be appropriately addressed through precautionary mitigation measures.

7.54 Place Services (Ecology) raise no objection subject to conditions. They advise that the mitigation measures set out within the Ecological Appraisal should be secured and implemented, alongside a Biodiversity Enhancement Strategy to be submitted prior to works above slab level. Subject to these conditions, the proposal is considered acceptable in respect of impacts on protected species.

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

Sustainable Construction & Energy Efficiency

7.56 TDLP Policy PPL10 states that all development proposals should demonstrate how renewable energy solutions, appropriate to the buildings, site, and location have been included in the scheme and for new buildings, be designed to facilitate the retro-fitting of renewable energy installations. This should also address water conservation measures such as rainwater harvesting.

7.57 The use of PV panels (as proposed within the supporting Design and Access Statement), water-butts, rainwater harvesting, recycling facilities (during construction and to serve the development) and air-source heat pumps to aid the sustainability of the development should be an integral part of the design. A condition has been recommended to secure full details of a sustainability and energy efficiency strategy for the development.

8. Conclusion

8.1 The proposed redevelopment represents an acceptable and sustainable form of development within the Dovercourt Settlement Development Boundary. It would enhance an established seafront use, supporting the local tourism economy, improving leisure provision through the introduction of a padel court, and contributing positively to health and wellbeing.

8.2 The design, scale and layout of the development would result in a clear visual improvement to the site, responding positively to the coastal character without affecting the setting of nearby heritage assets. Highway and flood risk matters have been fully assessed, with no objections raised by relevant consultees subject to appropriate conditions.

8.3 Impacts on residential amenity have been carefully considered. Subject to mitigation measures, including acoustic fencing, and conditions controlling construction, lighting and extraction equipment, the proposal would not result in unacceptable harm to neighbouring living conditions.

8.4 Ecological impacts are also acceptable, with mitigation and enhancement secured by condition and no objection from Place Services (Ecology).

8.5 Overall, the proposal accords with the policies of the Tendring District Local Plan and the provisions of the NPPF and is recommended for approval subject to conditions listed below.

9. Recommendation

Approval (no S106 requirements)

Recommendation: Approval

That the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 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; and,

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 than the expiration of three years from the date of this permission.

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

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

2). APPROVED PLANS & DOCUMENTS

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

- 0101 P06 (Amended Proposed Block Plan)
- 1000 P04 (Amended Proposed Ground Floor Plan)
- 2002 P03 (Amended Proposed South Elevations)
- 2003 P03 (Amended Proposed South-East Elevations)
- 2004 P03 (Amended Proposed North Elevations)
- 2005 P04 (Amended Proposed North-West Elevations)
- Noise Impact Assessment (Dated 1st June 2026)
- Flood Risk Assessment (as prepared by Amazi – 18th February 2026)
- 6545-0101 P06 (Proposed Site Layout Plan)

- Design and Access Statement (Received 11th March 2026)
- Site Plan (Received 5th March 2026)
- Concept Landscape Plan (Received 5th March 2026)
- Biodiversity Net Gain Assessment (Received 5th March 2026)
- BNG Metric (Received 5th March 2026)
- Preliminary Ecological Appraisal and Roost Assessment (Received 5th March 2026)
- Preliminary Rise Assessment Desk Study (Received 5th March 2026)

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

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

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

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

3). FURTHER APPROVAL: HARD AND SOFT LANDSCAPING SCHEME

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

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

4). COMPLIANCE: IMPLEMENTATION OF LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved, in writing, by the local planning authority up to the first use/first

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

REASON: To ensure that the approved landscaping scheme is implemented in accordance with the approved scheme and has sufficient time to establish, in the interests of visual amenity and the quality of the development.

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

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

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

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

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

site preparation, by reason of the location and scale of development may result in adverse harm on amenity.

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

6). HIGHWAYS - PROVISION OF CYCLE STORAGE

CONDITION: The hereby approved development shall not be first used until such time as the powered two-wheeler and cycle parking facilities, as shown on the approved plans, has been provided and made functionally available. These facilities shall then be retained and remain free of obstruction thereafter.

REASON: To ensure adequate and secure provision for cycle and powered two-wheeler parking in the interests of promoting sustainable transport, reducing reliance on private motor vehicles, and to accord with national and local planning policies relating to sustainable development and highway safety.

7). COMPLIANCE CONDITION – ACOUSTIC FENCING

CONDITION: Prior to the first use of the hereby approved padel court, the acoustic fencing as shown on drawing no. 0101 P06, 1000 P04, 2002 P03, 2003 P03, 2004 P03 and as outlined in the Amended Noise Impact Assessment (Received 2nd June 2026) shall be fully erected and retained in this form in perpetuity.

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

8). COMPLIANCE CONDITION – HOURS OF OPERATION

CONDITION: The hereby permitted development/use, including the use of any external floodlights to the padel court, shall only operate between the following hours:

Café - 08:00am to 17:00pm daily
Padel Court - 08:00am to 20:00pm daily

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

NOTE/S FOR CONDITION:

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

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

this condition with the Local Planning Authority.

