



PLANNING COMMITTEE

DATE:	Thursday, 3 September 2026
TIME:	5.00 pm
VENUE:	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: Monday, 24 August 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 - 24)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Tuesday, 7 July 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 - Planning Application 26/00112/FUL - 1 Wellesley Road, Clacton-on-Sea CO15 3PP (Pages 25 - 42)

Change of use to Temporary Emergency Accommodation (Use Class Sui Generis).

6 Report of the Corporate Director (Planning & Community) - A.2 - Planning Application 25/01633/OUT - Land to the north of Weeley Road, Great Bentley CO7 8PE (Pages 43 - 88)

Outline Planning Application (Access to be considered) - multi-use sports community building incorporating a cricket pavilion, a cricket pitch and enabling residential development of up to 120no. dwellings.

7 Report of the Corporate Director (Planning & Community) - A.3 - Planning Application 25/01781/FUL - Cliff Park, High Street, Harwich CO12 3AT (Pages 89 - 110)

Construction of floodlit Football Foundation Playzone.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held in the Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 5.00 pm on Tuesday, 29 September 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 Democratic Services Team on (01255 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 Democratic Services officer present.

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 Democratic Services Team 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, 7TH JULY, 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, Goldman, Land, Sudra and Wiggins (except item 13)
Also Present:	Councillors P Honeywood (except items 13 to 15), S Honeywood (except items 13 to 15) and Scott except items 14 & 15)
In Attendance:	Gary Guiver (Corporate Director (Planning & Community)), John Pateman-Gee (Head of Planning & Building Control), Joanne Fisher (Planning Solicitor & Acting Legal Services Manager), Matt Lang (Planning Team Leader), Alison Newland (Planning Team Leader) (except items 14 & 15), Alison Pope (Planning Officer) (except item 15), Bethany Jones (Democratic Services Officer) and Katie Koppelaar (Democratic Services Officer)

8. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

9. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the last meeting of the Committee, held on Tuesday 9 June 2026, be approved as a correct record and be signed by the Chairman.

10. DECLARATIONS OF INTEREST

Councillor Wiggins declared an interest, in relation to Planning Application **26/00287/OUT – Land to North of Colchester Road, Elmstead, CO7 7EF**, in that she was one of the Ward Members and she was pre-determined. She 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, she would also exercise her right, as one of the Ward Members, to speak on the application.

Councillor Scott, who was present in the public gallery, declared for the public record, in relation to Planning Application **26/00287/OUT – Land to North of Colchester Road, Elmstead, CO7 7EF**, that he was one of the Ward Members for the application and that he would speak on the application in that capacity.

Cllr S Honeywood, who was also present in the public gallery, declared for the public record, in relation to Planning Application **26/00580/FUL – Albany House, 29 Albany Gardens West, Clacton-on-Sea, CO15 6HN**, that she was the Ward Member for the application and that she would speak on the application in that capacity as well as in the capacity of the caller-in.

11. 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.

12. **REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.2 - 26/00580/FUL - ALBANY HOUSE, 29 ALBANY GARDENS WEST, CLACTON-ON-SEA, CO15 6HN**

Earlier on in the meeting, as reported under Minute 10 above, Councillor S Honeywood had declared that she was the local Ward Member and had called-in the application and exercised her right in those capacities to speak on the application.

It was reported that the proposed change of use was 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.

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

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

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

“Additional Objection

One additional letter of objection has been received from a member of the public raising the following material planning considerations;

- Harm to the Gardens Area of Special Character, specifically its intention to protect the special residential nature of the area.*

Officers Response – The proposal has been fully assessed against Policy PPL12 of the Tendring District Local Plan and found to be acceptable for the reasons set out within the Committee Report.

Updated Consultee Comment – ECC Children’s and Families – Children’s Residential

Updated comments have been received from ECC Children’s and Families – Children’s Residential. Whilst their original consultation response advised that the applicant had not been in contact with the service, the consultee has now confirmed that the applicant has attended a weekly drop-in session and engaged with officers. No objection is raised. The updated comments are set out below:

From a review of the documents submitted we can see that 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.

The applicants have discussed their plans with us at 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. This is something we welcome, as it helps us to understand plans in greater detail.

As a general principle, provision with larger numbers of residents or a more institutional presentation do not align with Essex County Council's preferred model, nor with our current sufficiency needs. However, 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.

This particular facility promotes inclusion within the local community and enables step-down pathways where appropriate through the use of the attached annexe. In this respect, the proposed children's home broadly aligns with our preferred model in terms of scale, for supporting children who can live within a group home setting."

Jeremy Hugband, the representative for the applicant, spoke in favour of the application.

Antony Cannon, member of the public, spoke against the application.

Councillor S Honeywood, the Ward Member and the Caller-in, spoke against the application.

Matters raised by Members of the Committee:-	Officer response thereto:-
<i>Would the children that are placed in the home have emotional and behavioural difficulties?</i>	<i>They might or might not. The Planning position is that this is a children's home who might be housed within this could be from any background and any circumstances. To point out, this is not a C2A use which is a secured residential institution. This is a generic children's home.</i>
<i>Would the same children that would qualify for this home also qualify for fostering?</i>	<i>Not quite. Fostering can fall within C3 which is what the current use is. If this was a large fostering home, it would not need planning permission.</i>
<i>Could you tell the Committee when the Public Space Protection Order (PSPO) was put in place at the gardens?</i>	<i>Referring to the PSPO, Officers do not know when that was put in place, it is not part of Planning, that is a separate matter.</i>
<i>How is 12 years of history going to impact this building now?</i>	<i>It is for the decision maker to consider what weight to apply to different material considerations. Planning history as far back as 1948 is a material planning consideration – how much weight Members give that planning history and the various uses that this site has gone through is for Members to consider and how much that makes a bearing on the decision is down to Members. As Officers, it has been pointed out that 12 years ago, this building was a C2 use, it was a care home rather than a children's home. Officers feel that if they were to present themselves at an appeal, should this application be refused, Officers would be arguing against that planning history to a planning inspectorate. Officers feel they have given this due weight; how much weight Members give it is down to the decision maker.</i>
<i>Would the children be home schooled or not?</i>	<i>Officers are not aware that the children would be educated at home or in a school. Officers do not have that information in front of them.</i>
<i>Would it be fair to say there could be up to five taxis doing the pick-up and drop-off to school?</i>	<i>Officers do not know.</i>
<i>How do Officers come to the conclusion of 'special character' and what factors are assessed to come to that conclusion?</i>	<i>Policy says 'within the gardens area of east Clacton, the new development shall have particular regard to special character and appearance of the area...' It is effectively character and appearance. It is a local designation, that is within the Local Plan. It has been in place for a long time (30 years), carried forward from each Local Plan and the main principle around it is the character appearance of the area because the former conservation area does not extend to this area and this is one of two special</i>

	<i>character areas that is within the District, the other being the Avenues in Frinton-on-Sea.</i>
<i>Is there any garden at the property and what size is it or is it a contained property without a garden?</i>	<i>There is a garden in the plans. It is small but it does meet the requirements for this home.</i>

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

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to refuse planning permission subject to the reasons as stated below that follows:-
 - the proposal, by reason of its intensified and non-typical residential use, would introduce a level of activity and comings and goings that would erode the established quiet residential character of the Gardens Area of Special Character, contrary to Policy PPL12 and SP7;
 - in addition, in the absence of robust, site-specific evidence demonstrating that the operation of the children's home would not materially impact neighbouring occupiers, the proposal fails to satisfactorily demonstrate compliance with Policies SPL3, LP10 and SP7 relating to the protection of residential amenity; and
- 2) the applicant be sent any informative notes, as may be deemed necessary, by the Head of Planning and Building Control.

13. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.1 - 26/00287/OUT - LAND TO NORTH OF COLCHESTER ROAD, ELMSTEAD, CO7 7EF

Earlier on in the meeting, as reported under Minute 10 above, Councillor Wiggins had declared that she was one of the local Ward Members and that she was pre-determined. She did not sit therefore as a Member of the Committee for this item, and she retired from the meeting whilst it was deliberated but exercised her right as a Ward Member to speak on the application.

Also, as reported under Minute 10 above, Councillor Scott, who was present in the public gallery, had declared that he was also one of the local Ward Members for the application and that he would speak on the application in that capacity.

It was reported that the application site was laying 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.

Members were informed that no objections had been raised by consultees and that the titled balance applied.

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

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

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

"Additional Parish comments:

Additional comments in response to Savills' letter dated 3rd June 2026.

We were disappointed to see that after we and dozens of residents pointed out the serious flaws in this application, and it initially being considered for refusal, this decision was reversed to be recommended for approval, despite clearly being in noncompliance with planning policy.

We're concerned about the contents of a letter dated 3 June from Savills and that its questionable claims may have wrongly influenced the recommendation and may influence the decision of the Planning Committee on the 7th July. If the committee is minded to refuse the application it may also influence the Planning Inspector if the application goes to appeal.

The letter in question focuses on the Elmstead Neighbourhood Plan, calling core policies of this plan into question and seriously misinterpreting them. In a number of statements it is outright false, and to make a planning decision based on the information within would not only allow development that is noncompliant with policy, but set a concerning precedent for future decisions that such policies are not effective guides for decision makers.

To be clear, the application is outright noncompliant with 2 policies: ELM1 and ELM2.

ELM1 is a simple settlement development boundary policy. The application site in its entirety is outside of the settlement development boundary which the letter from agent does not dispute. The fact that one border of the site is adjacent to the boundary is irrelevant to the policy.

As stated in the letter, the adopted Local Plan, policies SP3, SPL1 and SPL2 direct housing development to sustainable locations within settlement development boundaries.

The letter also suggests that Elmstead is supposedly 'one of the most sustainable villages in the district' pointing to transport links and education within the village. As explained in our initial objection unlike many local villages who have both trains and frequent buses the only public transport in Elmstead is at most an hourly bus, that runs less frequently through much of the week. Both schools named are already operating at above capacity – there is nothing sustainable in building houses with no clear access to primary schooling.

The letter's claim that the application conforms to a pattern of growth is also wrong, as recent growth has been increasingly focussed on the new settlement boundary established via this Neighbourhood Plan policy that created Lanswood as a distinct settlement with hundreds of homes being built in recent years and over a hundred more with outstanding planning permission.

The pattern of sustainable growth is focussed here, on the opposite edge of the village to avoid coalescence with the nearby TCBGC.

This brings us to policy ELM2 (protecting the settlement of Elmstead) which is wholly focussed on a vital small area of countryside, which remains functioning farmland, between the village boundary of Elmstead and the new A1331 link road that forms the defensible edge of the garden community.

The Neighbourhood Plan was carefully designed to accept the Garden Community when Tendring Planning Officers promised the Parish Council and local residents that no additional houses would be built in Elmstead, because the Garden Community (which is mostly within our Parish boundary) would secure the long term housing supply targets and contribute many times to Elmstead's fair share of housing growth in a truly sustainable way.

While the Garden Community's own planning policies protect a small area of countryside as a strategic gap only one field wide because it was limited to the Garden Community project area of search, ELM2 creates an additional landscape buffer that works alongside the strategic gap to create a meaningful barrier to coalescence as supported by the NPPF. This policy's green gap is at most 2 fields wide. This application removes one of those fields. It is against the very principle of the policy.

The letter strives to justify its position by making multiple unfounded assumptions and incorrect conclusions based upon this flawed reasoning.

The letter states the Garden Community 'incorporates a substantial country park to the east of the link road' – this is false. There is no country park to the east of the link road. The Garden Community includes only one country park, to the west of its development, between the Garden Community and Colchester, miles away from Elmstead and entirely irrelevant to this application.

The area that the letter's author has misidentified as a country park is defined in Part E of the Garden Community DPD policy GC1 which emphasises the importance of maintaining physical and visual separation of open countryside between the Garden Community and Elmstead. However, there is potential for development associated with the Garden Community within the Garden Community defined green gap such as sports fields or solar farms. This is why neighbourhood plan policy ELM2 was designed to work alongside the GC DPD to reinforce the separation, ensuring a clear transition from the urban high density development of the new town, through the strategic green gap which gently tapers into open countryside protected by the NP policy, with a series of agricultural fields identified as an important part of Elmstead's landscape setting and heritage, before then entering the clearly rural village with a clear boundary. This separation, especially when travelling along the A133 as most people entering Elmstead do, is the primary purpose of policy ELM2 – the development of a housing estate in this small and vital landscape buffer makes it ineffective and rides rough shod over a carefully considered Neighbourhood Plan policy that was designed to work alongside the Local Plan and DPD.

The letter tries to twist a few cherry-picked aspects of ELM2 to its benefit that we have to focus on and refute:

- The suggestion that the application somehow complies with ELM2/B.i 'improving access to and enjoyment of the countryside' by having the development grant minimal*

public access is absurd – once the houses are built, the site is no longer part of the countryside so this justification cannot apply.

- The excerpt from the LVIA suggesting the Garden Community will not be visible from the site is irrelevant to the site itself and only proves the combined efforts of the DPD and Neighbourhood plan have succeeded in creating an effective layout to prevent coalescence. The application if granted would take this effective planning policy and make it ineffective.*

- The LVA submitted alongside the application fails to consider the landscape setting of open countryside – instead relying on a border of planted vegetation which will not conceal the roofline of houses behind it and unquestionably does take away from the effectiveness of policy ELM2 which the applicant has evidently misunderstood. At their closest the houses shown in the illustrative plan are less than 15 metres from the A133 – under no conceivable definition can 15 metres containing a hedge, grass verge and driveway be considered open countryside. There is no stated reason the residential developments irregular shape needs to extend this close – it negates the meagre attempt at a 'landscape buffer' that seems to measure in single digits of metres width.*

Part B of policy ELM 2 states 4 scenarios where development will be supported within the green landscape buffer. This application categorically does not fall into any of these scenarios.

The development does not comply with policy ELM1 so reason i does not apply.

The development does not improve access and employment of the countryside as it detracts and removes the countryside – so reason ii does not apply.

The development diminishes (by definition makes smaller) the separation between Elmstead Market and the Garden Community and harms the landscape setting – so reason iii does not apply.

The development does not protect and reinforce the landscape features of the green buffer, it harms and weakens the very purpose of this feature – so reason iv does not apply.

Policy ELM2 requires an application to comply with ALL of these reasons to be supported. The development does not comply with any of the stipulations.

As many of the points made in reference to these policies in the letter refer back to the provision of a five year housing supply, we must provide context with some facts behind the Neighbourhood Plan process – the Neighbourhood Plan was certified at the end of 2024, meaning by planning standards it is as current as reasonably possible. It is important to note that while the report categorises the NP as 'less than 5 years old' it is in fact less than 2 years old so remains current and highly relevant. At this time it was written with no housing requirement for the NP area, but if there was such a requirement, because of the vital importance of land covered by policy ELM2 any supply of housing would have been allocated outside of this area as a priority.

The letter references paragraph 11d of the NPPF that states 'policies in this framework that protect areas of importance provide a strong reason for refusing the development' – the narrow area between Elmstead Market and the Garden Community is vitally important for preventing coalescence as required by the NPPF. Protecting this limited area is a strong reason for refusing the development.

The assertion that the Neighbourhood Plan is outdated because it contains no allocations shows a distinct lack of understanding that the Neighbourhood Plan functions alongside the Garden Community DPD that also falls within our Parish boundary and provides thousands of housing allocations – far more than Elmstead's balanced allocation and contributing exponentially more to the District's future housing supply than the application's 30 dwellings. The conclusions of the letter ultimately revolve around the assertion that the lack of 5 year housing supply over rules every Neighbourhood Plan policy – but it is essential to consider the Neighbourhood Plan as adopted as a part of the Local Plan.

If a precedent is set that applications such as this that attempt to override Neighbourhood and Local Plan policies, it creates a serious risk of invalidating many more such policies across the District.

We reiterate that we are most concerned the letter dated 3rd June misunderstands and so misrepresents many key aspects of the Neighbourhood Plan, and its interaction with the Garden Community DPD. The possibility that this communication may have influenced and continue to influence decision making is even more worrying, and we ask the committee to consider our specific concerns listed above and assure itself of the facts before making its decision.

We recognise that the District's planning officers are far more knowledgeable and experienced than ourselves as a Parish Council so would also request they consider the conflicts in interpretations and if possible correct the factual inconsistencies.

However we have the benefit of local knowledge to point out the serious flaws in this application that have made it worryingly far into the application process and so ask these be clarified before the application can be properly considered by committee.

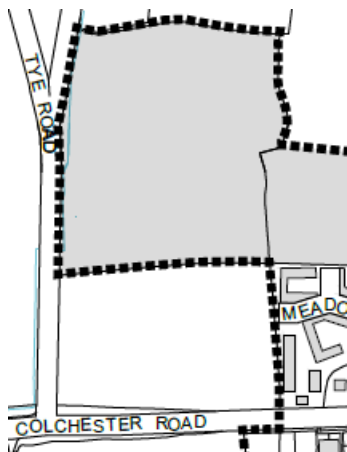
This communication is in response to specific concerns with publicised correspondence on the application, and we refer back to our initial objection comment that contains many more significant issues with the proposal.

Officer response to additional Parish comments:

The Parish refer to a change in the Officer recommendation. Paragraph 7.64 of the committee report refers to the Sladburys Lane, Clacton appeal decision which was allowed on 03/06/2026. That appeal proposal shares many similarities, but it was in an adopted Strategic Green Gap (SGG) so is subject to more significant landscape protections. In allowing that appeal the Inspector acknowledged the moderate adverse impacts but confirmed they would not outweigh the substantial benefits of up to 30 dwellings given the Council's housing delivery position. In defending the SGG objection the Council also had costs awarded against us. This very recently allowed appeal is a material planning consideration and the Local Planning Authority must have regard to previous decisions to ensure consistency in decision making. This appeal decision, in conjunction with the absence of any objections from statutory consultees, and the tilted balance benefits and harm assessment, has resulted in the recommendation of approval.

The Parish maintain outright non-compliance with Elmstead Neighbourhood Plan (ENP) Policies ELM1 and ELM2. Paragraph 7.24 of the committee report confirms ELM1 is supportive in principle of proposals within and adjoining the defined settlement

boundaries where they provide defensible boundaries. The snippet below shows the site (denoted by a yellow star) adjoining the ENP settlement boundary to the north and east with all boundaries being defensible (existing development or roads) in accordance with ELM1.



It is acknowledged that Elmstead does not have a train station, but it is classed as a Rural Service Centre under TDLP Policy SPL1 in recognition of its size and reasonable range of services and facilities. The location is therefore considered sustainable.

Education/schools are addressed at paragraph 7.109 of the committee report and no comments or S106 request has been received.

It is acknowledged that recent growth has been focussed on the Lansv  side of Elmstead, however each proposal must be assessed on its merits.

Although zero housing growth was agreed within the ENP in light of the Tendring Colchester Borders Garden Community (TCBGC), the committee report at paragraph 7.31 confirms appeal decisions have afforded reduced weight to NP policies where the underlying housing requirement is inconsistent with up-to-date housing need as is the case here.

It is agreed that the applicant's letter is incorrect in referring to a country park to the east of the TCBGC link road. This error is repeated at paragraph 7.5 of the committee report in summarising their letter. However, this error does not impact upon the Officer assessment or recommendation as paragraph 7.29 of the committee report correctly refers to this as the TCBGC Elmstead Strategic Green Gap. The adopted TCBGC Development Plan Document (DPD) shows this land (bright green in the snippet shown with the site denoted by a yellow star).



The Parish raise concern this land could still be developed for sports fields or solar farms hence the need for the NP Green Landscape Buffer under ELM2. The DPD confirms: "Development will only be supported where its role and function would not be materially harmed; it represents the provision of appropriate development for a countryside location; or is for facilities (in connection with the existing use of land or a change of use) for outdoor sport or recreation, local low carbon energy generation, cemeteries and burial grounds or allotments." It is therefore considered that these potential uses would maintain the general openness and character of this area and serve to maintain appropriate separation between the two settlements, in accordance with the requirements of ELM2.

The Parish disagree that the proposal would improve access to and enjoyment of the countryside. This is addressed at paragraph 7.27 of the committee report which confirms: 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.

The Parish raise concern that this recommendation will set a precedent. This is strongly disputed as the site in question abuts the Settlement Development Boundary to two sides, is clearly defined by defensible boundaries to all sides, and is effectively the rounding off of the settlement following the Barley Close development to the north. Officers maintain that the proposal would not therefore compromise the remainder of the NP Green Landscape Buffer or project any further westwards than the existing two storey dwellings to the north. Paragraph 14 of the NPPF is engaged and is a material consideration of substantial weight in the decision-making process however conflict with a Neighbourhood Plan does not represent an absolute bar to development particularly in light of the current housing land supply position. In this specific case the adverse impacts of the conflict with the ENP do not significantly and demonstrably outweigh the benefits and approval is therefore recommended in accordance with the NPPF.

Additional letters of objection

4 additional letters of objection have been received raising the following additional concerns which have not already been addressed at paragraph 6.2 of the committee report: (Officer response in brackets)

- There have been 359 dwellings proposed in Elmstead plus some currently being built which will severely affect our community and quality of life (Each application must be assessed on its merits as detailed and assessed within the committee report)*
- Clacton should have the highest percentage of new homes, including highest percentage of affordable housing (The location is considered sustainable as detailed within the committee report. The District's spatial strategy and affordable housing policies are explained within the adopted and emerging Tendring Local Plans)*
- Every new dwelling in Elmstead should be rejected because of the Garden Community housing provision and Neighbourhood Plan zero requirement (Assessed and explained within the committee report)*
- Existing drainage problem is due to faulty pumps in the Meadow Close development circa 2019 releasing odour and causing sickness and extreme stress (Drainage is assessed and explained within the committee report)*
- Elmstead has seen a 37% increase in dwellings since 2015 this is too much for a Rural Service Centre (The location is considered sustainable as detailed within the committee report)*
- Site is not allocated for development and no unmet housing need in Elmstead (It is correct that the site is not allocated for development. Housing need and the tilted balance is assessed within the committee report)*
- Would set a dangerous precedent weakening the integrity of the Green Landscape Buffer (addressed above under Parish comments)*
- Question how BNG can be achieved on this site (addressed at paragraphs 7.115-7.118 of the committee report)*
- Contrary to ELM17 (This is incorrect – ELM17 requires healthcare improvements only when requested by the North East Essex Clinical Commissioning Group or equivalent body. Such a request has not been received and the proposal is also below the threshold for healthcare consultation.)*

- Limited local bus service and shops will result in car dependence contrary to sustainable travel principles (The location is considered sustainable as detailed within the committee report)
- No completed S106 agreement to secure the stated mitigation (the applicant is willing to enter into a S106 legal agreement as confirmed at paragraphs 7.97 and 9.1 of the committee report with the recommendation of approval subject to securing the S106)

Correction to committee report

The committee report at paragraph 7.58 incorrectly refers to trees along the western site boundary with Tye Road being protected by Tree Preservation Order 16/00004/TPO. However, the TPOs on these trees were removed in 2017. They are still important features in their setting and are to be retained as detailed at paragraph 7.59 of the committee report.”

Rosanna Metcalfe, the agent for the application, spoke in support of the application.

Tara Gargiulo, a member of the public, spoke against the application.

Councillor Gladwin, Chairman of Elmstead Market Parish Council, spoke against the application.

Councillor Scott, one of the Ward Members, spoke against the application.

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

Matters raised by Members of the Committee:-	Officer response thereto:-
<i>Is the Committee looking at an outline for access?</i>	<i>Yes, for up to 30 dwellings with two points of access.</i>
<i>Could Officers give an idea of the width of the access as it stands now?</i>	<i>The existing access is 4.8 metres, and the new carriageway will be 6 metres to be modern standard which means that it would widen as it comes into the site.</i>
<i>How are the applicants going to divide that considering the houses are tight together on the road and are Officers satisfied that the construction would work well with the neighbours?</i>	<i>There is a construction management plan condition which is the standard one which controls hours of operation and where the site compound etc. is so it is not too close to neighbouring properties. Essex Highways also requested that condition so they have assessed whether the site could be served by construction traffic and they have not raised any objections. Officers do not have any concerns about the construction of the site through that access.</i>
<i>Is the left of the site Tye Road?</i>	<i>Yes, it is Tye Road to the western boundary.</i>
<i>Is there any reason the applicants did not link up with Tye Road?</i>	<i>In the site plan, the darker green area is the trees and good quality vegetation along that part of the site. Essex Highways would not be supportive of an access that close to a junction, so any access would have to be further up Tye Road where it would lose a lot</i>

	<i>of existing vegetation where there was previously a Tree Protection Order there. There are around 11 Oak Trees and one Holly Tree which were not removed but the TPO was removed and the trees are still a positive feature. It is also an important view in the neighbourhood plan because of the attractiveness of Tye Road so Officers think there would be issues with vehicular access through there.</i>
<i>Can Members make the acceptable subject to a suitable connection on the Anglian Water Sewage Scheme?</i>	<i>In respect on this occasion, Members job in this instance is to consider each merit, their burden and the harm, if there is any. This proposal is looking at the main sewer connection. What other sites around this area are connected up to is not before Members.</i>
<i>Why is the Elmstead neighbourhood plan being overridden in this instance?</i>	<i>The neighbourhood plan is part of Members development plan which is the development of all plans (Local Plan, neighbourhood plan, etc.). Members have before them the Officers interpretation of the neighbourhood plan and that is what is being recommended to Members. When it comes down to ELM1, which is the Settlement Boundary policy, it refers back to the boundary as a whole. There is no clear policy in any plan that says nothing can be built here. ELM2, which is protecting the setting of Elmstead Market. Officers do recognise that in the recommendations before Members that this is a valued landscape and this has been considered as part of that assessment. This policy does not specifically restrict housing development; it simply gives Officers a regard to the judgement that is recommended to Members. B mentions the green landscape buffer and that particular part of the development does not deny development. In terms of access to and enjoyment of the countryside, it is a location and it is a private agricultural field with no access to it. Does the housing change the access position? It does in part. Would it demolish the visual separation of the Tendring Colchester Borders Garden with Elmstead Market? That is up for the Committee to judge. Members could be judging the landscape setting and in Officer opinion, it can be enhanced. There is nothing in the policy that says that no housing can go here.</i>

Will the reserved matters application come back to the Committee?	Central Government have issued a requirement in respect of National Delegation requirements and under those requirements, at the end of October 2026 onwards, your current delegation arrangements and any request of return of an application, including reserved matters may not occur. There is still some legal working work in respect of the actual mechanisms that are going to replace this, but essentially, Government are looking to reduce what items come to Committee. Officers are not legally allowed to say that an application will come back to Committee.
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It was moved by Councillor Alexander, seconded by Councillor Goldman that the application be deferred on the reasons as follows:-

- Ownership;
- What happens to the footpath;
- A clearer plan for the access point; and
- Further consideration by the applicant of the impact on amenity.

14. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.3 - 26/00085/FUL - EXISTING MUGA WITHIN CROSSWAYS RECREATION GROUND, CROSSWAYS, JAYWICK, CO15 2NB

It was reported that the application sought permission for the replacement of the existing MUGA at Crossways Recreation Ground with a Football Foundation PlayZone, including associated fencing, lighting and ancillary facilities.

Members were informed that, technical consultees, including Essex Highways and Environmental Protection, raised no objections subject to conditions.

The Committee heard that the proposal had been demonstrated to be acceptable in flood risk terms, and would not materially impact parking or highway safety, and would also provide managed and inclusive access to the community. Biodiversity enhancements were also secured through additional planting and conditions.

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

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

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

There were no speakers on this occasion for this item.

Matters raised by Members of the Committee:-	Officer response thereto:-
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<i>Would everything be renewed?</i>	<i>That is correct. The old multi-use games area will be completely removed, and the proposal will take its place.</i>
<i>The new area is going to be larger, is that correct?</i>	<i>Yes, it is a bigger facility.</i>
<i>What does the booking system mean?</i>	<i>Tendring District Council own the land and will manage the facility so there will be details on the fencing which will enable people to book the facility for private use, group bookings, football teams, sports groups, etc. There is also a system whereby the facility will be open, as is the case at the moment, and any body can go and use the facility at any time.</i>
<i>How will that booking take place?</i>	<i>Officers believe there will be a website link next to the gate to go online and book the facility, a QR code or a phone number. Officers are not completely sure.</i>
<i>Would the users be given a code and will that be changed regularly?</i>	<i>The code is unique to each booking.</i>
<i>Are all the PlayZones the same around the District?</i>	<i>Yes, it is a standard model.</i>

It was moved by Councillor Land, seconded by Councillor Wiggins and unanimously:-

RESOLVED that:-

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

15. REPORT OF THE CORPORATE DIRECTOR (PLANNING & COMMUNITY) - A.4 - 26/00388/FUL - LOW ROAD CAFE, LOWER MARINE PARADE, DOVERCOURT, CO12 3ST

It was reported that the application sought 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 would improve the visual appearance of the area.

Members were told that, the development was acceptable in principle and accorded with Local Plan policies, with benefits including improved design, increased visitor provision, and new recreational facilities. Technical matters relating the highways, flood risk,

residential amenity, and ecology had been satisfactorily addressed, with no objections from consultees subject to conditions.

The Committee heard that, overall, the scheme represented a sustainable redevelopment that would enhance the character and functionality of the site.

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

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

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

There were no speakers on this occasion for this item.

Matters raised by Members of the Committee:-	Officer response thereto:-
<i>Are Members correct in saying that Tendring District Council own the land and the person who holds the lease is presenting this opportunity for this piece of land?</i>	<i>Yes, that is correct. Tendring District Council own the land, and the applicant is the current tenant. Planning permission is one aspect/stage of the permission and then another discussion with our assets team going forward to construct the development.</i>

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

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 9.1 of the Officer report (A.4), or varied as is necessary to ensure the wording is enforceable, precision, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and
- 2) informative notes be sent to the applicant, as may be deemed necessary, by the Head of Planning and Building Control.

The meeting was declared closed at 8.00 pm

Chairman

PLANNING COMMITTEE

03 SEPTEMBER 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.1 PLANNING APPLICATION – 26/00112/FUL – 1 WELLESLEY ROAD CLACTON ON SEA CO15 3PP



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Application:	26/00112/FUL	Expiry Date:	7 th August 2026
Case Officer:	Alison Pope		
Town/ Parish:	Clacton Non Parished		
Applicant:	Mr Ali Ahmed - Waltham Estates Ltd		
Address:	1 Wellesley Road Clacton On Sea Essex CO15 3PP		
Development:	Planning Application - Change of use to Temporary Emergency Accommodation (Use Class Sui Generis).		
Referral Reason:	Cllr Paul Honeywood call-in by reason of insufficient information provided with the planning application and if approved, would have a negative impact on the vitality and viability of the area.		
Recommendation:	Full approval subject to conditions		

1. Executive Summary

- 1.1 This application seeks permission for the change of use of a three-storey building at 1 Wellesley Road, Clacton-on-Sea, to temporary emergency accommodation (Sui Generis).
- 1.2 This application was considered by the Planning Committee on 9th June 2026, where Members resolved to defer determination to enable a site visit to be undertaken and to obtain further information regarding the proposed use and its management.
- 1.3 This report, at Section 7, provides the additional information requested by Members, including clarification on the proposed management measures, together with a detailed explanation of the distinction between housing definitions of HMOs and the relevant planning use classes. Changes to the national policy context are shown in **bold** in the relevant sections.
- 1.4 Officers remain satisfied that the proposal has been fully assessed against relevant planning policy and material planning considerations. The recommendation is therefore unchanged and remains one of 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 3 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 2026 ([NPPF](#))

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

Local:

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

SP 1 Presumption in Favour of Sustainable Development

SP 2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP 3 Spatial Strategy for North Essex

SP 4 Meeting Housing Needs

SP 7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

HP2 Community Facilities

PP5 Town Centre Uses

PP14 Priority Areas for Regeneration

CP1 Sustainable Transport and Accessibility

DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Revised Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) 2026

4. **Relevant Planning History**

CLA/20/50	Alterations and additions to Wheatcroft Hostel for aged and blind persons.	Deemed approval by ECC	08.02.1950
TEN/1453/88	Remodelling works at Wheatcroft EPH	Deemed approval by ECC	31.08.1988
99/00506/CMTR	CC/TEN/21/99 Proposed change of use to respite day care centre	Determination	26.05.1999

12/60269/HOUEN Q	Replacement external fire staircase	Permission required	04.07.2012
12/00795/FUL	To replace an existing fire escape staircase. Installation of a 2m high hedgerow following the internal perimeter of the boundary wall, installation of 2.4m high access gates and a small section of 2m high fence extending out from the front elevation.	Approved	20.09.2012
13/00260/DISCON	Discharge of Condition 3 (hard and soft landscaping) and 5 (reduction in height of fencing) of planning permission 12/00795/FUL - FOR INFORMATION ONLY.	Approved	22.04.2013

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

11.02.2026

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

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

Environmental Protection

09.02.2026

The Environmental Protection team recommend conditions relating to construction working hours and that no materials produced as a result of site development/clearance are burned on site in order to protect the amenity of nearby residential dwellings

Housing Services

06.05.2026

The application does not trigger an affordable housing requirement and so from that perspective do not have any comments to make.

From a general perspective the application proposes to bring a currently empty / redundant building back into use and the Sui Generis use class will provide accommodation for either one or two person households which is much needed in the district. This can be either via longer term assured tenancies or via shorter term temporary accommodation arrangements as suggested by the applicant.

It is important that any building with this use class and the proposed intended use is well managed

and has an on-site management presence and this should be demonstrated by the applicant as part of their application. From discussions the housing service has had with the applicant/owner as part of the pre-application process and exploring any HMO / HMO licensing requirements it is understood that this will be in place.

6. Representations

6.1 Parish/Town Council

Clacton on Sea is a non-parished area.

6.2 Neighbour/Local Representations

One of the issues raised as part of the member call in was that insufficient information had been provided with the submission. However, it is considered that sufficient information has been submitted to enable a full and proper planning assessment to be undertaken. The application has been duly validated in accordance with the requirements set out in the National Validation Requirements and the Council's Local Validation List, thereby confirming that all necessary documentation and supporting details have been provided to inform a reasoned planning judgement.

7. Reason for Deferral and Additional Information

7.1 The application was considered by Planning Committee on 9th June 2026, where Members resolved to defer determination of the application for the following reasons:

- To undertake a site visit and inspect the internal layout of the building;
- To obtain further information regarding the operation of the proposed use and additional details relating to site management; and
- To receive clarification on the distinction between housing definitions of Houses in Multiple Occupation (HMOs) and HMOs in planning terms to ensure that Members have regard to the relevant planning considerations.

The additional information requested by Members is set out below.

Site Visit

7.2 On Wednesday 2nd September, Planning Committee members will visit 1 Wellesley Road to inspect the property's interior and room layout.

Operational Arrangements and Management Plan

7.3 Following the Committee's request for further information regarding the operation and management of the proposed emergency accommodation, the applicant has confirmed that the facility would be overseen by an accredited 24-hour on-site Facilities Operational Manager, whose role would be to provide site supervision, security and day-to-day management of the building and its occupants.

7.4 The applicant advises that the Facilities Operational Manager would be responsible for ensuring the safe and responsible operation of the site and monitoring resident behaviour both within the building and in its immediate vicinity. The intention of these arrangements is to minimise the potential for anti-social behaviour or activities that may adversely affect neighbouring occupiers.

7.5 In addition, the applicant has confirmed that occupancy and move-in/move-out arrangements would be managed through the Local Authority Housing Department or an agreed partner organisation, which would determine placements and oversee the allocation of accommodation.

7.6 Officers acknowledge that the details now provided offer greater clarity regarding the intended

operation of the facility and the management measures proposed. It is considered that the level of management described would provide an appropriate degree of oversight for this form of accommodation. To ensure that these arrangements are maintained in the interests of neighbouring amenity, a comprehensive Management Plan is recommended to be secured by planning condition and approved by the Local Planning Authority prior to first occupation.

- 7.7 Having regard to the above, officers remain satisfied that the operation of the site can be appropriately managed and that the proposal would not result in unacceptable harm to the amenity of surrounding occupiers.

Housing HMO v Planning HMO Definitions

- 7.8 At the Planning Committee meeting, Members requested clarification on the distinction between Houses in Multiple Occupation (HMOs) as defined for planning purposes and HMOs as defined under housing legislation, in order to ensure that only material planning considerations are taken into account in the determination of this application.

Under the Town and Country Planning (Use Classes) Order 1987 (as amended), Use Class C4 relates to the:

"Use of a dwellinghouse by not more than six residents as a House in Multiple Occupation (HMO)."

- 7.9 For the purposes of Class C4, an HMO has the same meaning as set out in Section 254 of the Housing Act 2004 (excluding certain converted blocks of flats falling within Section 257 of that Act). The Housing Act 2004 generally defines an HMO as living accommodation occupied by persons who do not form a single household and who share one or more basic amenities, such as a kitchen, bathroom or toilet.
- 7.10 This definition is reflected within Local Plan Policy LP11, which explains that an HMO is a property occupied by three or more unrelated individuals as their only or main residence, where occupants have individual lockable bedrooms but share basic facilities such as kitchens and bathrooms. HMOs containing between three and six occupants generally fall within Use Class C4, whilst larger HMOs accommodating seven or more residents are typically regarded as sui generis uses for planning purposes.
- 7.11 The proposal under consideration differs fundamentally from both the planning and housing definitions of an HMO. The development would provide 19 individual units, each benefiting from its own bath/shower room and kitchenette facilities. Occupiers would not share kitchens, bathrooms or other basic living facilities which are characteristic features of an HMO. The accommodation would therefore not operate as a traditional shared house or bedsit arrangement.
- 7.12 In addition, the proposed use is intended to provide temporary emergency accommodation managed by or on behalf of the Local Authority or an agreed partner organisation, rather than longer-term residential accommodation occupied as an individual's sole or main residence. The accommodation would operate under a managed framework, with placements controlled through the Local Authority Housing Service or an agreed partner organisation and supported by on-site management arrangements.
- 7.13 It is drawn to attention that the Housing Act 2004 contains separate provisions relating to the licensing and regulation of HMOs. HMO licensing is a housing regulatory matter designed to ensure appropriate standards of accommodation, management and safety. Whether a property requires an HMO licence is determined under housing legislation and is separate from the planning system. The requirement for licensing does not, in itself, determine the planning use class of a property, nor does it alter the assessment of whether a proposal constitutes an HMO for planning purposes.
- 7.14 Having regard to the above, officers remain satisfied that the proposed development would not fall

within Use Class C4 and would not constitute an HMO in planning terms. The proposal is therefore appropriately assessed as a sui generis use for temporary emergency accommodation, having regard to the Development Plan and all other material planning considerations.