9). FURTHER APPROVAL: DETAILS OF ILLUMINATION

CONDITION: Prior to the erection/installation of any floodlighting or other means of external lighting at the site, details to include position, height, aiming points, lighting levels and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out and retained as may be approved. There shall be no other means of external lighting installed and/or operated on/at the site except that approved.

REASON: In the interests of amenity to reduce the impact of nighttime illumination on the character of the area and in the interests of biodiversity.

10). FURTHER APPROVAL – EXTRACTION/PLANT EQUIPMENT

CONDITION: Prior to the first installation of any refrigeration/extraction equipment, full details shall have first been submitted to, and agreed in writing by, the Local Planning Authority. Any approved details shall be retained in this form unless otherwise agreed.

REASON: In the interests of protecting neighbouring amenities.

11). COMPLIANCE - FLOOD RISK MITIGATION

CONDITION: The hereby permitted development shall be carried out in accordance with all proposals and recommendations (flood mitigation measures) contained within the approved Flood Risk Assessment and shall accord to the following measures:

- Finished floor levels will be set no lower than 3.50 m AOD (as outlined at Section 3.4.2 of the submitted Flood Risk Assessment)
- Flood resilient / resistant measures will be incorporated into the development (as outlined at Section 3.4.3 of the submitted Flood Risk Assessment)
- Evacuation Plan (as outlined in Sections 3.4.4, 3.4.5, 3.4.6, 3.4.7 and 3.4.8 of the submitted Flood Risk Assessment).

The measures shall be carried out in their entirety in accordance with any timetable approved as apart of the approved Flood Risk Assessment, or if not available shall be carried out in their entirety prior to first occupation unless otherwise agreed in writing by the Local Planning Authority. All measures shall be maintained thereafter as approved.

REASON: To safeguard users of the development and to minimise the risk of flooding impacts.

12). 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 and Roost Assessment (Arbtech, January 2026) 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).

13). 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 and Roost Assessment (Arbtech, January 2026), 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).

14). FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN

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

REASON: In order to accord with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024.
NOTE - CONTEXT AND APPLICATION:
Planning conditions are typically established upon the granting of planning permission under sections 70(1) and 72 of the Town and Country Planning Act 1990. However, it's essential to note that the biodiversity gain condition operates under a distinct statutory framework, specifically outlined in paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

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

The government advises against including this condition in decision notices to avoid confusion. However, for clarity and accountability, we have opted to highlight this condition within the decision notice. This ensures that all involved parties are aware of its requirements, facilitating effective tracking and monitoring throughout the development process, including the discharge of conditions. In certain instances, this condition may be imposed even if the applicant believes that biodiversity net gain (BNG) does not apply. Based on the available information, it is determined that this permission necessitates the approval of a biodiversity gain plan before commencing development, as none of the statutory exemptions or transitional arrangements apply.

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

BIODIVERSITY GAIN PLAN REQUIREMENTS:
For the Biodiversity Gain Plan requirements, please refer to both paragraphs 14 and 15 of the

Environment Act Sch 14 Part 2 as amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024. https://www.legislation.gov.uk/ukpga/2021/30/schedule/14/enacted

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

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

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

Ways to achieve 10% BNG may include:
i. Enhancement and restoring biodiversity on-site (within the red line boundary of a development site).
ii. If proposals can only achieve part of their BNG on-site, they can deliver through a mixture of on-site and off-site. Developers can either make off-site biodiversity gains on their own land outside the development site or buy off-site biodiversity units on the market as close as possible to the site.
iii. If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This must be a last resort. The government will use the revenue to invest in habitat creation in England.

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

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

15). FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN MANAGEMENT & MONITORING PLAN

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

a) description and evaluation of the planned habitat works for the creation and/or enhancement of the onsite habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
b) the management measures to maintain the onsite habitat creation and/or enhancement works for a period of a least 30 years from the completion (defined for this purpose as first use and/or occupation unless agreed in writing by the LPA) of the development including:

i) ecological trends and constraints on site that may influence management;
ii) aims, objectives and targets for management e.g. links with local and national species and habitat action plans;

iii) a description of the management operations necessary to achieving aims and objectives;
iv) prescriptions for management actions;
v) preparation of a works schedule, including annual works schedule;
vi) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets;
c) details of the monitoring methodology, to measure the effectiveness of the management of the onsite habitat creation and/or enhancement works together with the timetable for each element of the monitoring programme including when first implemented with provision for monitoring reports to be provided to the local planning authority in writing on year 1, 2, 3, 5, 7, 10, 15, 20, 25 and 30, with biodiversity reconciliation calculations at each stage; and
d) details of the roles and responsibilities of the people or organisation(s) delivering the HMMP including implementation and monitoring.

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

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

16). FURTHER APPROVAL: SUSTAINABILITY & ENERGY EFFICIENCY

CONDITION: No development shall commence above slab level until full details of the sustainability and energy efficiency measures to be used in the development has been submitted to and approved in writing by The Local Planning Authority. The detailed scheme shall include as a minimum:-

- Agreement of a scheme for water conservation including greywater recycling and rainwater capture
- Agreement of heating of the café building
- Agreement of scheme for waste reduction

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

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

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/.