National Planning Policy Framework Update

- 7.15 Since the publication of the original committee report, a revised National Planning Policy Framework came into effect on 17 August 2026. The revised Framework replaces the previous paragraph 11 tilted balance approach and introduces a new national decision-making framework. Officers have reviewed the proposal against the updated national policy position and conclude that the proposal remains acceptable. The scheme would continue to deliver significant social benefits through the provision of temporary emergency accommodation within a sustainable town centre location, would bring a long-vacant building back into beneficial use, and would not result in unacceptable adverse impacts. Accordingly, notwithstanding the changes to national policy, the officer recommendation remains unchanged

8. Assessment

Site Context

- 8.1 The application site comprises a three-storey building located on the corner of Wellesley Road and Pier Avenue in Clacton-on-Sea. To the north of the site lies an NHS GP Surgery, the East Lynne Medical Centre. Wellesley Road, in the main to the north of the GP Surgery and on the eastern side is occupied by residential properties. To the south of the site and on the opposite side of Pier Avenue lies the Trinity Methodist Church and hall. To the north west lies a small parade of shops including a Boots chemist, with first floor residential accommodation. A further mix of uses exist north west along Pier Avenue.
- 8.2 The three storey building at 1 Wellesley Road is unique and holds a prominent position in the street scene. The substantial three-storey red brick building of late Victorian appearance, features pitched slate roofs, gabled projections, bay windows, and decorative dormer windows. The building has a strong domestic architectural character, albeit at a scale reflecting its former institutional use, and is set behind a low brick boundary wall with a hardstanding forecourt fronting Wellesley Road and Leylandii hedging above the brick boundary wall as it turns the corner into Pier Avenue enclosing this side of the site.
- 8.3 The application site lies within the Clacton on Sea settlement development boundary, the priority area for regeneration and the Clacton Town Centre boundary.

Planning History

- 8.4 The building, previously known as Wheatcroft has historically been used as a home for the aged and blind, a respite day care centre and from its opening in 2007, it was used as a day school for SEN pupils until its closure in 2020.

Proposal

- 8.5 The proposal seeks to change the use of the building to temporary emergency accommodation. The development would provide 19 individual units comprising an en-suite bathroom and kitchenette. Limited external alterations are proposed and consist of the removal of first and second floor external doors to rooms 11 and 17 respectively.

Principle of Development

- 8.6 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).

- 8.7 TDLP1 Policy SP3 provides the spatial strategy for North Essex, including Tendring, whereby existing settlements will be the principal focus for additional growth within the plan period. It states that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role and beyond the main settlements the diversification of the rural economy and conservation and enhancement of the natural environment will be supported.
- 8.8 TDLP1 Policy SP3 relies on the TDLP2 to identify a hierarchy of Tendring settlements. New development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs. TDLP2 Policies SPL1 and SPL2 provide for this by establishing the Tendring settlement hierarchy and address development outside of settlement development boundaries.
- 8.9 The application site is located in Clacton on Sea, defined as a Strategic Urban Settlement in policy SPL1. 1 'Strategic Urban Settlements' have the larger populations and a wide range of existing infrastructure and facilities, making them the most sustainable locations for growth. These settlements provide better opportunities for the use of public transport, walking and cycling to get from place to place and, because they have established town centres, employment areas and infrastructure, they provide locations where, with the right action, it is possible to create a significant number of additional new jobs and deliver sustainable housing growth on a larger scale.
- 8.10 The proposed use of 1 Wellesley Road would provide temporary emergency accommodation, contributing towards meeting an identified and pressing need for housing, particularly for individuals requiring short-term accommodation. **Policy HO7 of the National Planning Policy Framework (NPPF) requires substantial weight to be given to the benefits of providing homes which contribute towards meeting the evidenced accommodation needs of the community, including the needs of different groups identified through local needs assessments and other relevant evidence.**
- 8.11 The Council's identified housing need is further evidenced within the Tendring Strategic Housing Market Assessment (SHMA) (March 2025), which highlights a clear and ongoing requirement for accommodation within the district. At the time of the report, the SHMA identified an unmet gross need in Tendring of 404 households who are homeless or residing in temporary accommodation. This demonstrates a significant and pressing demand for short-term accommodation solutions, and the proposed development would make a meaningful contribution towards addressing this identified need.
- 8.12 **Since the application was previously considered by the Planning Committee, a revised NPPF was published on 17 August 2026, replacing the December 2024 Framework. The application has therefore been reassessed against the relevant national decision-making policies contained within the revised Framework.**
- 8.13 **Policy S3 establishes a presumption in favour of sustainable development. For development within settlements, this requires Policy S4 to be applied. Policy S4 states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies in the Framework. Unlike the former paragraph 11(d), the application of Policy S4 is not dependent upon whether the Council can demonstrate a five-year supply of deliverable housing sites.**
- 8.14 The application site lies within the Clacton-on-Sea Settlement Development Boundary and is therefore within a settlement for the purposes of Policy S4. The proposal would bring a vacant building within a highly accessible town-centre location back into beneficial use and provide temporary emergency accommodation to meet an evidenced local need. These are significant benefits in favour of the development.

- 8.15** Policy HO7 requires substantial weight to be given to the benefits of providing homes which contribute towards meeting the evidenced accommodation needs of the community. In this case, the proposal would provide 19 units of temporary emergency accommodation within a district where the SHMA identifies a significant unmet need among households who are homeless or living in temporary accommodation. The contribution that the development would make towards meeting this need is therefore afforded substantial weight.
- 8.16** Policy HO9 addresses specialist forms of accommodation and requires proposals addressing specialist housing needs to provide living conditions and access to services appropriate to their residents and users. In relation to specialist community-based accommodation, Policy HO9(1)(b). requires the development to be supported by a Management Plan or other evidence demonstrating how a safe and secure environment would be provided and to be located where residents can easily and safely access frequently used services.
- 8.17** The proposal would provide self-contained accommodation, with each unit containing private bathroom and kitchenette facilities. The applicant has also confirmed that the facility would be overseen by an accredited 24-hour on-site Facilities Operational Manager responsible for supervision, security and the safe and responsible operation of the site. Occupancy and move-in and move-out arrangements would be controlled through the Local Authority Housing Department or a partner organisation. These arrangements would be secured through a planning condition requiring the approval and continued implementation of a comprehensive Management Plan.
- 8.18** The site is located within Clacton Town Centre and is within easy reach of shops, healthcare, public transport and other frequently used services. The accommodation would therefore satisfy the locational and management requirements of Policy HO9(1)(b). The proposal would also make effective use of an existing building, require only limited external alterations and would not result in unacceptable effects upon neighbouring amenity, highway safety, the character of the area or ecological interests. Accordingly, the benefits of the proposal would not be substantially outweighed by its adverse effects and the development accords with Policies S3, S4, HO7 and HO9 of the NPPF.
- 8.19** The proposal does not fall to be considered under Policy LP11, which relates specifically to the creation of Houses in Multiple Occupation (HMOs) and bedsits. The proposed development constitutes temporary emergency accommodation, which is a sui generis use, distinct from an HMO as defined under the Town and Country Planning (Use Classes) Order.
- 8.20** The characteristics of the proposed development do not meet the definition or typical operation of an HMO. The scheme would comprise self-contained units, each with its own bathroom and kitchenette facilities, rather than shared accommodation reliant on communal kitchens or living spaces, which is a defining feature of HMOs. In addition, the accommodation would be occupied on a short-term, transitional basis by individuals placed by the Local Planning Authority (or its partner organisation), rather than as longer-term independent living arrangements.
- 8.21** It is acknowledged that the Housing Act 2004 contains separate definitions and regulatory provisions relating to HMOs and HMO licensing. However, the housing licensing regime is separate from the determination of the planning use of the building. Policy DM7 of the NPPF requires development proposals to be assessed on the basis of whether they represent an acceptable use of land and confirms that decision-makers should assume, unless there is clear evidence to the contrary, that separate regulatory regimes will operate effectively. Planning decisions should not seek to duplicate or extend controls imposed through those regimes. Accordingly, any requirement for licensing or other regulation under the Housing Act is a matter for the relevant housing authority and does not determine whether the development constitutes an HMO for planning purposes.

- 8.22 Furthermore, the development would be subject to a high level of management and operational control, secured through planning condition. The nature, function and management of the use therefore materially differ from that of an HMO or bedsit model envisaged under Policy LP11. Accordingly, Policy LP11 is not directly applicable to the proposed development, and the scheme has been assessed on its merits as a sui generis use having regard to the broader policies of the Development Plan and the provisions of the NPPF.
- 8.23 Policy HP2 of the Local Plan seeks to resist the loss of community facilities unless it can be demonstrated that the use is no longer required or that appropriate alternative provision exists. In this case, the building has historically functioned as a community facility, having been used for both health and wellbeing purposes and educational provision.
- 8.24 The building has not been in use since the closure of the school in 2020 which was reported at the time as operationally unviable due to the decreasing enrolment of pupils and it is therefore no longer required for its former educational use, and there is no reasonable prospect of its continued use for such purposes given the time that has elapsed since its closure. The building has therefore been vacant for a prolonged period of time with no intervening use established.
- 8.25 The applicant has submitted evidence to demonstrate that the property had been actively marketed for alternative community uses or uses suitable within a town centre with no interest forthcoming. This indicates that there is no reasonable prospect of the site being brought back into such use. Furthermore, the building is of a scale, layout and internal configuration that is likely to limit its attractiveness and viability for many alternative community uses without substantial investment or alteration.
- 8.26 In these circumstances, it is considered that the continued safeguarding of the site for community use would be unreasonable and that the requirements of Policy HP2 have been satisfied. Accordingly, the loss of the former school use is accepted in principle.
- 8.27 In addition, it is noted that the proposed use would not result in an undue intensification of the site. The building has historically operated at an institutional scale, most recently as a school, which would have generated regular comings and goings, staff presence and associated activity. The proposed use, whilst differing in nature, would operate within the confines of the existing building and be subject to a high level of management and control, including restrictions on occupancy and length of stay. As such, the level of activity associated with the development is not considered to materially exceed that of the lawful or former use and would remain compatible with the surrounding area.
- 8.28 In conclusion, the application site occupies a highly sustainable location within the Strategic Urban Settlement and town centre of Clacton-on-Sea, where development is supported by the spatial strategy of the adopted Local Plan. The proposal would bring a long-vacant building back into beneficial use and provide temporary emergency accommodation to meet an identified and pressing need. In accordance with Policy HO7, substantial weight is given to this contribution towards meeting the evidenced accommodation needs of the community. The accommodation would be appropriately located and supported by management arrangements capable of providing a safe and secure environment in accordance with Policy HO9.**
- 8.29 The loss of the former community use has been adequately justified, and the proposal would not result in unacceptable adverse effects. The benefits of approving the development would not be substantially outweighed by any adverse effects and the proposal therefore accords with Policies S3 and S4 of the NPPF. Furthermore, having regard to its accordance with the Development Plan, the national decision-making policies and other material considerations, the proposal is one which should clearly be approved in accordance with Policy DM3(f). The principle of development is therefore acceptable, subject to the detailed considerations addressed below.**

Scale, Layout & Appearance

- 8.30 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 requires, 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. **Similar objectives are reflected within Policy DP3 of the National Planning Policy Framework, which requires development proposals to respond to their context and integrate with and enhance their surroundings, whilst maintaining a strong sense of place and local character.**
- 8.31 The proposal does not involve any significant external alterations to the building, with changes limited to minor works associated with the change of use. The overall scale, massing and form of the building would remain unchanged and reflective of its established presence within the street scene. The building is of a substantial size and has most recently operated as a day school. As such, the intensity and pattern of use associated with the proposal is not considered to be materially out of character with the established built form or historical use of the site. The layout of the site, including access arrangements and supporting infrastructure, would remain as existing and is considered to function adequately for the proposed use.
- 8.32 In terms of appearance, the limited nature of external alterations ensures that the character of the building is retained. Any minor changes would be sympathetic to the existing design, materials and detailing, thereby preserving the visual contribution the building makes to the surrounding area. The proposal would therefore maintain the established character of the site and its setting.

Highway Safety/Parking

- 8.33 **Policies TR3, TR4 and TR6 of the National Planning Policy Framework are relevant to the assessment of this proposal. Policy TR3 seeks to ensure development is located where it can support sustainable patterns of movement and make effective use of existing transport infrastructure. Policy TR4 requires transport considerations to be integral to the design of development and that parking provision reflects the location, nature and connectivity of a site. Policy TR6 confirms that development should only be refused where it would result in a severe adverse impact on the transport network or an unacceptable impact on highway safety.**
- 8.34 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. 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.
- 8.35 The application site benefits from two existing vehicular accesses onto Wellesley Road, which have historically operated as an in and out arrangement and are considered to provide safe and suitable access for the proposed use. Whilst no formally marked parking spaces are shown within the submitted block plan, this is not considered to give rise to concern given the highly sustainable town centre location of the site. There is the opportunity for on-street parking in the vicinity, in addition to nearby public car parks which can serve both visitors and staff. It is anticipated that limited on-site parking will be utilised primarily by staff and for the loading and unloading of residents' belongings, rather than for general parking demand.
- 8.36 Essex County Council as the Highway Authority were consulted on the application and confirmed that the proposal is acceptable from a highway and transportation perspective.

- 8.37 Having regard to the above, and noting the site's accessible location, it is not considered that the proposal would result in an unacceptable impact on highway safety or cause serious problems on the local road network.

Impact on Residential Amenity

- 8.38 Policy L2 of the National Planning Policy Framework seeks to support the effective use of land whilst ensuring that development maintains acceptable living standards for residents and neighbouring occupiers in terms of access to daylight, sunlight, privacy and amenity. In addition, Policy DP3 requires development to create safe, inclusive and attractive places that function well for existing and future users.**

- 8.39 Policy SP7 of the Local Plan requires that the amenity of existing and future residents is protected. 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.

- 8.40 The main consideration in respect of residential amenity relates to the potential impact of the proposed use on neighbouring occupiers, having particular regard to noise and disturbance, overlooking, outlook and general activity associated with the development. The proposal does not involve significant external alterations to the building, and as such there would be no material change in terms of overlooking, loss of daylight or loss of privacy to neighbouring properties when compared to the existing built form.

- 8.41 In terms of activity, the building has historically operated at an institutional scale as a school, which would have generated regular comings and goings, including staff, pupils and visitors throughout the day. Whilst the nature of the use would change, the level of activity associated with the proposed emergency accommodation is not considered to result in a materially greater level of intensity than the lawful use of the site. Furthermore, the use would be internally focused, with limited reliance on external areas.

- 8.42 In respect of the potential impact on neighbouring amenity arising from the proposed use, it is acknowledged that the nature of the use will differ from the former SEN school, primarily due to the 24 hour nature of the use associated with the provision of emergency accommodation. However, it is not considered that this would give rise to unacceptable impacts in principle. Subject to the imposition of a planning condition requiring the submission and ongoing implementation of a comprehensive Management Plan, the operation of the site can be effectively controlled. This would secure appropriate day-to-day management, supervision, and monitoring of the use, and ensure that the impacts on neighbouring occupiers are appropriately managed. On this basis, the impacts of the proposal on nearby amenity are considered to be acceptable overall.

- 8.43 The proposal would provide an acceptable living environment for future occupiers. Each unit would be self-contained, incorporating private bathroom and kitchenette facilities, thereby ensuring an appropriate level of comfort, privacy and independence. The range of unit sizes, from approximately 12.75sqm to 34.54sqm, is considered sufficient to meet the varied needs of occupants, having regard to the nature of the accommodation as short-term, emergency provision. Regard has been given to the Nationally Described Space Standards; however, these standards are not directly applicable to the development under consideration, which comprises a sui generis use for transient emergency accommodation rather than conventional self-contained dwellings within Use Class C3. Given the intended short-term and flexible nature of the accommodation, the proposed unit sizes are considered appropriate and proportionate, and overall would provide an acceptable standard of living environment for future occupiers.

- 8.44 Overall, it is noted that the Council's Environmental Protection team raise no objection to the

proposed development. Whilst they have suggested conditions relating to construction hours and a prohibition on burning on site, it is acknowledged that the works are internal in nature and would be adequately controlled through other legislation. As such, the imposition of such conditions would not be reasonable or necessary in this instance. Subject to the recommended condition securing a comprehensive Management Plan, it is therefore considered that the proposal would not result in materially harmful impacts on the residential amenity of neighbouring occupiers, nor would it provide a substandard level of accommodation for future residents.

Ecology and Biodiversity

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

8.46 General duty on all authorities

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

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

8.47 Biodiversity net gain

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

8.48 Protected Designated Habitats

The site falls within the recreational Zone of Influence (ZOI) of the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. Having regard to the aims and objectives of RAMS and the transient nature of the proposed residential accommodation, a financial contribution is not considered reasonable in this instance. The proposed use will provide temporary emergency accommodation for local residents in need; being moved from elsewhere in the district and then moved on to a more permanent housing solution. Having considered the aims of the strategy and the merits of the proposal, Tendring District Council conclude that the development will not result in an adverse effect on the integrity of the European sites included within

the Essex Coast RAMS and no contribution is being sought on this occasion.

8.49 Protected Species

In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats by virtue of the site comprising a previously developed building with limited ecological value and involving no significant external works.

8.50 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. In conclusion, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

9. Conclusion

9.1 The proposal would bring a long-vacant building within the Clacton-on-Sea settlement boundary and town centre back into beneficial use, providing 19 units of temporary emergency accommodation to help meet an identified and pressing need within the district.

9.2 The development would not result in unacceptable harm to the character and appearance of the area, residential amenity, highway safety or ecological interests. The loss of the former community use has been adequately justified, and the proposal is not considered to constitute an HMO in planning terms.

9.3 Having regard to the Development Plan, the National Planning Policy Framework and all other material planning considerations, the benefits of the proposal are not substantially outweighed by any adverse effects. The application is therefore recommended for approval, subject to the conditions set out below.

10. Recommendation

10.1 Approval (no upfront 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 10.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,

The informative notes as may be deemed necessary.

10.2 Conditions and Reasons

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 10143-001 received 21 January 2026

10143-002

10143-210

10143-211

10143-200 Revision A

10143-201 Revision A

10143-202 Revision A

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: MANAGEMENT PLAN

CONDITION: Notwithstanding the submitted Facilities Management Plan, prior to the first occupation of the development hereby permitted, a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Management Plan shall thereafter be implemented in full for the lifetime of the development.

The Management Plan shall include, but not be limited to:

- (a) Arrangements for the day-to-day management of the site, including staffing levels, on-site supervision, and a named manager;
- (b) Procedures for the placement of residents;
- (c) Measures for the monitoring and management of the use, including regular review of occupancy, length of stay, and compliance with the approved use; and
- (d) Arrangements for refuse storage and collection.
- (e) Maximum 19 units for temporary emergency accommodation only
- (f) Details of arrangements for liaison with neighbouring occupiers, including the provision of a designated contact for local residents and procedures for engagement where management or operational issues arise;
- (g) A complaints procedure, including arrangements for the recording, investigation and resolution of complaints received from residents, neighbouring occupiers and other interested parties;
- (h) Details of security measures to be implemented at the site, including staff presence, visitor management, external lighting and any CCTV provision, together with arrangements for the retention and review of CCTV footage where applicable;
- (i) Safeguarding procedures for residents, including measures for identifying and responding to welfare concerns, vulnerability issues, anti-social behaviour and any necessary referrals or escalation to relevant agencies; and
- (j) Details of out-of-hours management arrangements, including a 24-hour emergency contact telephone number and procedures for responding to incidents requiring immediate attention.

The development shall be operated in accordance with the approved Management Plan at all times.

REASON: To ensure that the development is appropriately managed in the interests of the amenity of neighbouring occupiers, to secure proper oversight and control of the use, and to ensure that the development operates strictly as temporary emergency accommodation.

Informatives

Positive and Proactive Statement

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

Biodiversity Enhancements Informative

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

11. **Additional Considerations**

Equality Impact Assessment

- 11.1 In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.
- 11.2 It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.
- 11.3 In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

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

Human Rights

- 11.4 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public

authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.

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

Finance Implications

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

12. Declaration of Interest

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

13. Background Papers

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

PLANNING COMMITTEE

03 SEPTEMBER 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.2 PLANNING APPLICATION – 25/01633/OUT – LAND TO THE NORTH OF WEELEY ROAD GREAT BENTLEY CO7 8PE



DO NOT SCALE

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Application:	25/01633/OUT	Expiry Date:	11th September 2026
Case Officer:	Michael Pingram		
Town/ Parish:	Great Bentley Parish Council		
Applicant:	Great Bentley Cricket Club and Hills Residential Ltd		
Address:	Land to The North of Weeley Road Great Bentley, Essex CO7 8PE		
Development:	Outline Planning Application (Access to be considered) - multi-use sports community building incorporating a cricket pavilion, a cricket pitch and enabling residential development of up to 120no. dwellings.		
Referral Reason:	Departure from the Local Plan		
Recommendation:	Outline approval subject to conditions (and S106 agreement)		

1. Executive Summary

- 1.1 This outline application proposes up to 120 dwellings with only access to be considered at this stage. The site is located outside but abutting the Settlement Development Boundary for Great Bentley. The Council's lack of a five-year housing land supply engages the presumption in favour of sustainable development. The site is included as a potential housing allocation in the emerging Local Plan. Technical matters including highways, archaeology, drainage, ecology, landscaping and amenity are demonstrated as acceptable or can be mitigated through conditions and a S106 agreement.

2. Status of the Local Plan

Planning Policy Context

- 2.1 Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 3 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. Annex D of the NPPF (2026) 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 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 three overarching objectives outlined at paragraph 17 of the NPPF (2026) may apply to decisions relating to new housing development and need 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>
- 2.7 At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

3. Planning Policy

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

National:

National Planning Policy Framework 2026 ([NPPF](#))

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

Local:

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

SP 1 Presumption in Favour of Sustainable Development

SP 2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP 3 Spatial Strategy for North Essex

SP 4 Meeting Housing Needs

SP 6 Infrastructure & Connectivity

SP 7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

HP2 Community Facilities

HP5 Open Space, Sports and Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout
 LP5 Affordable Housing
 PP8 Tourism
 PPL1 Development and Flood Risk
 PPL3 The Rural Landscape
 PPL4 Biodiversity and Geodiversity
 PPL5 Water Conservation, Drainage and Sewerage
 PPL7 Archaeology
 PPL8 Conservation Areas
 PPL9 Listed Buildings
 PPL10 Renewable Energy Generation and Energy efficiency Measures
 CP1 Sustainable Transport and Accessibility
 CP2 Improving the Transport Network
 DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy 2026 (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

Great Bentley Conservation Area Character Appraisal and Management Plan (2023)

Local Planning Guidance

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

4. Relevant Planning History

N/A

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/>.

<u>Environmental Protection</u>	06.01.2026
Contaminated land - Residential Development	
I have reviewed the phase 1 desk study undertaken by Compass Geotechnical dated April 2025 and agree with the conclusion outlined in section 10.7. Environmental Protection recommend that the above is conditioned.	
Noise - Residential Development	
Given the proposed sites proximity to the commercial/industrial units at the end of Moors Lane, the EP Team recommend that a noise impact assessment be undertaken, by a relevantly qualified acoustician. This is to establish whether the proposed dwellings can achieve compliance with the relevant British Standards and the WHO recommended noise exposure levels in relation to residential dwellings. The report should include information about the current noise climate and outline any recommendations in relation to required mitigation to ensure the noise levels within the property, and within the amenity space of the proposed dwelling, do not expose future	

residents to potential harm from excessive noise.

Condition requested to secure Construction Method Statement.

Tree & Landscape Officer

20.11.2025

The application site is in agricultural use and is currently being used to grow ornamental turf.

There are two large Oaks in the northeastern corner of the main body of the application site and several other large and visually prominent trees on the western, southern and eastern boundaries.

To show the potential impact of the proposed development on trees on the land an Arboricultural Impact Assessment (AIA) has been provided.

The information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction. Recommendations

The indicative site layout submitted with the planning application shows the retention and physical protection of all trees on the application site. Short sections of hedgerows may need to be removed to facilitate access to the land.

Regarding the potential impact of the development on local landscape character the application site is situated the Clacton and the Sokens Clay Plateau Landscape Character Area (LCA) and directly adjacent to The Tendring and Wix Clay Plateau.

The LCA within which the application site is situated is described in the Tendring District Council Landscape Character Assessment as 'gently undulating agricultural plateau drained by The Holland Brook Valley System in the southeast of the district with low gappy hedgerows with occasional hedgerow trees that divide arable fields'

The application is adjacent to developed land but is in agricultural use and currently forms part of the countryside.

To show the potential impact of the development proposal on the area the applicant should provide a Landscape and Visual Impact Assessment (LVIA). The LVIA should set out the baseline characteristics and visual quality of the landscape and quantify the likely impact of the completed development on the local landscape character. The document should identify several locations (visual receptor viewpoints) from which the application site can be viewed.

Without a LVIA it is not possible to demonstrate that the development proposal could be implemented without causing significant harm to the local landscape character.

Should planning permission be likely to be granted then details of soft landscaping, as set out on the indicative soft landscaping drawing ref: 25.5509.01, should be secured as a reserved matter.

ECC Highways Dept

16.01.2026 – First set of comments

The information submitted with the planning application has been assessed by the Highway Authority and conclusions reached based on a desktop study and on the submitted material and in conjunction with a site visit. It is noted the application proposes a new vehicular access directly off Weeley Road near the 30MPH speed limit to the east of the proposed vehicular access while part of site frontage falls within the de-restricted speed limit, currently covered by a temporary 30MPH speed limit in connection with the neighbouring development to the south. The road is classified as a local road in the County's Route Hierarchy and has an existing Public Right of Way to the eastern boundary of the proposed development, however:

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

1. The developer has not demonstrated that the proposal would be acceptable in terms of highway capacity, efficiency and impacts on the existing Public Right of Way.
2. In addition, the developer has not demonstrated to the satisfaction of the Highway Authority that the impact on the local highway network caused by this proposal is acceptable in terms of accessibility and capacity.
3. Although the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only, it would appear this would impact on the definitive route of public footpath 11 (Great Bentley_165).

Essex County Fire Officer

20.11.2025

Having reviewed the consultation document, at this time 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 and relevant building regulations, especially approved document B.
- Installation of smoke alarms and/or sprinkler systems at suitably spaced locations throughout each building. (Note - Covered by building regulations)
- 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. (Reserved Matters)
- 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.

Min. Width of Road between Kerbs

Pumping Appliance 3.7m

High Reach 3.7m

Min. Width of Gateways

Pumping Appliance 3.1m

High Reach 3.1m

Min. Height Clearance

Pumping Appliance 3.7m

High Reach 4.0m

Min. Carrying Capacity

Pumping Appliance 18 tonnes

High Reach 26 tonnes

Min. Turning Circle (Kerb to Kerb)

Pumping Appliance 17.8m

High Reach 17.8m

Min. Turning Circle between Walls
Pumping Appliance 19.0m
High Reach 20.0m

Sweep Circle
Pumping Appliance 19.0m

- 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 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.

ECC SuDS Consultee

07.01.2026

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

ECC Green Infrastructure

02.12.2025

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

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

Essex County Council Ecology

04.02.2026 – First set of comments

We have reviewed the Preliminary Ecological Appraisal Report (SWESCO, July 2025) supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results, mitigation & enhancement measures are required to make this proposal acceptable. In addition, we are not satisfied sufficient information for Suitable Accessible Natural Green Space (SANGS).

We note the following surveys have been recommended to be undertaken:

- o Skylark surveys (four visits; April-July inclusive)
- o Bat remote monitoring surveys (three visits; April-October inclusive)

We request these surveys are undertaken prior to determination of this application and the results of these surveys accompanied by appropriate mitigation measures are submitted to the LPA for review.

Anglian Water Services Ltd

27.11.2025

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. This is a significant asset both in itself and in terms of the sewerage infrastructure leading to it. For practical reasons, therefore it cannot be easily relocated. All habitable dwellings should be kept at least 15m away from the perimeter fence of the pumping station due to amenity concerns. We would recommend that back gardens do not

directly abut the pumping station due to the likely impact of noise and odour.

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

The foul flows from the proposed development site will pass through Great Bentley - Thorrington Road Combined Sewer Overflow (CSO), which is currently exceeding the acceptable spill count, as set by the Environment Agency. While this overflow is included within our Water Industry National Environment Programme (WINEP) for environmental improvement during the current asset management period (2025-2030), the infrastructure upgrade has not yet been delivered.

To ensure there is no risk of pollution arising from the additional foul flows associated with the development, we recommend that a pre-occupation planning condition be applied should planning permission be granted. This condition would help mitigate environmental risk by ensuring that occupation of the development does not proceed until appropriate measures are in place.

Condition: Prior to the occupation of any part of the development, written confirmation must be submitted to and approved by the Local Planning Authority from Anglian Water, confirming that the necessary network reinforcement works have been completed and that the foul flows from the development can be accommodated without causing a detrimental impact on the environment. This condition shall cease to have effect if the development is first occupied after 1 April 2030.

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.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. The Flood Risk Assessment & SuDS Drainage Strategy REV 4 November 2025 proposes to discharge surface water to an attenuation basin which then outfalls to a watercourse. As such, we are unable to provide comments on the suitability of surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. If planning permission is granted, the strategy should be listed within the decision notice with any approved plans. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

UU Open Spaces

12.11.2025

Current deficit of 1.78 hectares of equipped play in Great Bentley

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

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

On site cricket and sports facilities along with a pavilion have been included in the planning application. Offsite contribution for play and open space is not requested on this occasion

Environment Agency**25.11.2025 – First set of comments**

Thank you for consulting us on the above application, we have reviewed the documents as submitted and we object to the proposed outline development, on the basis that the primary point of access to the development is in Flood Zone 3 and the watercourse (the source of the risk) is covered by new national modelling (NNM). Which is unsuitable basis for a local detailed assessment. Without detailed modelling the flood risk i.e the flood extent, levels and depths are unknown.

As a result, the outline plans, in their current layout may not meet the requirements of the sequential test. Paragraph 175 of the NPPF states that a sequential test should be used where a site-specific flood risk assessment demonstrates there is "built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)", within the boundary of the development. Please find below our guidance on overcoming our objection and further recommendations.

Environment Agency**20.03.2026 – additional comments**

Thank you for re-consulting us on the above application. We have reviewed the newly submitted site plan and can confirm that we are maintaining our objection. Further information can be found below.

Flood Risk

The revised plans referenced "Land North of Weeley Road - Indicative Site Layout C.pdf" (dated 27/02/26) show a minor modification to the Western access point, previously described as a cycle/pedestrian route i.e not for vehicle access, is now labelled "Emergency route only". It appears they have retained the sole access point for residents, to the south of the site with no alternative route available for users to use at any given time (outside of an emergency). The proposed change does not meet either of the two options we proposed to manage flood risk to the site.

Environment Agency**20.05.2026 – additional comments**

Thank you for consulting us on the above application. We have reviewed the newly submitted information and can confirm that we are able to remove our previously raised objection.

ECC Planner Minerals**11.11.2025 – First set of comments**

At 9.7ha, the area of land associated with the proposed development that lies within an MSA for sand and gravel exceeds the 5ha threshold upon which local resource safeguarding provisions are applied for this mineral. Therefore, a Minerals Resource Assessment (MRA) is required as part of the planning application to establish the practicality and environmental feasibility of the prior extraction of mineral such that the resource is not sterilised where this can be avoided.

Sport England**27.11.2025**

The proposal would provide sports facilities that would offer potential to make a significant contribution towards meeting community sport and physical activity needs in the Great Bentley and wider Tendring district area for the reasons set out above. The proposals are considered to meet the above 'PROVIDE' objective. Sport England would therefore wish to confirm its support for the principle of the sports facilities subject to the following planning obligations and planning conditions:

Planning Obligations

1. As the residential development is enabling development for funding the cricket academy, is being used to help justify the principle of the residential development and is being proposed to help meet the additional community sports facility needs of the residential development it will be essential that provision is made for delivering the cricket academy within an appropriate timescale linked to the delivery of the residential development. A scenario where the residential development is constructed and occupied but the cricket academy is not progressed needs to be avoided therefore. Paragraph 7.4 of the Planning Statement advises that the cricket pitch would be completed at the outset of the development and the pavilion would be delivered after the completion of a proportion of the dwellings. While early completion of the facilities is welcomed a planning obligation will need to make provision for all of the proposed cricket academy facilities to be completed and available for use at the same time. Having the cricket pitch completed but the pavilion unavailable until a later date would not be supported as GBCC will need access to the pavilion and parking facilities to support use of the cricket pitch. The exact triggers should be agreed between the applicant and the Council but should make provision for all of the facilities to be completed and available for use during the early phases of the development.

2. A planning obligation should also make provision for the cricket academy facilities to be delivered to a minimum specification to help ensure that the facilities are fit for purpose in practice and deliver the benefits set out in the planning application and summarised above. Such a minimum specification should cover the design and layout of the cricket pitch, outdoor cricket nets, pavilion/sports hall and ancillary parking. Sport England would be happy to provide the Council with advice on a minimum specification for the facilities if planning permission is forthcoming.

Planning Conditions

It is requested that the following matters will need to be addressed at the reserved matter stage to help ensure that the detailed planning, design and layout of the cricket academy facilities is fit for purpose. Sport England has model planning conditions that can assist the Council in this regard which are on our website at https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sportsection=playing_fields_policy. It is requested that the following matters be addressed as a minimum:

1. Cricket Academy Design and Layout: Submission and approval of the design and layout of the cricket academy facilities (including cricket pitches, outdoor cricket nets, pavilion/sports hall building, parking and access) if not required as part of a wider reserved matters requirement - see condition 9a of model conditions schedule.

2. Cricket Pitch Feasibility Study and Construction Specification. The submission and approval of a feasibility study and construction specification for the cricket pitches to ensure that the construction and design of is fit for purpose and accords with ECB and Sport England design guidance in practice - see condition 10a of model conditions schedule. The submitted 'Great Bentley Cricket Academy - New Cricket Ground Feasibility Study' prepared by TTS provides a robust feasibility study but this has been based on the indicative layout of the development and may therefore requiring reviewing at the reserved matters stage if an alternative site layout is proposed. A construction specification for cricket pitches based on the recommendations in the feasibility study would be needed to help ensure that the cricket pitches are delivered in accordance with the recommendations in practice regardless of the siting of the cricket pitch.

3. Cricket Practice Net Design Specifications: Submission and approval of the design specifications of the outdoor cricket practice nets - see condition 9a of model conditions schedule. The design specifications of the cricket practice nets will need to be considered to ensure that fit for purpose nets are delivered in practice which accord with ECB design guidance and performance requirements.

4. Sports Hall Design Specifications: The submission and approval of the design specifications for the proposed sports hall including the specifications for the cricket nets, flooring, line marking and lighting to be submitted and approved - see condition 9a of model conditions schedule. This is required in order demonstrate that the detailed design specifications of the sports hall will be fit for purpose in practice and accord with ECB and Sport England design guidance.

5. Cricket Ball Strike Risk Assessment: The submission and approval of a cricket ball strike risk assessment and details of any mitigation requirements - see condition 21 of model conditions schedule. This is required in order to assess ball strike risk from the cricket pitch on existing and proposed sensitive uses such as residential and roads. Unless such risks are assessed and appropriate mitigation is put in place at the outset the use of the site for cricket may be prejudiced and/or residential amenity and safety issues may arise. The submitted Great Bentley Cricket Club Cricket Ball Strike Assessment prepared by Labosport provides a robust risk assessment and identifies that no mitigation is required based on assessing the indicative site layout. However, as the site layout is indicative an alternative layout may be progressed at the reserved matters stage and therefore an amended risk assessment would be needed.

Natural England

17.11.2025

The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.

Natural England's statutory advice on these potential impacts is set out below.

Designated sites

Further information required - recreational pressure impacts to European Sites (habitats sites)

This development site is within the zone of influence (Zol) for recreational pressure impacts to one or more European Sites (habitats sites).

Within this Zol, proposals for any net increase in residential units will have a likely significant effect on the qualifying features of the European Site(s) (habitats site(s)) through increased recreational pressure when considered either alone or in combination with other plans and projects.

Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).

Notwithstanding this, Natural England advises that these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the Natural England Access to Evidence - Conservation Objectives for European Sites and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Providing the appropriate assessment concludes that the measures can be secured, it is likely that Natural England will be satisfied that there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance.

Essex County Council Heritage

25.11.2025

This proposal is considered to have the potential to impact the following designated heritage assets through changes to their setting:

- Great Bentley Conservation Area

- Eden's Farmhouse - grade II listed (LEN: 1306643)

The development site is located opposite a contemporary housing estate of 154 dwellings on the south side of Weeley Road (22/01818/FUL) and to the immediate east of a contemporary housing estate of 26 dwellings (21/02176/FUL). The housing estates are situated to the immediate south-east and north of the Conservation Area respectively; their construction has compromised the rural agricultural setting of the Conservation Area. As such, the proposals will not have a detrimental urbanising effect to the Conservation Area, provided the built development is contained (as they currently are) within the eastern section of the site.

Eden's Farmhouse is situated circa 280m south-east of the development site. The surrounding agricultural landscape makes a considerable contribution to the ability to understand and appreciate the listed building as an isolated farmstead, despite the encroachment of the aforementioned housing developments - which have reduced the degree of separation between the listed building and the built settlement. Whilst the development site forms part of this wider agricultural context, it's not considered to form a meaningful part of the listed building's setting due to the strong presence of a belt of trees which line the eastern boundary of the site; furthermore, the 1838 Tithe apportionments and 1910 Lloyd George survey indicate that the site and listed building were under separate ownership historically.

As they currently stand, the proposals are likely to preserve the contribution made by setting to the special interest of Eden's Farmhouse and the character and appearance of the Conservation Area, subject to the agreement of details of the proposed buildings, landscaping and boundary planting to Weeley Road, in accordance with the expectations set out in Chapter 16 of the NPPF and Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

ECC Highways Dept

19.05.2026 – Final set of comments

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to conditions relating to a) Construction Management Plan, B) Construction of access, C) Visibility splays, D) Width of the access, E) Extension of existing 30mph speed limit, F) provision of double yellow lines either side of the new junction, G) Cycleway provision; H) Pedestrian/cycle/emergency access link to Michael Wright Way, I) Provision of a new bus stop, J) Public Right of Way being maintained free from obstruction, K) a Residential Travel Plan, and L) Contribution of up to £380,000 for Passenger Transport improvements for bus services between Great Bentley, Brightlingsea, Clacton-on Sea, and/or Colchester.

Police Strategic Planning Consultation

10.11.2025

We have reviewed the application and attached, for your information, Essex Police's considerations regarding development and infrastructure changes, which form part of our strategic planning approach. As a key emergency service provider, this document outlines Essex Police priorities and sets out initial observations on the proposed development and associated infrastructure.

We welcome the opportunity for further discussions and engagement to ensure a policing perspective is fully considered. This includes impacts on operational policing, road traffic management, designing out crime principles, and infrastructure strategies.

If further information or clarification is required, please contact the Strategic Planning team at Strategic.Planning@essex.police.uk.

Tree & Landscape Officer

16.12.2025 – Additional comments

A Landscape Appraisal has been provided to quantify the potential impact of the development on

local landscape character. Although the information is not as detailed as a Landscape and Visual Impact Assessment (LVIA) it provides a good indication of the impact of the development on local landscape character and its visual qualities.

Section 4.2 of The Landscape Appraisal entitled 'Assessment of Impacts and Effects' states that the proposals will result in an existing agricultural field being populated with residential development and that the change in impact, while not able to be fully mitigated due to its irreversible nature, would fall to an acceptable level of Slight Adverse.

It goes on to say in section 4.3 that the replacement of the agricultural use of the land with the built form, would represent a major detracting operation but that it provides an opportunity to introduce significant areas of new indigenous planting and species rich grassland, along with other features to improve and increase biodiversity net gain.

The conclusion drawn in the Landscape Appraisal is that, although the level of initial damage would be significant, there will be a good level of improvement to the quality of physical landscape elements over time and that the new value is likely to be Slight Benefit.

Following a site visit, assessment of the information provided and consideration of the recent new development in close proximity to the application site it is considered that, in the main, the Landscape Appraisal is a genuine reflection of the likely impact of the proposed development and that the harm to landscape character and its visual qualities are not significant.

It is not agreed that the proposed development would secure any real benefit to the local landscape character as regardless of the minimal impact on landscape character the proposal would result in the permanent loss of an area of countryside to built development.

On balance it's considered that the introduction of built development on the urban fringe of Great Bentley would have a minor detrimental impact of the local landscape character and contribute to the cumulative degradation of the countryside.

It is also recognised that this is likely to be the case whenever agricultural land is developed. The detailed soft landscaping proposals submitted in support of the application will assist with the mitigation of the harm caused to the local landscape and help to create a softer edge to development.

Should planning permission be likely to be granted then details of soft landscaping as broadly described in the Landscape Appraisal should be secured as a reserved matter.

Essex County Council Archaeology

09.12.2025

The proposed development lies in an area of archaeological potential. Recent archaeological investigations at the adjacent sites have revealed evidence for a Late Iron Age/Roman settlement, scattered prehistoric activity and medieval to postmedieval activity. Cropmark evidence as recorded through aerial photography reveals a possible trackway or historic field systems within the proposed development site (EHER 3661). Historic mapping also reveals the former presence of dwellings along the Weeley Road, their age and origin is unknown. There is potential for below ground remains associated with the dwellings to survive in addition to archaeological remains relating to the later prehistoric to postmedieval settlement at Great Bentley. Any below ground remains may be impacted by groundworks associated with the development.

To understand the potential for, and significance of, archaeological deposits impacted by the proposal, a programme of trial trenching followed by excavation is being recommended in line with paragraph 218 of the National Planning Policy Framework (2024). A recognised team of professionals should undertake the archaeological work.

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

Archaeological trial trenching and excavation

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

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

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

ECC Planner Minerals

19.03.2026 – additional comments

In summary, the MRA concludes at Paragraph 7.3 that 'the limited resources and the probable negative return on investment, the mineral deposit is considered not to be economically viable as defined by the PERC Standard 2021'. The MWPA accepts the conclusions made.

The following paragraphs provide more detail with respect to the above but do not change the conclusions.

Section 4 of the MRA states that 'a substantial volume, at least 80% of mineral lies beneath the water table'. The MWPA agrees that working of minerals below the water table is generally considered a significant practical and environmental constraint. On that basis, the MWPA accepts that prior extraction at the development site is not practical.

The MWPA concludes that, based on the assessment above, the conclusion made within the MRA that prior extraction is not practical is justified and therefore safeguarding policy can be satisfied by the determining officer within the planning balance.

Essex County Council Ecology

01.06.2026 – additional comments

We have reviewed the Habitats Regulations Assessment (Sweco UK Limited, May 2026), re-reviewed Ecological Impact Assessment (Sweco UK Limited, November 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures, and now satisfied that there is sufficient ecological information available to support determination of this application.

No objections subject to conditions to secure highlighted mitigation measures, submission of a Construction Environmental Management Plan (CEMP) and Biodiversity Enhancement Strategy, and provision of a wildlife sensitive lighting design scheme.

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

18.02.2026

The existing GP practice (Great Bentley Surgery) does not have capacity to accommodate the additional growth resulting of approximately 264 residents and subsequently increase demand upon existing constrained services.

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

in the National Planning Policy Framework, provide appropriate levels of mitigation.

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

The development would give rise to a need for improvements to capacity, in line with emerging STP Estates Strategy; by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Great Bentley Surgery or through other solutions that address capacity and increased demand. For this a proportion of the cost would need to be met by the developer totalling £88,100.00.

ECC Schools Service

25.06.2026

Expected to generate the need for up to 10.8 Early Years and Childcare (EY&C) places; 36 Primary School places, and 24 Secondary School places. A developer contribution of £224,950 index linked to Q1 2025, is sought to mitigate its impact on local Early Years and childcare provision. This equates to £20,450 per place.

Primary Education

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

As the closest secondary school (Colne Community School) is over 3 miles away, a Secondary School Transport contribution totalling £142,728 is sought.

A contribution of £9,336 is considered necessary to improve, enhance and extend the local library facilities and services provided and to expand the reach of the mobile library and outreach services.

6. Representations

Details of Committee Referral

- 6.1 The application is before the Planning Committee on the grounds that the proposed development is a departure from the adopted Local Plan and the recommendation is one of approval.
- 6.2 Great Bentley Parish Council support the application, although this is subject to a 30mph gateway being moved to accommodate the entrance prior to any building works. In addition, they would like a planning condition to secure the cricket pavilion and associated infrastructure works have completed prior to any houses being built.
- 6.3 There has been a total of 72 letters of support received.
- 6.4 There has also been a total of 54 objections received, with the following concerns identified:
- A medical centre would be of better value than cricket facilities; (*Officers must assess the development that has been submitted*)
 - Highway safety issues; (*Addressed within the main body of the report*)
 - Already a sufficient number of houses, so development not needed; (*Addressed within the main body of the report*)
 - Size, scale and type of housing not suited to needs of community; (*Addressed within the main body of the report*)
 - Far from the village centre, so will lead to more vehicles; (*Comments noted, however as*

discussed in the main body of the report, Essex Highways Authority have raised no objections subject to conditions)

- Site outside of the Settlement Development Boundary; *(Addressed within the main body of the report)*
- Proposal does not benefit the community, only the cricket club; *(The community benefits of the development are discussed within the main body of the report below)*
- Impact to local infrastructure; *(Addressed within the main body of the report)*
- No assurance cricket pavilion would be built; *(Addressed within the main body of the report)*
- Inappropriate access due to cars speeding in this location; *(Addressed within the main body of the report)*
- Strict controls required on opening hours and lighting for cricket club; *(Addressed within the main body of the report)*
- Increase parking issues in the area; *(Addressed within the main body of the report)*
- Noise and light disturbance to neighbours from cricket facilities; *(Addressed within the main body of the report)*
- Loss of open fields; *(Addressed within the main body of the report)*
- Will significantly harm character of area; *(Addressed within the main body of the report)*
- Harm to local wildlife; *(Addressed within the main body of the report)*
- Impacts to existing drainage systems; and *(Addressed within the main body of the report)*
- Design of buildings is generic and bland. *(The application is outline with access only to be considered, so design of the built form would be subject to any future reserved matters application)*

7. Assessment

Site Description

- 7.1 The application site, which measures approximately 9.95ha, is located on the northern section of Weeley Road, within the parish of Great Bentley, and its front boundary consists of existing mature vegetation. The site is a large parcel of open, grassed land, with the land adjacent to the north and east also within agricultural use. Immediately to the west of the site the character is more urbanised, with predominantly residential built form. Likewise, to the south of the site is residential built form, with an additional 80 dwellings also recently approved (reference 25/01066/OUT).
- 7.2 The site falls adjacent to, but outside of, the Settlement Development Boundary for Great Bentley within the adopted Local Plan 2013-2033. In addition, approximately 100 metres to the south-west is the Great Bentley Conservation Area, and the front area of the site (broadly the access location) falls within Flood Zones 2 and 3; it is worth noting that the vast majority of the site does not fall within such an allocation though.
- 7.3 The prevailing pattern of the properties along the north side of Weeley Road is one of a linear form of development set in spacious plots. Apart from the recently approved development referred to above, the existing build pattern immediately to the south of Weeley Road is one of a loose knit nature. The site is not neighbouring or near to any Listed Buildings.

Description of Proposal

- 7.4 This application seeks outline planning permission for the erection of up to 120 dwellings with only access to be considered at this stage (appearance, landscaping, layout and scale are reserved). The access is proposed to the south of the site via Weeley Road.
- 7.5 In addition, the proposal seeks the erection of a multi-use sports building incorporating four indoor cricket nets, a basketball/netball/volleyball court/5-a-side football pitch, and five carpet bowl mats, measuring a total area of approximately 1,032.51 square meters. The building will also be accompanied by a cricket pavilion which includes a viewing area, changing rooms, a bar and toilet

facilities, as well as the cricket pitch. The indicative layout shows this to be located to the south-western section of the site.

- 7.6 There are no detailed plans for appearance, landscaping, layout and scale as these matters are reserved for later consideration. However, parameter plans indicate how the site could be developed and show public open space to the north and south, landscaping buffer to the east and the central area of the site divided into five residential areas. The indicative density of development is lower to the outer eastern boundary, increasing to medium in the centre and higher density adjacent to Phase 1.

Principle of Development

- 7.7 The development plan for Tendring comprises Section 1 of the Tendring District Local Plan 2013–2033 (adopted 26 January 2021) and Section 2 of the Tendring District Local Plan 2013–2033 and Beyond (adopted 25 January 2022).
- 7.8 Policy SP3 of Section 1 establishes the spatial strategy for North Essex, directing the majority of growth to existing settlements according to their scale, sustainability and established roles. The policy supports development within or adjoining settlements and seeks to protect the wider countryside, supporting only the diversification of the rural economy and the conservation and enhancement of the natural environment.
- 7.9 Policy SP3 relies on Section 2 of the Local Plan to set out the Tendring settlement hierarchy and guide the distribution of new development. Policies SPL1 and SPL2 fulfil this function by defining Settlement Development Boundaries (SDBs) and establishing the approach to development outside those boundaries. The site lies outside but abutting the adopted SDB for Great Bentley. Great Bentley is identified as a Rural Service Centre within the Local Plan, reflecting its relative level of services, facilities and employment opportunities and acknowledging that Rural Service Centres may accommodate small-scale, proportionate growth over the plan period. Such development should be sustainable, achievable and reflective of the settlement's size, character, service provision and any physical, environmental or infrastructure constraints. Growth in these locations is intended to support local housing needs, the village economy and the district-wide housing requirement.
- 7.10 The location therefore constitutes development in the countryside for the purposes of the Local Plan. The scheme is therefore in conflict with Local Plan Policies SPL1 and SPL2, which seek to direct new housing growth to within defined settlement boundaries. However, the housing policies post 26/01/2026 are now out of date and the 3.22 year supply represents a significant shortfall against the minimum five year requirement.
- 7.11 Policy S5 of the NPPF (2026) outlines that only certain forms of development should be approved outside settlements, and these should be approved unless the benefits of doing so are substantially outweighed by any adverse effects. Criterion J of this Policy specifically adds that development which would address an evidenced unmet need (including development proposals involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites) and be physically well-related to an existing settlement, and of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure.

Status of Emerging Local Plan Preferred Options Draft

- 7.12 The site is identified as a potential strategic housing allocation in the Council's Emerging Local Plan Preferred Options Draft under proposed Policy MSA10 for 120 dwellings. This document has recently been out for public consultation (and ended on 23.03.2026).
- 7.13 Although this stage of plan-making carries very limited weight because it has not been tested through examination and remains subject to change, its inclusion indicates that the site has been considered as part of the Council's emerging spatial strategy and as a sustainable site. The Preferred Options

draft seeks to accommodate increased housing requirements by directing growth to sustainable settlement edges such as Great Bentley, reflecting its rail connections and existing services. While this provides an indication of the likely direction of future plan-making, it cannot be relied upon as a determinative factor in support of the proposal at this time. Nevertheless, this indicates that development at this location is broadly aligned with the direction of future plan-making and is not inconsistent with longer-term spatial objectives.

Three Strands of Sustainable Development

- 7.14 Paragraph 17 of the NPPF (2026) 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.

Economic Role

- 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, assisting the vitality of local services including the new bus service. These economic benefits attract moderate weight.
- 7.16 The permanent loss of Grade 2 (very good) agricultural land represents an economic disbenefit, however the economic benefits associated with up to 120 new dwellings and Cricket facility would outweigh this loss of very good agricultural land.

Social Role

Services and Facilities

- 7.17 The application site is located approximately 900 metres to the north-east of the main hub of Great Bentley, which includes a range of shops and facilities. Approval has also recently been granted (appeal reference APP/P1560/W/25/3369845) for a mixed use building that will consist of five units, including a retail store, hair salon and three additional Class E(e) units. Further, the site is considered to be within reasonable walking distance of the train station, primary school, doctors' surgery and bus stops within the village, therefore offering a reasonable alternative to private transport. Moreover, the proposal accords with the requirements of NPPF Policy S5(j) in that the development addresses an evidenced unmet need of housing whilst also being physically well-related to the existing Great Bentley settlement, and of a scale which can be accommodated by the aforementioned existing infrastructure.

Affordable Housing and Sports Facilities

- 7.18 The proposal also includes a cricket pitch and multi-use sports building, which results in additional (and improved) sports facilities in the Great Bentley area, however does not provide for any affordable housing. A Viability Assessment has been provided that outlines with the inclusion of policy compliant affordable housing (30%), it would result in a profit deficit of £9,548,717 or a profit deficit of £4,921,202 if the scheme was 100% market housing, thereby making the scheme unviable to incorporate affordable housing.
- 7.19 The Council has since had this Assessment independently reviewed, with it being confirmed that a 100% market housing scheme would generate a deficit of £0.19m, and with a scheme of 30% affordable housing would generate a deficit of £2.49m. Whilst these figures are not comparable to the applicants Viability Assessment, the conclusion remains the same in that the scheme cannot be viable whilst including affordable housing.

- 7.20 The independent review also (correctly) highlighted that there is no policy basis for the provision of additional sports facilities, in this case the proposed cricket pitch and sports building, in lieu of affordable housing. The costs associated with these facilities exceed £3m and had these been removed, then the scheme can support 30% policy compliant affordable housing.
- 7.21 In response to the above, an additional note was provided by the applicant that highlights the community approached the application to outline that the existing community facilities are no longer sufficient to meet the needs of the community, and there was a genuine need for the improved facilities. In addition, various options including the cricket facilities and affordable housing, or one of either the cricket facilities or affordable housing, result in shortfalls between £703,902 and £3,156,969. A further independent review has since been undertaken, with the conclusion maintaining that no affordable housing can be supported alongside the proposed sports facilities, however 30% affordable housing could be provided had the sports facilities not been included within the overall scheme.
- 7.22 In summary, Officers acknowledge that there is no policy basis for sports facilities in lieu of affordable housing, and a lack of affordable housing is given due weight in the overall planning balance. However, it is noted that Policy LP5 does not identify that elements of an overall proposal beyond housing should be set aside and taking the proposal as a whole it is unviable for the purpose of the policy requirement. In the consideration of the planning balance the provision of these facilities has been identified by the local community and would result in strong public benefits. Given this, the district's significant housing shortfall and the scheme's sustainable location with good access to services and public transport, there are strong social benefits of the development which are considered to carry substantial weight. Therefore, on balance, Officers consider the lack of affordable housing to be acceptable.

Environmental Role

- 7.23 The development would extend the built form into the countryside and therefore results in some landscape impact and loss of very good agricultural land. However, a Landscape and Visual Impact Assessment has been submitted, and the introduction of built development on the urban fringe of Great Bentley would have a minor detrimental impact of the local landscape character and contribute to the cumulative degradation of the countryside. However, the detailed soft landscaping proposals submitted in support of the application will assist with the mitigation of the harm caused to the local landscape and help to create a softer edge to development.
- 7.24 In addition, the proposals are considered to preserve the setting of the Great Bentley Conservation Area and are likely to preserve the identified heritage assets. Technical assessments confirm that impacts on highways, ecology, trees, drainage, archaeology, flood risk and amenity can be mitigated through design and/or planning conditions. Biodiversity Net Gain is demonstrated, with mitigation to protect habitats and species. Environmental effects are therefore limited and capable of being satisfactorily managed and mitigated.

Overall Balance and Conclusion on Principle

- 7.25 Although the proposal conflicts with the adopted Local Plan's spatial strategy, being located outside the Settlement Development Boundary, the Council's inability to demonstrate a five-year housing land supply renders the relevant housing policies out-of-date and engages Policy S5 of the NPPF (2026). Criterion j(i) specifically is met on the basis that the development addresses an evidenced unmet need of housing whilst also being physically well-related to the existing Great Bentley settlement, and of a scale which can be accommodated by existing infrastructure, including schools, doctors surgery, a train station and a series of shops and facilities.
- 7.26 In this context, significant weight is afforded to the delivery of housing, alongside the scheme's economic and social benefits and the capacity to mitigate environmental impacts through design and conditions.

- 7.27 The identification of the site within the Local Plan Preferred Options Draft, while carrying limited weight at this stage, provides support that this location aligns with the Council's emerging long-term settlement strategy.
- 7.28 When assessed against the NPPF as a whole, the adverse impacts, principally the landscape impact of extending built form into the countryside and the lack of affordable housing provision, do not substantially outweigh the benefits, meaning the proposal is acceptable in principle under the presumption in favour of sustainable development. Therefore, the principle of development is accepted, subject to the detailed considerations set out below.

Scale, Layout & Appearance

- 7.29 Policy DP3 of the NPPF (2026) states that development proposals should respond to their context so that they integrate with and enhance their surroundings. To create well-designed places, proposals should support healthy, mixed, vibrant and integrated communities, incorporate and/or connect to a network of high quality, accessible, multi-functional green infrastructure to provide opportunities for recreation and healthy living, and create visually attractive, distinctive and characterful development to establish or maintain a strong sense of place and pride, including through the use of a coherent palette of materials, design features and planting.
- 7.30 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.
- 7.31 There are no detailed plans for appearance, landscaping, layout and scale as these matters are reserved for later consideration. However, an indicative layout plan shows how the site could be developed, with the residential properties predominantly located to the eastern section of the site, and the cricket pitch and pavilion to the western side. To the south-eastern corner is a drainage basin area, with the eastern boundary retaining its strong existing vegetation. The indicative layout shows approximately 20 dwellings per hectare, which is considered to be lower density. As such 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 120 dwellings on this site.
- 7.32 No concerns are therefore raised at this stage that these matters could not be satisfactorily addressed at reserved matters stage.

Heritage Assets

- 7.33 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 7.34 Policy HE4 of the NPPF (2026) confirms that heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. To achieve this, development proposals which would affect the significance of heritage assets, including any contribution made by their setting should maintain or secure a use consistent with their conservation and avoid (or if not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance. Policy HE6 adds that when considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation. This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.
- 7.35 Local Plan Policy PPL8 states new development will only be permitted where it has regard to the desirability of preserving and enhancing the special character and appearance of the conservation area.

- 7.36 Given the site's location close to the Great Bentley Conservation Area, and Eden's Farmhouse, a Grade II Listed Building, being sited approximately 300 metres to the east, ECC Place Services (Heritage) have been consulted on the application. They have provided the following comments:

The development site is located opposite a contemporary housing estate of 154 dwellings on the south side of Weeley Road (22/01818/FUL) and to the immediate east of a contemporary housing estate of 26 dwellings (21/02176/FUL). The housing estates are situated to the immediate south-east and north of the Conservation Area respectively; their construction has compromised the rural agricultural setting of the Conservation Area. As such, the proposals will not have a detrimental urbanising effect to the Conservation Area, provided the built development is contained (as they currently are) within the eastern section of the site.

Eden's Farmhouse is situated circa 280m south-east of the development site. The surrounding agricultural landscape makes a considerable contribution to the ability to understand and appreciate the listed building as an isolated farmstead, despite the encroachment of the aforementioned housing developments – which have reduced the degree of separation between the listed building and the built settlement. Whilst the development site forms part of this wider agricultural context, it's not considered to form a meaningful part of the listed building's setting due to the strong presence of a belt of trees which line the eastern boundary of the site; furthermore, the 1838 Tithe apportionments and 1910 Lloyd George survey indicate that the site and listed building were under separate ownership historically.

As they currently stand, the proposals are likely to preserve the contribution made by setting to the special interest of Eden's Farmhouse and the character and appearance of the Conservation Area, subject to the agreement of details of the proposed buildings, landscaping and boundary planting to Weeley Road, in accordance with the expectations set out in Chapter 16 of the NPPF and Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 7.37 In summary, provided the proposed built form is contained to the eastern section of the site, which the indicative layout shows but would be determined within any Reserved Matters application, then the proposals would not result in a detrimental urbanising effect to the Great Bentley Conservation Area. Moreover, whilst the application site forms part of the wider agricultural context to Eden's Farmhouse, it is not considered to form a meaningful part of this Listed Building's setting due the existing trees running along the eastern boundary of the application site. Consequently, the proposals are likely to preserve the identified heritage assets, and accordingly no objections are raised in this regard by Officers.

Archaeology

- 7.38 The NPPF explains that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, an appropriate desk-based assessment should be undertaken and, where necessary, a field evaluation (Policy HE5). These should be used to help understand the asset's significance and the potential effect of the proposal on this, which should inform the design, mitigation and implementation of the development.
- 7.39 Local Plan Section 2 Policy PPL7 states that, proposals for new development affecting a heritage asset of archaeological importance or its setting will only be permitted where it will protect or where appropriate enhance the significance of the asset. Where a proposal will cause harm to the asset, the relevant paragraphs of the NPPF should be applied dependent on the level of the harm caused.
- 7.40 ECC Archaeology confirm the proposed development lies in an area of archaeological potential, with recent archaeological investigations at the adjacent sites having revealed evidence for a Late Iron Age/Roman settlement, scattered prehistoric activity and medieval to postmedieval activity. Further, cropmark evidence as recorded through aerial photography reveals a possible trackway or historic field systems. They therefore request pre-commencement conditions for trial trenching and

excavation to understand the potential for, and significance of, archaeological deposits impacted by the proposal. ECC Archaeology are satisfied that this matter can be addressed by pre-commencement conditions and do not request additional information prior to determination in this case. Furthermore, the fact that the proposal is for up to 120 dwellings means there is flexibility at reserved matters stage should this number need to be reduced in order to preserve any below ground archaeological assets in situ. These conditions are included in the recommendation.

Highway Safety/Parking

- 7.41 Policy TR6 of the NPPF (2026) states that development proposals that are likely to generate significant amounts of movement should be supported by a transport statement or transport assessment, which is proportionate to the nature and scale of the development, so that the likely impacts of the proposal for transport can be assessed and monitored, and a travel plan, which indicates how sustainable transport objectives will be delivered, monitored and managed over time. The Policy adds that development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement.
- 7.42 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.
- 7.43 The proposal seeks outline planning permission for up to 120 dwellings with only access to be considered at this stage. Essex Highways Authority, upon consultation, initially stated that from a highway and transportation perspective, the impact of the proposal was not acceptable on the basis it had not been demonstrated the works would not result in an unacceptable level of harm to the Public Right of Way located to the east of the site.
- 7.44 Consequently, the agent for the application has since provided an amended plan that has relocated the vehicular access approximately 75 metres to the east of that initially proposed and will retain the same junction geometry including a width of 5.5 metres and dedicated pedestrian/cycle access. Visibility splays of 2.4m x 105m to the east and 2.4m x 90m to the west are achieved. A trip generation assessment has also been calculated to provide a robust analysis, and it is predicted that the proposed development could generate up to 79 two-way movements in the AM peak and 77 in the PM peak.
- 7.45 As such ECC Highways have now confirmed that raise no objections subject to a number of conditions relating to the submission of a Construction Management Plan, a priority junction off Weeley Road, visibility splays, the access width, an extension to the 30mph speed limit, inclusion of double yellow lines, a cycleway, emergency/pedestrian link to Michael Wright Way to the west, the provision of a new bus stop, the existing Public Right of Way being unobstructed, a Residential Travel Information Pack, and a financial contribution of £380,000 towards passenger transport improvements for bus services between Great Bentley, Brightlingsea, Clacton-on-Sea and/or Colchester.
- 7.46 The majority of the suggested conditions are considered to be reasonable and necessary and can therefore be applied. That said, the increase to the 30mph speed limit is not possible to be conditioned and would instead need to be addressed within the separate Section 278 highways agreement. The financial contribution and bus stop requested are addressed in more detail below, but in short, it has not been reasonably justified that these are necessary for the development and are therefore not recommended to be included as planning conditions.
- 7.47 Given the proposed density of development Officers are satisfied that ample car, cycle and visitor

parking can be provided in accordance with the Essex Parking Guidance within any future Reserved Matters application.

Landscaping and Trees

7.48 Policy N2 of the NPPF (2026) sets out that to contribute positively to the natural environment, and support nature's recovery, development proposals should conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) where possible; and use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings.

7.49 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.

7.50 The Council's Tree and Landscape Officer has been consulted on the application, and initially provided the following comments:

"The application site is in agricultural use and is currently being used to grow ornamental turf. There are two large Oaks in the northeastern corner of the main body of the application site and several other large and visually prominent trees on the western, southern and eastern boundaries.

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

The indicative site layout submitted with the planning application shows the retention and physical protection of all trees on the application site. Short sections of hedgerows may need to be removed to facilitate access to the land.

Regarding the potential impact of the development on local landscape character the application site is situated the Clacton and the Sokens Clay Plateau Landscape Character Area (LCA) and directly adjacent to The Tendring and Wix Clay Plateau.

The LCA within which the application site is situated is described in the Tendring District Council Landscape Character Assessment as gently undulating agricultural plateau drained by The Holland Brook Valley System in the southeast of the district with low gappy hedgerows with occasional hedgerow trees that divide arable fields The application is adjacent to developed land but is in agricultural use and currently forms part of the countryside.

To show the potential impact of the development proposal on the area the applicant should provide a Landscape and Visual Impact Assessment (LVIA). The LVIA should set out the baseline characteristics and visual quality of the landscape and quantify the likely impact of the completed development on the local landscape character. The document should identify several locations (visual receptor viewpoints) from which the application site can be viewed.

Without a LVIA it is not possible to demonstrate that the development proposal could be implemented without causing significant harm to the local landscape character. Should planning permission be likely to be granted then details of soft landscaping, as set out on the indicative soft landscaping drawing ref: 25.5509.01, should be secured as a reserved matter."

7.51 In summary, due to the submission of an Arboricultural Impact Assessment, it has been demonstrated that the development would not be harmful to existing trees, although short sections of hedgerows may need to be removed to facilitate access to the site. To ascertain the impacts of the development to the character of the area, a Landscape and Visual Impact Assessment was requested.

- 7.52 Since these comments, a Landscape Appraisal has been provided by the agent for the application, which the Council's Tree and Landscape Officer confirms provides a good indication of the impact of the development on local landscape character and its visual qualities. In conclusion, the assessment states that although the level of initial damage would be significant, there will be a good level of improvement to the quality of physical landscape elements over time and that the new value is likely to be slight benefit. The Tree Officer agrees that the assessment is a genuine reflection of the likely impact of the proposed development and that the harm to landscape character and its visual qualities are not significant but does not agree that the proposed development would secure any benefits to the local landscape character, due to the permanent loss of an area of countryside.
- 7.53 On balance, it is considered that the introduction of built development on the urban fringe of Great Bentley would have a minor detrimental impact of the local landscape character and contribute to the cumulative degradation of the countryside. However, the detailed soft landscaping proposals submitted in support of the application will assist with the mitigation of the harm caused to the local landscape and help to create a softer edge to development. It would therefore be expected that the suggested soft landscaping as described within the Landscape Appraisal would be demonstrated within any future Reserved Matters application.
- 7.54 In addition, the ECC Green Infrastructure Team raise no objection to the proposal providing recommendations for the reserved matters application for layout and landscaping. The Green Infrastructure Team request conditions however these are satisfactorily addressed by the recommended conditions for BNG, Habitat Management and Monitoring Plan (HMMP), tree protection, SuDS, ecology and the reserved matters for Landscaping and Layout.

Impact on Residential Amenity

- 7.55 Policy L2 of the NPPF (2026) requires substantial weight be given to the benefits where a development proposal would maintain safe access and egress for occupiers and users, and acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space.
- 7.56 Local Plan Section 1 Policy SP7 seeks to ensure that the amenity of existing and future residents is protected. Local Plan Section 2 Policy SPL3 Part C requires that development does not result in material harm to the privacy, daylight or general amenity of neighbouring occupiers, while Part B requires new development to be designed and orientated to provide adequate daylight, outlook and privacy. Policy LP4 further requires that new dwellings provide appropriately sized and configured private amenity space in keeping with local character.
- 7.57 The current submission is in outline form at this stage, with access only to be considered. That said, an indicative layout has been provided that shows the residential properties to broadly be located towards the eastern half of the application site. Given the low density of development (around 20 dwellings per hectare) a detailed layout could easily ensure compliance with back to back separation distances to preserve privacy and to provide ample private amenity space and internal space standards to meet the needs of up to 120 dwellings on this site.
- 7.58 The nearest existing residential properties are those adjacent to the south-west along Bentley Road, and those adjacent to the north-west along Michael Wright Way. All of these dwellings will experience some loss of outlook, which currently is across grassed/agricultural land. The proposal will significantly change that outlook, replacing it with up to 120 dwellings and a cricket pitch and pavilion. However, it is acknowledged that the bulk of the proposed built form (the majority of the residential properties) is sited to the eastern half of the application site away from the nearest neighbouring properties, with the cricket pitch, pavilion and associated car park being most closely sited. Whilst some built form is indicated to be in close proximity to existing neighbours in Michael Wright Way in particular, Officers are content that the layout demonstrates there is sufficient space on the site to bring forward a development that would not result in significant harm to amenities through

oppression, overlooking or loss of daylight/sunlight. This would be more accurately assessed upon receipt of exact layout and design details within any future Reserved Matters application and can be reviewed formally.

- 7.59 The Council's Environmental Protection (EP) team, upon consultation, initially requested the submission of a Noise Impact Assessment to ascertain the potential noise impacts to the commercial/industrial units at Moors Lane, to the north of the site. However, following additional information provided by the Planning Agent to clarify these buildings are agricultural storage units and are used in a much different way than commercial/industrial units would be. Following this, EP have since removed the request for a Noise Impact Assessment. Moreover, construction phase noise, dust and traffic impacts can be effectively managed by the proposed Construction Management Plan condition. Any future lighting scheme can be controlled by condition at reserved matters stage to prevent unacceptable light spill and maintain the amenity of neighbouring occupiers in line with Policy SPL3.

Flood Risk, Surface Water Drainage and Foul Sewage Disposal

- 7.60 Policy F7 of the NPPF (2026) require that development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere. Policy F8 adds that proposals which could affect drainage on or around the development site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, in ways which are proportionate to the nature and scale of the proposal. Policy P8
- 7.61 Local Plan Policy PPL5 requires all new development to make adequate provision for drainage and sewerage, including the integration of SuDS, while Policy SPL3(B)(g) requires development to reduce flood risk and embed sustainable drainage within site design. Local Plan Policy PPL5 confirms that connection to the mains sewer is the preferred option, in line with the drainage hierarchy and building regulations.
- 7.62 The majority of the site is located in Flood Zone 1 at low risk of flooding. However, one area to the front of the site falls within Flood Zones 2 and 3 at medium/high risk of flooding. The majority of the site is at very low risk of surface water flooding with areas of medium/high risk to the front and north-western corner of the site, coming via a tributary of the Weeley Brook.
- 7.63 The application is accompanied by a Flood Risk Assessment and Drainage Strategy, and the indicative site layout plan shows all residential development located outside of flood zones 2 and 3.
- 7.64 The Environment Agency (EA) initially raised an objection on the basis that the primary point of access to the development was sited within Flood Zone 3 and therefore required detailed modelling to better understand the flood risk as well as a secondary access to the west to Michael Wright Way. Following this, a revised layout plan has been provided that has re-located the access further east along Weeley Road, and the EA no longer raise any objections.
- 7.65 ECC SuDS confirm no objections subject to conditions securing 1) Detailed surface water drainage scheme 2) Scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction 3) Maintenance plan and 4) Yearly logs of maintenance. These conditions are included within the recommendation.
- 7.66 The proposal is to connect to the main foul sewer in accordance with Policy PPL5 and the NPPF. Anglian Water state if minded to approve the application, a pre-occupation condition shall be imposed to ensure there is no risk of pollution arising from the additional foul flows associated with the development. In addition, a foul water drainage condition has been included within the recommendation to secure details prior to the beginning of any above ground works.
- 7.67 Under Section 45 of the Water Industry Act 1991, water companies have a statutory duty to connect a resident's service pipe to a public water main for domestic purposes, which include washing,

cooking, and sanitation. Similarly, Section 106 of the same Act provides property owners with a statutory right to connect foul and surface water drainage to the public sewerage system.

- 7.68 While these rights are clear, it is important to note: Water companies may charge for these connections. infrastructure charges may be levied by them to fund reinforcement of the wider network and Water companies retain rights of access to enable such connections.
- 7.69 For planning purposes, sewerage capacity is a material consideration under both national and local policy. Notably, Policy P3) of the NPPF (2026) states development proposals should not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site.
- 7.70 Despite the statutory right to connect, a water company (e.g. Anglian Water) cannot refuse a connection on capacity grounds. The planning system (not the water company) could control development lawfully until infrastructure is adequate via refusal or a pre-occupancy condition (e.g. Grampian conditions). The same approach could apply to other forms of infrastructure.
- 7.71 While such conditions may be lawful, it is recognised that pre-occupancy conditions may result in homes remaining vacant for an indefinite period, depending on third-party infrastructure delivery. This raises concerns about reasonableness, particularly where the timing of upgrades is uncertain or outside the developer's control. In turn there may be viably issues long term. Such conditions raise concerns around reasonable applicable and if they would pass the tests of condition when applied to the merits of the individual case.
- 7.72 Nonetheless, 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.
- 7.73 The Environment Agency is responsible for regulating and enforcing environmental protections. The planning system must assume that these regulatory frameworks function as intended and should not make assumptions about potential illegal pollution. In this context, the Environment Agency determines what constitutes unacceptable levels of water pollution, which aligns with planning considerations outlined in NPPF Policy P3(b) concerning connected drainage. If the standards set by the Environment Agency are unreasonable, it may be more appropriate for water companies to address the issue with them first.
- 7.74 Therefore, while sewerage capacity is a material planning consideration, it is considered unreasonable to impose a condition that **indefinitely delays** occupation or refuse the development, especially where there is no evidence to suggest harm, no evidence of specific understanding of the case against infrastructure and environmental harm is already regulated and controlled under separate statutory regimes and material legislation.

Planning Obligations

- 7.75 Policy DM6 of the NPPF (2026) states that planning obligations should only be used where it is not possible to address potential unacceptable impacts through a planning condition. Where national model planning obligations are relevant to the development, they should be used unless there are strong reasons for using a different planning obligation. A legal agreement securing the below will be completed prior to determination;

Affordable Housing

- 7.76 Policy HO8 states that development proposals should meet or exceed up-to-date development plan

requirements for the proportion and mix of affordable housing tenures relevant to the location, including the minimum proportion of Social Rent. This should be provided on-site unless off-site delivery on an alternative nearby site would optimise the quality or quantity of affordable homes built, or a cash payment in lieu of on or off-site provision can be justified robustly, and the agreed approach contributes towards the objective of creating mixed and balanced communities.

- 7.77 The proposal, as discussed in more detail above, does not propose to provide any affordable housing provision, due to its inclusion resulting in the scheme becoming financially unviable.

Public Open Space

- 7.78 Policy HP5 requires major new residential development to provide a minimum 10% of the gross site area as open space.
- 7.79 There is a deficit of 1.78 hectares of equipped play in Great Bentley. However, there is a large village play area with additional play space provided on recent new developments. Moreover, the proposal includes on-site cricket and sports facilities along with a pavilion. As such the Council's Open Spaces Team are not requesting an offsite contribution for play and open space.

Cricket Academy

- 7.80 Local Plan Policy HP2 states the Council will work with the development industry and key partners to deliver and maintain a range of new community facilities. New development should support and enhance community facilities where appropriate by: a. providing on site, where necessary, or contributing towards new or enhanced community facilities to meet needs arising from the proposed development or growth and where possible, encourage co-location.
- 7.81 The proposed development includes for a cricket pitch alongside a pavilion building and cricket academy that also includes a sports hall. The supporting information confirms these facilities will be available for community use seven days per week, and includes up to four cricket nets and a wide range of additional sports such as badminton, basketball, netball, volleyball and 5-a-side football. The pavilion will include a function room and bar area. A legal agreement is currently being prepared, and it is intended that the cricket pitch will be delivered upon completion of 25% of the dwellings, with the sports building to be delivered upon completion of 80% of dwellings.

Recreational Disturbance Mitigation (RAMS)

- 7.82 A financial contribution of £163.86 per dwelling is also required towards the Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS) to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with TDLP Policies SP2 and PPL4 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Education

- 7.83 Local Plan Policy PP12 states: Planning permission will not be granted for new residential development unless the individual or cumulative impacts of development on education provision can be addressed, at the developer's cost, either on-site or through financial contributions towards off-site improvements.
- 7.84 ECC Schools confirm the proposal will generate the need for up to 10.8 Early Years and Childcare (EY&C) places; 36 Primary School places, and 24 Secondary School places. A contribution towards new primary, secondary and Post 16 education places will not be required.
- 7.85 A contribution of £224,950 is requested for EY&C. As the closest secondary school (Colne Community School) is over 3 miles away they seek a Secondary School Transport contribution of £142,728. A contribution of £9,336 is considered necessary to improve, enhance and extend the

local library facilities and services provided and to expand the reach of the mobile library and outreach services. These contributions are all considered reasonable and necessary to make the development acceptable and are to be secured by the S106 agreement.

Health

- 7.86 TDL Policy HP 1 states that the Council will work to improve the health and wellbeing of residents in Tendring by seeking mitigation towards new or enhanced health facilities from developers where new housing development would result in a shortfall or worsening of health provision.
- 7.87 The NHS CCG have commented to confirm a developer contribution will be required to mitigate the impacts of this proposal upon the capacity of Great Bentley GP Surgery. They calculate the level of contribution to be £88,100, which is to be secured via the legal agreement.

Highways

- 7.88 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.
- 7.89 A new bus service linking Great Bentley with Brightlingsea and Clacton has recently been introduced with a two hourly service Monday to Saturday. The initial funding is for two years and an up to £380,000 contribution is requested by the Highway Authority to extend the initial contractual period and help assure the longevity of the new service which improves sustainable access to and from the village and train station. The Highway Authority has also requested the provision of a new bus stop along Thorrington Road.
- 7.90 Whilst these requests are acknowledged, Officers note that the proposed bus stop would be sited approximately 1,000 metres to the west of the application site, and also in close proximity to an existing bus stop (approximately 150 metres apart). With respect to the £380,000 contribution towards the new bus service, it was initially unclear what the justification was for such a request. Upon further discussions with ECC Highways, Officers maintain that it has not been reasonably justified that the request directly relates to the proposed development and its specific burden, and no information has been provided to clarify why a bus is specifically required from this development, and what the route would be. As a result, the request fails all three statutory CIL Regulation 122 tests and therefore is not secured through the Section 106 agreement.

Biodiversity Net Gain (BNG) Monitoring

- 7.91 All created and enhanced habitats will be secured for a minimum 30-year management period through a Habitat Management and Monitoring Plan (HMMP) secured by condition, with delivery governed through the statutory Biodiversity Gain Plan process. This ensures that habitat quality is maintained and improved over time, supported by ongoing monitoring requirements with the monitoring fee secured through the S106.

Ecology and Biodiversity

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

7.92 General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021

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

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

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

7.93 Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals.

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

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

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

7.94 Protected Designated Habitats

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

A Habitat Regulations Assessment has been completed for the proposal. The new development would be likely to increase the number of recreational visitors to the designated area and, in combination with other developments, it is likely that the proposal would have significant effects on the designated site. The S106 Legal Agreement will include the necessary financial contributions

for RAMS to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

7.95 Protected Species

In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. A Preliminary Ecological Appraisal (PEA) has been provided, which confirms that as the boundary habitats will be retained and new habitats created there is not anticipated to be any effects significant at the local level on ecological features due to habitat loss, trees with potential bat roost features are to be retained, and commuting and foraging activity by bats is considered to be mainly along the site boundaries which will be retained. Given this and with a sensitive lighting strategy implemented there will be negligible residual impacts on roosting and commuting bats. Further, with the retention of the boundary habitats and the clearance of works under a precautionary method statement, there will be negligible residual impacts on breeding birds, and habitats on site have the potential to support reptiles, amphibians, badgers, brown hare and hedgehog, and therefore habitat clearance works will be undertaken under ecological supervision. Therefore, provided the avoidance and mitigation measures are implemented there is not considered to be a harmful impact, with ecological enhancements being the inclusion of bird and bat boxes.

ECC Ecology have confirmed they are satisfied that there is sufficient ecological information available to support determination of this application and raise no objections subject to the inclusion of conditions to secure compliance with the mitigation measures, the submission of a Biodiversity Enhancement Strategy and Construction Environmental Management Plan, and relating to a Wildlife Sensitive Lighting Design Scheme.

ECC Ecology did, however, initially raise an objection due to a lack of a Habitats Regulation Assessment (HRA) to assess potential impacts from the development (either alone or in combination with other land and projects) and identify any necessary mitigation measures. However, the Planning Agent has since provided this, and following re-consultation ECC Ecology have confirmed they are satisfied that the mitigation package will avoid adverse effects upon the coastal Habitats Site from recreational disturbance from the development alone.

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

7.96 Ecology Conclusion

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

Sustainable Construction & Energy Efficiency

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

7.98 The use of electric vehicle charging points, green/brown roofs, PV panels, water-butts, recycling

facilities (during construction and to serve the development), air-source heat pumps and/or SuDS to aid the sustainability of the development should be an integral part of the design. These matters can be satisfactorily addressed through the detailed design stage as part of the reserved matters application.

8. Planning Balance and Conclusion

- 8.1 The Council cannot currently demonstrate a five-year housing land supply, and therefore the presumption in favour of sustainable development against the three overarching objectives applies. In this context, planning permission should be granted unless the benefits of doing so are substantially outweighed by any adverse effects. It is acknowledged that NPPF Policy S5(j) is adhered to on the basis that the development addresses an evidenced unmet need of housing whilst also being physically well-related to the existing Great Bentley settlement, and of a scale which can be accommodated by the aforementioned existing infrastructure, including schools, a doctors surgery, train station and a series of shops and services.
- 8.2 While the proposal lies outside the settlement development boundary and therefore conflicts with Policies SPL1 and SPL2 landscape impact is contained and can be mitigated effectively through reserved matters design, landscaping and layout. It would deliver up to 120 homes including a cricket pitch and pavilion. The scheme would generate economic benefits during construction and through additional local expenditure. It provides Biodiversity Net Gain, and improvements to the area's sports facilities, libraries and healthcare. These public benefits are considered to outweigh loss of very good agricultural land, a lack of affordable housing provision, and overall impacts to the landscape character. Great weight has been afforded to the conservation of the Grade II listed building in accordance with Section 66 and HE6.
- 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 substantially outweigh the benefits, and the development therefore constitutes sustainable development.

9. Recommendation

9.1 Approval (inc. S106 requirements)

Recommendation: Outline Approval subject to:

1. On appropriate terms below and those as may be deemed necessary to the satisfaction of the Head of Planning and Building Control to secure the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 dealing with the matters as summarised at paragraph 9.2:
2. That the Head of Planning and Building Control be authorised to grant outline consent 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 review the application on appropriate grounds and to determine under the national delegation arrangements.

9.2 Planning Obligations - Heads of Terms

CATEGORY	TERMS
Delivery of the cricket pitch and sports facility	Cricket pitch to be delivered upon occupation of 25% of dwellings, and sports facility to be delivered upon occupation of 80% of dwellings Agreement of Minimum specification provisions. Design/layout controls. Cricket pitch construction specification. Cricket net specification. Sports hall specification. Cricket ball strike assessment
NHS financial contribution	£88,100
RAMS financial contribution	£163.86 (per dwelling)
Early Years and Childcare	£224,950
Secondary Transport	£142,728
Libraries	£9,336
Biodiversity Net Gain Monitoring fee	Securing a financial contribution towards the 30-year monitoring of the Biodiversity Net Gain Plan and implemented scheme.
Open Space	Layout/specification/trigger points, and future maintenance.

9.3 Conditions and Reasons

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

Drawing Numbers 170241/100A, 170241/1000, 170241/200 Revision D, 2504/02-01 Rev F, 2504/02-02 Rev F, the documents titled 'Arboricultural Impact Assessment and Preliminary Method Statements', 'Phase 1 Desk Study and Risk Assessment', 'Cricket Ball Strike Assessment', 'New Cricket Ground Feasibility Study', 'Heritage Impact Assessment', 'Sport Specific Consultancy Support', 'Transport Assessment', 'Flood Risk Assessment and SuDS Drainage Strategy', 'Planning Statement', 'Landscape Appraisal', 'Ecological Impact Assessment', 'Mineral Resource Assessment for Safeguarding', the untitled Viability Assessment prepared by Fenn Wright and submitted dated 31st October 2025, and the two untitled Technical Notes prepared by Firmin Transport Planning dated 26th February 2026 and 28th April 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 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 CONDITION: Unless otherwise agreed within the Section 106 agreement, 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 **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 or otherwise agreed within the Section 106 agreement.

- a) description and evaluation of the planned habitat works for the creation and/or enhancement of the onsite habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- b) the management measures to maintain the onsite habitat creation and/or enhancement works for a period of at least 30 years from the completion (defined for this purpose as first use and/or occupation unless agreed in writing by the LPA) of the development including:
 - i) ecological trends and constraints on site that may influence management;
 - ii) aims, objectives and targets for management e.g. links with local and national species and habitat action plans;
 - iii) a description of the management operations necessary to achieving aims and objectives;
 - iv) prescriptions for management actions;
 - v) preparation of a works schedule, including annual works schedule;
 - vi) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets;
- c) details of the monitoring methodology, to measure the effectiveness of the management of the onsite habitat creation and/or enhancement works together with the timetable for each element of the monitoring programme including when scheme shall be first implemented with provision for monitoring reports to be provided to the local planning authority in writing on year 1, 2, 3, 5, 7, 10, 15, 20, 25 and 30, with biodiversity reconciliation calculations at each stage; and
- d) details of the roles and responsibilities of the people or organisation(s) delivering the HMMP including implementation and monitoring;

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

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

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

assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure features of archaeological importance are identified, preserved and secured to avoid damage or loss resulting from the development and/or its construction. If agreement was sought at any later stage, there is an unacceptable risk of loss and damage to archaeological and historic assets.

- 9 CONDITION: No building shall be first 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 first 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 CONDITION: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Sweco UK, November 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

REASON: To conserve 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).

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

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

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

The works shall be implemented in accordance with the approved details prior to first occupation of any building 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).

- 12 CONDITION: Prior to occupation a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for crepuscular and nocturnal species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes

used to access key areas of their territory, for example, for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

- 13 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.

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

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

NOTES FOR CONDITION:

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

- 15 CONDITION: No development, including any groundworks, tree works, or site clearance, shall commence until a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 16 **CONDITION:** Prior to the commencement of any above ground works details of the proposed access and footways, as indicated on drawing no. 2504/02 – 01 Rev F, shall be submitted to and approved, in writing, by the Local Planning Authority. The proposed road junction shall be constructed to a minimum width of 5.5 metres within the site and shall be provided with 1 x 2-metre wide footways. Prior to first occupation of the development, the approved access and footways shall be laid out and constructed in their entirety and shall then be retained in this approved form.

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

- 17 **CONDITION:** Prior to first occupation of the development, the road junction at its centre line shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 90 metres to the south-west and 2.4 metres by 105 metres to the south-east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

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

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

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

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 7.3l/s for the 1 in 2 year event, 19.9l/s for the 1 in 30 year event and 26.4l/s for the 1 in 100 year event including 45% climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground

- levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

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

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

- 20 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.

- 21 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.

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

REASON: To safeguard the ground water environment from harm.

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

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

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

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

Informatives:

Positive and Proactive Statement:

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

Biodiversity Enhancement:

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

Highways Informatives:

- i) All 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.

10. Additional Considerations

Equality Impact Assessment

- 10.1 In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.
- 10.2 It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.
- 10.3 In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

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

Human Rights

- 10.4 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 10.5 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 10.6 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

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

11. Declaration of Interest

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

12. Background Papers

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

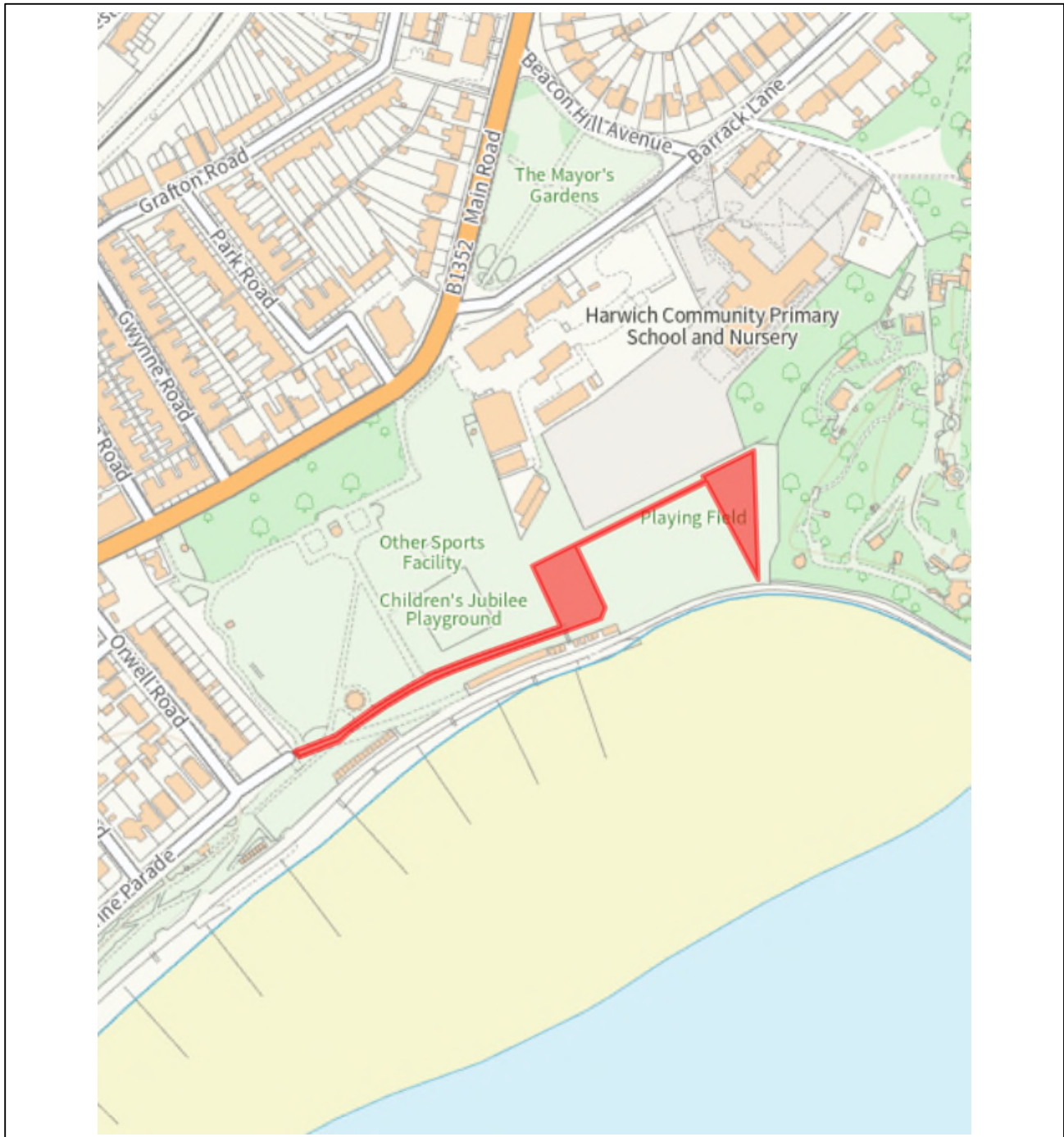
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PLANNING COMMITTEE

03 SEPTEMBER 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.3 PLANNING APPLICATION – 25/01781/FUL – CLIFF PARK HIGH STREET HARWICH CO12 3AT



DO NOT SCALE

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Application:	25/01781/FUL	Expiry Date:	7 th September 2026
Case Officer:	Alison Pope		
Town/ Parish:	Harwich Town Council		
Applicant:	Tendring District Council		
Address:	Cliff Park High Street Harwich Essex CO12 3AT		
Development:	Planning Application - Construction of floodlit Football Foundation Playzone.		
Referral Reason:	TDC owned land		
Recommendation:	Approval subject to conditions and subject to no objection being raised by Natural England and Place Services Ecology		

1. Executive Summary

- 1.1 This application seeks planning permission for a Football Foundation PlayZone within Cliff Park, Dovercourt, comprising a floodlit multi-use games area, fencing, seating and associated infrastructure. The proposal would enhance existing recreational provision within an established area of public open space and increase opportunities for sport and physical activity.
- 1.2 Whilst the development would result in a low level of less than substantial harm to the significance of the Lower Dovercourt Conservation Area and nearby heritage assets, this harm is considered to be outweighed by the public benefits of the scheme. Subject to conditions, archaeological mitigation, and no objection being received from Natural England and Place Services Ecology, the proposal is considered acceptable and is 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 3 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 2026 ([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

PPL4 Biodiversity and Geodiversity

PPL7 Archaeology

PPL8 Conservation Areas

PPL9 Listed Buildings

PPL10 Renewable Energy Generation and Energy efficiency Measures

CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents

Lower Dovercourt Conservation Area Character Appraisal and Management Plan November 2023

4. **Relevant Planning History**

00/01961/TCA	Holm Oaks (4194 4138) - pollard due to severe hole in base of trunk	Approved	18.12.2000
96/00376/CON	(Cliff Park, Main Road, Dovercourt) Demolition and reconstruction of masonry wall, provision of 6 masonry buttresses and retaining wall	Approved	05.08.1998
09/00090/FUL	Public w.c block incorporating 9 w.c's, baby changing facilities and sales kiosk.	Approved	03.04.2009
25/01782/ADV	Application for Advertisement Consent - Vinyl banners of funding bodies.	Approved	01.07.2026

5. **Consultations**

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

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

ECC Highways Dept

08.01.2026

No objection is raised to the proposal from a highway and transportation perspective. The Highway Authority notes that the development would be located on private land and set well back from the public highway, with the impacts considered acceptable. Essex Highways recommends a condition requiring the submission and approval of an updated Construction Management Plan prior to the commencement of development.

Environmental Protection

09.02.2026

No objection is raised to the application subject to minor amendments to the Construction Method Statement. The Environmental Protection Team requests that the construction working hours are amended to reflect the Council's standard requirements, with restrictions on vehicle movements and construction activities, including no working on Sundays or Public/Bank Holidays. They also request the inclusion of a prohibition on the burning of materials arising from site clearance or development works. The Team advises that adherence to these measures will minimise disturbance to nearby residents and reduce the likelihood of statutory nuisance or enforcement action. Subject to these amendments being incorporated into the Construction Method Statement, no objection is raised to the proposal.

Tree & Landscape Officer

07.01.2026

The application site is set to grass and does not contain any trees or other vegetation. None of the trees situated in Cliff Park will be adversely affected by the implementation of the proposed development as there are no trees in close proximity to the site of the Playzone

Considering the proposed use of the Playzone and the likely need for clear views into and out of the site to be maintained, it is not considered necessary or appropriate for soft landscaping to be carried out.

The planting proposed in relation to Biodiversity Net Gain is acceptable in landscape terms.

Sport England

12.01.2026

Raises no objection to the proposal. Sport England considers that the proposed Multi-Use Games Area (MUGA), associated fencing, lighting and spectator area would provide significant sporting benefits and accords with Exception 5 of its Playing Fields Policy and paragraph 104 of the NPPF 2024, as the benefits to sport outweigh any limited loss of playing field land. The MUGA forms part of the Football Foundation's PlayZone programme, aimed at increasing participation in sport, particularly amongst underrepresented groups. Sport England notes that the facility has been designed to meet identified local needs and will be located on an area of the playing field that is not currently marked out or used for formal pitches. No planning conditions are requested. However, Sport England advises that any restrictions on lighting or hours of use should not be overly restrictive, noting that community use of such facilities commonly extends until 10.00pm.

Essex County Council Archaeology

02.07.2026

Place Services (Archaeology) advises that the submitted Heritage Statement, Archaeological Desk-Based Assessment and Geophysical Survey are sufficient to satisfy the requirements of paragraph 207 of the NPPF. The site lies close to the Scheduled Monument at Beacon Hill Fort

and within the wider extent of the former military fortifications, where there is potential for surviving archaeological remains associated with former wartime structures. Place Services notes that while the proposal is likely to result in a low level of less than substantial harm to the setting of the Scheduled Monument and locally listed Cliff Park, this harm should be weighed against the public benefits of the development. Given the potential for archaeological remains to be present, Place Services recommends conditions requiring a programme of archaeological investigation, including trial trenching, any necessary mitigation works, and the submission of a final archaeological report prior to and following development.

Essex County Council Heritage

06.07.2026

Place Services (Heritage and Conservation) raises concerns regarding the impact of the proposed PlayZone on the character and appearance of Cliff Park and the Dovercourt Conservation Area. Whilst acknowledging the recreational nature of the park and the neutral contribution made by existing modern facilities, Place Services considers that the proposed floodlit MUGA, fencing and associated infrastructure would introduce a prominent and utilitarian feature within an otherwise open and verdant landscape. It is considered that the development would detract from key views across the park, including views towards Beacon Hill Fort and the coastline, and would fail to preserve or enhance the character and appearance of the Conservation Area. Overall, Place Services concludes that the proposal would result in a low level of less than substantial harm to the significance of the Conservation Area and harm to Cliff Park as a non-designated heritage asset, requiring this harm to be weighed against the public benefits of the proposal in accordance with the NPPF.

Historic England

06.01.2026

Historic England raises heritage concerns regarding the application. Historic England notes that the site lies partly within and adjacent to the Scheduled Monument of Beacon Hill Fort and within the Lower Dovercourt Conservation Area. It advises that there is potential for archaeological remains associated with former military features to be affected by the development and recommends consideration of archaeological advice and the impact on the Conservation Area. Historic England also objects to the proposed Biodiversity Net Gain tree planting within the Scheduled Monument, considering that it could harm archaeological remains and detract from the legibility and setting of the fort. It recommends that the BNG element be removed or relocated outside the Scheduled Monument. Overall, Historic England considers that further amendments, safeguards and assessment are required to address heritage impacts and ensure compliance with the relevant provisions of the NPPF and the statutory duty to preserve or enhance the character and appearance of the Conservation Area.

6. Representations

6.1 Details of Committee Referral

The application is presented to the Planning Committee for determination because Tendring District Council is the applicant and the proposed development is located on land owned by the Council.

6.2 Parish / Town Council

Harwich Town Council has no objection to the application.

6.3 Neighbour / Local Representations

Three objections and one representation have been received which raise the following planning concerns:

- Parking pressures

- Harm to local habitats
- Detract from the visual amenity of the park and beach environment
- Lacks supervision, security or management
- Cuts off access for everyday users of the park

These matters are addressed in the body of the report.

7. Assessment

Site Context

- 7.1 Cliff Park is designated as Safeguarded Open Space in the Local Plan, is owned by Tendring District Council and lies within the Lower Dovercourt Conservation Area. To the east of Cliff Park is Beacon Hill, a Scheduled Monument comprising predominantly twentieth century defence structures of considerable archaeological and landscape value. Cliff Park faces the sea southwards while the listed buildings of Orwell Terrace lie to the west. To the north, Cliff Park faces the High Street. The park benefits from an existing children's play area, gym equipment and playing field with a majority of the park being laid to grass with mature trees predominantly in the northern area of the park with some new tree planting around the park. The site also lies within the Dovercourt settlement development boundary.

Proposal

- 7.2 This application seeks planning permission for the construction of a floodlit football foundation Playzone located to the south of Park Pavillion and Army Cadet Force Centre and to the east of the play area and gym equipment. 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 LED street lighting along the path leading from Marine Parade 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 08.30 – 22:00 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 at all times, except when booking for commercial use.
- 7.5 The proposal also includes a number of vinyl signs to each elevation; however, this only requires advert consent which has been separately consented under 26/01782/ADV.

Principle of Development

- 7.6 Policy S4 of the NPPF 2026 establishes a presumption in favour of development within settlements, requiring proposals to be approved unless the benefits are substantially outweighed by adverse effects when assessed against the national decision-making policies of the Framework. In particular, Policy S4 requires consideration of the protection of existing recreational land and facilities under Policy HC7.
- 7.7 Policy HC7 seeks to resist the loss of existing open space, sports and recreational land unless it can be demonstrated that the land is surplus to requirements, replacement provision is made, the proposal delivers public service infrastructure, or the development would provide alternative open space, sports or recreational facilities whose benefits clearly outweigh the loss of the existing use.
- 7.8 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.

- 7.9 The application site forms part of Cliff Park, an area designated as Safeguarded Open Space under the Local Plan. However, the proposal does not result in the loss of recreational land or open space to a non-recreational use. Instead, it would provide a new purpose-built sporting facility in the form of a Football Foundation Playzone, together with associated floodlighting, seating and ancillary infrastructure, thereby enhancing the range and quality of recreational opportunities available within the park.
- 7.10 The proposal is specifically intended to increase participation in sport and physical activity and would provide free community access alongside bookable sessions. The proposal therefore delivers enhanced sports and recreational provision on existing recreational land. Consequently, it is considered that the development accords with Policy HC7(d) of the NPPF, as the benefits arising from the provision of a modern multi-use sports facility clearly outweigh any limited loss of open grassed area occupied by the development. In addition, Sport England raise no objection to the proposal.
- 7.11 At the local level, Policy HP5 of the Tendring District Local Plan seeks to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities. The proposed Playzone would directly support these objectives by providing a new high-quality community sports facility within an accessible location. Furthermore, the proposal would not result in the loss of the safeguarded open space designation and is therefore considered to accord with Policy HP4.

Scale, Layout & Appearance

- 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 requires, 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. Similar objectives are reflected within Policy DP3 of the NPPF, which requires development proposals to respond to their context and integrate with and enhance their surroundings, whilst maintaining a strong sense of place and local character.
- 7.13 The proposed Playzone is large in scale and incorporates perimeter fencing, finished in a green colour. As a result, it will appear as a prominent feature within Cliff Park. The structure will be clearly visible from most areas within the park; however, it will be obscured by the mature trees and Park Pavilion when looking south from High Street.
- 7.14 In addition, a modest range of ancillary facilities are proposed, including two benches, two bins, and equipment storage, together with LED lighting providing a route from Marine Parade 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 there are no trees or other vegetation on the application site and none of the trees situated in Cliff Park will be adversely affected by the implementation of the proposal as there are no trees in close proximity to the site of the Playzone. The Officer goes on to say that it is not considered necessary for soft landscaping to be carried out, given the siting of the Playzone within a wider park setting.
- 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 Cliff Park itself.

Heritage Assets

- 7.17 In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority is under a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the Lower Dovercourt Conservation Area.
- 7.18 Policies HE4, HE5, HE6 and HE9 of the NPPF 2026 seek to ensure that heritage assets are conserved in a manner appropriate to their significance. Development proposals affecting designated and non-designated heritage assets, including their settings, must be supported by a proportionate assessment of significance and the likely effects of the development. Proposals should seek to avoid or minimise harm to heritage assets and give substantial weight to their conservation. Where harm is identified, it must be clearly justified and weighed against the public benefits of the proposal. Particular regard must be had to the conservation and enhancement of Conservation Areas, including the retention of features that contribute positively to their significance, character and appearance. For sites with archaeological interest, appropriate assessment and investigation should be undertaken to inform decision-making and any necessary mitigation measures.
- 7.19 Policy PPL8 of Section 2 of the Local Plan seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.
- 7.20 Policy PPL7 seeks to ensure that development proposals affecting known or potential archaeological remains are supported by appropriate archaeological assessment and, where necessary, investigation, recording and mitigation measures. Development affecting designated or non-designated archaeological heritage assets or their settings should protect, and where appropriate enhance, their significance. Proposals must be informed by a clear understanding of the significance of the heritage asset and be designed in a manner that respects its historic importance. Development that would result in harm to archaeological remains without appropriate protection, mitigation or recording will not be permitted.
- 7.21 The application site lies within the Lower Dovercourt Conservation Area and partly within the setting of the Scheduled Monument at Beacon Hill Fort, a nationally important military heritage asset. The proposal is accompanied by a Heritage Statement, Archaeological Desk-Based Assessment and Geophysical Survey, all of which have been reviewed by Place Services.
- 7.22 Historic England has raised concerns regarding the heritage impacts of the proposal. Whilst recognising the site's archaeological sensitivity and relationship with the Scheduled Monument, Historic England's principal concern relates to the proposed Biodiversity Net Gain (BNG) tree planting within the Scheduled Monument boundary. Historic England considers that the planting could adversely affect archaeological remains and the setting and legibility of the fort. It recommended that the planting is removed. Subsequently, the tree planting has been removed from the application, and the application site has been reduced to exclude this area. BNG does not form a matter requiring determination under the current application. Consequently, the concerns relating to the tree planting are not considered to materially affect the acceptability of the proposed PlayZone development.
- 7.23 Place Services Archaeology advises that the submitted archaeological assessments satisfactorily identify the significance of the heritage assets affected and confirm the potential presence of below-ground remains associated with the former military use of the site. Whilst the geophysical survey indicates areas of previous disturbance, there remains potential for buried archaeological remains to survive. Consequently, Place Services recommends a programme of archaeological investigation, including trial trenching and any necessary mitigation which will be secured through appropriately worded planning conditions on the grant of planning permission.
- 7.24 Place Services (Heritage) advises that the proposed Playzone, fencing and floodlighting would

introduce a prominent and utilitarian form of development within an open and verdant part of Cliff Park. Place Services consider that the proposal would detract from views across the park, including views towards Beacon Hill Fort and the coastline, and would fail to preserve or enhance the character and appearance of the Conservation Area. Place Services therefore concludes that the proposal would result in a low level of less than substantial harm to the significance of both the Lower Dovercourt Conservation Area and Cliff Park as a non-designated heritage asset.

- 7.25 The conclusions of both Historic England and Place Services are acknowledged, that the proposal would result in a low level of less than substantial harm to the significance of the Conservation Area and the setting of nearby heritage assets. In accordance with Policies HE4, HE5, HE6 and HE9 of the NPPF, this harm must be afforded considerable importance and weight and balanced against the public benefits arising from the proposal.
- 7.26 In this case, the proposed development would deliver a modern, high-quality and freely accessible multi-use sports facility funded through the Football Foundation Playzone programme. The facility would expand opportunities for sport and physical activity within the district. The proposal would also improve the quality and accessibility of recreation infrastructure within Cliff Park, in accordance with Local Plan Policy HP5.
- 7.27 Whilst the proposal would introduce new fencing, lighting columns and associated infrastructure into the park, it would remain located within an area already characterised by recreational uses, including a children's play area, outdoor gym equipment and playing fields. Having carefully weighed the identified low level of less than substantial harm against the substantial public benefits associated with the provision of enhanced community sporting and recreational facilities, it is considered that the public benefits outweigh the identified heritage harm. Subject to appropriate archaeological conditions, the proposal is considered to comply with Policies PPL7 and PPL8 of the Local Plan and the heritage policies contained within the NPPF.

Highway Safety/Parking

- 7.28 Policies TR3, TR4 and TR6 of the National Planning Policy Framework are relevant to the assessment of this proposal. Policy TR3 seeks to ensure development is located where it can support sustainable patterns of movement and make effective use of existing transport infrastructure. Policy TR4 requires transport considerations to be integral to the design of development and that parking provision reflects the location, nature and connectivity of a site. Policy TR6 confirms that development should only be refused where it would result in a severe adverse impact on the transport network or an unacceptable impact on highway safety.
- 7.29 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.
- 7.30 Essex Highways has been consulted and raises no objection to the proposal. The Highway Authority acknowledges that the PlayZone would be located on private land set well back from the public highway and considers the development acceptable from a highway and transportation perspective. Essex Highways recommended a condition requiring the submission of an updated Construction Management Plan. However, a Construction Management Plan has already been submitted as part of the application and is considered sufficient for a development of this scale, incorporating appropriate measures for vehicle routing, contractor parking, deliveries, material storage and pedestrian safety during the construction phase.
- 7.31 The proposal will provide a new multi-use games area within Cliff Park, an established area of public open space already containing recreational facilities including a children's play area, outdoor gym equipment and playing fields. The PlayZone will be available for both open access use and bookable sessions and is intended to increase opportunities for community sport and physical activity. Whilst

the facility is likely to attract additional users, it is not considered that the level of activity generated would result in a severe impact on the local highway network or create unacceptable parking pressures within the surrounding area. The proposal is therefore considered acceptable in highway and transportation terms.

Impact on Residential Amenity

- 7.32 Policy L2 of the National Planning Policy Framework 2026 seeks to support the effective use of land whilst ensuring that development maintains acceptable living standards for residents and neighbouring occupiers in terms of access to daylight, sunlight, privacy and amenity. In addition, Policy DP3 requires development to create safe, inclusive and attractive places that function well for existing and future users. P3 of the NPPF requires development to provide healthy living conditions for occupiers and users and to avoid unacceptable impacts from noise, artificial lighting and other forms of pollution, unless such impacts can be satisfactorily mitigated.
- 7.33 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.
- 7.34 It has been demonstrated, through the submitted lighting assessment and supporting illuminance data, that the proposed floodlighting and LED path lighting would unlikely have an adverse impact on neighbouring residential properties. The nearest dwellings are located at Orwell Terrace and in the High Street which are distances of 170 metres and 130 metres away respectively from the proposed Playzone with intervening mature trees. The floodlighting and LED path lighting would only be active if the Playzone was booked for use during hours of darkness up to 10pm as per the operation times. The proposal has been designed and located to minimise the effects of artificial lighting on nearby receptors, consistent with the objectives of Policy P3 of the NPPF.
- 7.35 The Playzone itself would not give rise to any significant overlooking, loss of privacy or adverse impact on outlook. The Council's Environmental Protection team raise no objection in respect of lighting or noise. Having regard to the submitted technical information and consultation responses, the proposal is not considered likely to result in unacceptable impacts on residential amenity through noise, artificial light or other forms of pollution and therefore accords with Policy P3 of the NPPF, together with Policies SP7 and SPL3 of the Local Plan.
- 7.36 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.

7.37 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.

Although the submitted Preliminary Ecological Appraisal identifies the planting of Rowan trees as part of the proposed Biodiversity Net Gain (BNG) enhancements, the proposed location of these trees within the Scheduled Monument boundary is not considered acceptable. Consequently, this element of the enhancement strategy cannot be supported. Rather, a Biodiversity Enhancement Strategy will be secured by condition to deliver alternative enhancements that will benefit protected, Priority and threatened species, to include the purpose of the enhancement, 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, will conserve and enhance biodiversity interests.

7.38 Ecology and nature conservation

The Preliminary Ecological Appraisal identifies that the application site lies within a Site of Special Scientific Interest (SSSI) Impact Risk Zone (IRZ), where there is potential for the proposed development to have an effect on a terrestrial SSSI. In accordance with Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 28I of the Wildlife and Countryside Act 1981, Natural England has been consulted on the application. Place Services Ecology has also been consulted.

At the time of writing, consultation responses from Natural England and Place Services Ecology remain outstanding. As such, the recommendation for approval is subject to no objection being received from either consultee. Should objections be raised, the recommendation may need to be reconsidered in light of any identified harm and the advice received.

7.39 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.

7.40 Protected Species

The submitted Preliminary Ecological Appraisal confirms the habitat on site is poor quality and contains common species. It contributes very little to biodiversity in Harwich and is considered to be of value at the Site only scale. The impact on the habitat prior to mitigation would be Negligible. There is no evidence to suggest that the proposed development site might support any protected,

rare, scarce or priority plant species, invertebrates, reptiles, water vole or otter, based on the habitat present, its management, and the urban location.

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). A condition will be imposed on the grant of planning permission to secure the mitigation.

7.41 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

- 7.42 Concerns have been raised regarding access to the wider park by existing and regular users. Whilst these concerns are acknowledged, the proposed PlayZone would occupy only a small part of an established recreational area and would not prevent access to the wider park or its existing facilities. The proposal is intended to enhance the recreational offer available at the site and provide additional opportunities for sport and physical activity. The wider park would remain publicly accessible, and it is not considered that the development would result in a significant adverse impact on the ability of existing users to access or enjoy the park.
- 7.43 In terms of supervision, the PlayZone would function in the same manner as other publicly accessible recreational facilities and its day-to-day management and monitoring are operational matters. There is no evidence before the Local Planning Authority to indicate that the proposed facility would give rise to unacceptable safety, security or management issues that would justify withholding planning permission. The proposal is therefore considered acceptable in this regard.

8. Conclusion

- 8.1 The proposed PlayZone would provide an enhanced recreational facility within an established area of public open space, supporting increased participation in sport and physical activity and contributing to the objectives of Local Plan Policy HP5. Whilst the development would result in a low level of less than substantial harm to the character and appearance of the Conservation Area and the setting of nearby heritage assets, the public benefits are considered to outweigh this harm. Subject to appropriate conditions, including archaeological mitigation, biodiversity enhancement measures and no objection being received from Natural England and Place Services Ecology, the proposal is considered to comply with the relevant policies of the Development Plan and the NPPF 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 planning permission subject to no objections from Natural England and Place Services Ecology being received, and 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-MUK3424-03 Rev B received 28 January 2026

Drawing No. MCA-MUK3424-01 Rev C

Drawing No. MCA-MUK3424-04 Rev A

Drawing No. MCA-MUK3424-05

Drawing No. MCA-MUK3424-06 Rev A

Drawing No. MCA-MUK3424-08

Wydels Electrical Wholesalers 8 Metre Root Mount and Flange Plate Column Drawing

Document detailing floodlighting titled Project number: Cliffe Park MUK 3424 by Powerlight Fitzgerald

Document detailing path LED lighting titled Project number: Cliffe Park Pathway by Powerlight Fitzgerald

Cliff Park Playzone Proposed Materials document dated 11th November 2025

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

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved,

unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. 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: 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 and The Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026.

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>

4 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 3, 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.

5 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) 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).

6 COMPLIANCE REQUIRED: CONSTRUCTION METHOD STATEMENT

CONDITION: The Construction Environmental Management Plan V1 received 26 March 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 REQUIRED - BIODIVERSITY ENHANCEMENT STRATEGY

CONDITION: Notwithstanding the recommendation of the Preliminary Ecological Appraisal (Sibbett Ecology Ltd, October 2025) for the planting of rowan *Sorbus aucuparia* trees in a plot to the east of the PlayZone, 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 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;
- 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).

8 FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 1

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

to carry out the evaluation). The evaluation shall be carried out in its entirety as may be agreed.

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

9 FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 2

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

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

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

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

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

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

10 FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 3

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

provision of results is agreed in writing by the Local Planning Authority.

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

11 SPECIFIC RESTRICTION OF DEVELOPMENT: LIGHTING

CONDITION: The development hereby permitted shall be carried out in accordance with the details of the floodlighting and path LED lighting as shown on the approved plans/documents, one detailing the path LED lighting titled Project number: Cliffe Park Pathway by Powerlight Fitzgerald and the other document detailing floodlighting titled Project number: Cliffe Park MUK 3424 by Powerlight 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 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.

12 ONGOING REQUIREMENT IMPOSED - RESTRICTION ON OPERATION TIMES

CONDITION: The hereby permitted development/use shall only operate between the hours of 08.30 and 22.00 Mondays to Sundays.

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.

Informatives

Positive and Proactive Statement

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

Framework.

Highways Informatives

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

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

10. Additional Considerations

Equality Impact Assessment

- 10.1 In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.
- 10.2 It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.
- 10.3 In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

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

Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Human Rights

- 10.4 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 10.5 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 10.6 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

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

11. Declaration of Interest

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

12. Background Papers

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

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