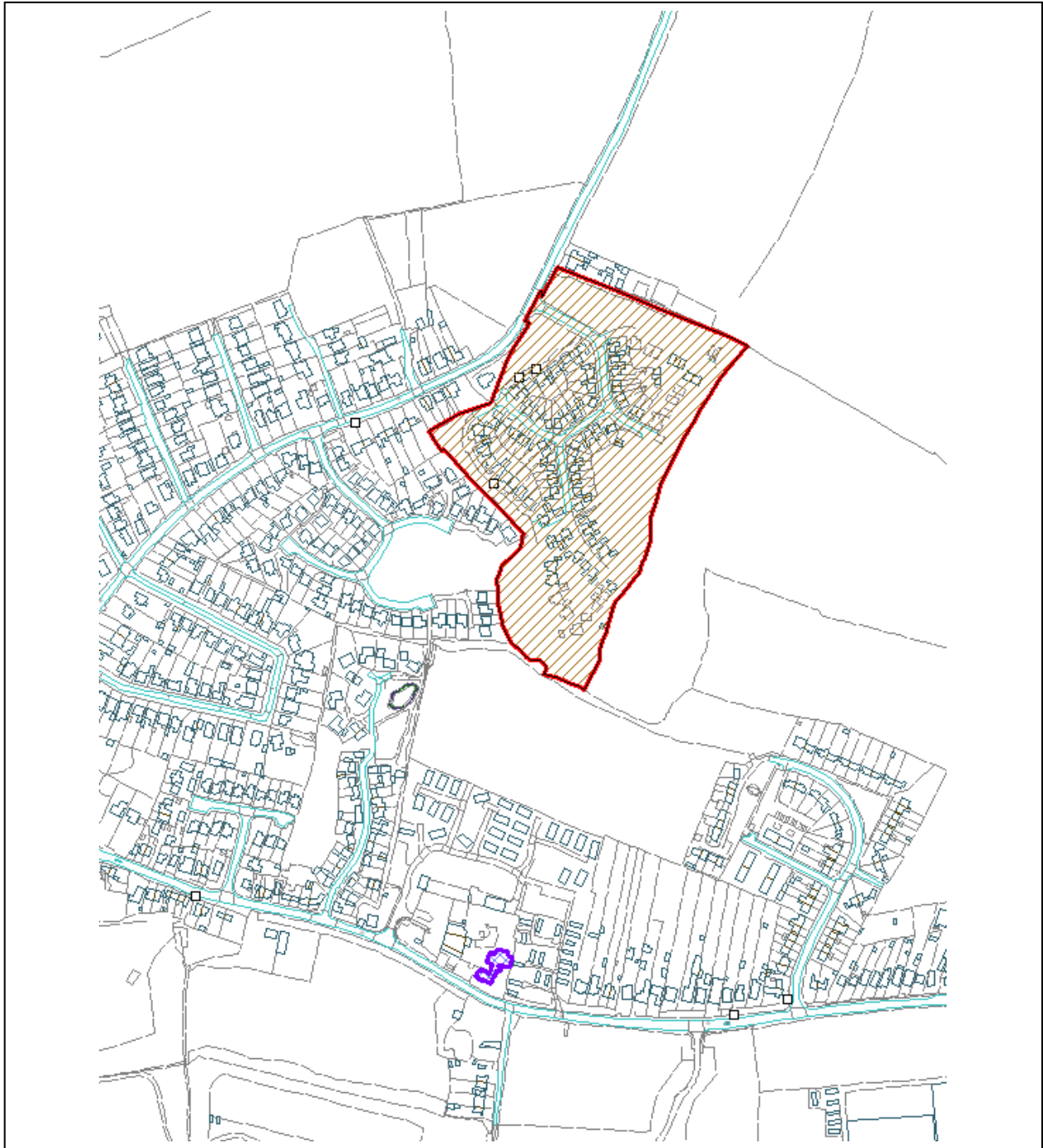


PLANNING COMMITTEE

12th March 2024

REPORT OF THE DIRECTOR OF PLANNING

**A.3 PLANNING APPLICATION – 23/00993/VOC – LAND EAST SIDE OF LANDERMERE ROAD
THORPE LE SOKEN ESSEX CO16 0NF**



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Application:	23/00993/VOC	Expiry Date:	11th October 2023
Case Officer:	Amy Lang	EOT Date:	To be confirmed
Town/ Parish:	Thorpe Le Soken Parish Council		
Applicant:	Bellway Homes		
Address:	Land East Side of Landermere Road Thorpe Le Soken Essex CO16 0NF		
Development:	Application under Section 73 of the Town and Country Planning Act, to allow a variation of Condition 1 (Approved plans) of 17/01482/DETAIL to replace drawing numbers 102 and 2 Rev. E with drawing numbers 102 Rev. A and 2 Rev. F.		

1. Executive Summary

- 1.1 The application is before Members at the request of the Head of Planning and Building Control, in the public interest.
- 1.2 The application seeks a variation to the reserved matters regarding Bellway Homes Henderson Park development of 98 homes off Landermere Road, Thorpe-le-Soken. The application concerns only a very small portion of the site on the eastern boundary, at the end of Henderson Road being approximately 0.018 hectares of the overall site area of 5.6 hectares. This portion of the site forms part of the perimeter landscaping and open space originally approved.
- 1.3 The proposed variation seeks to remove a small section of hedgerow and lawned area on the eastern perimeter to enable this to accord with the approved Henderson Road connection to the adjacent development for 28 bungalows currently under construction. While the approved road link already supersedes, in part, the affected area, the variation updates the open space plan that the original reserved matters and S106 agreement for the 98 homes refers to.
- 1.4 Although the site technically forms part of the overall open space provision as originally approved, due to its small size, peripheral siting, and juxtaposition with the defined areas of amenity space and play area elsewhere on the site, the removal of this section will not result in any material harm to the useability or the amenity value of the open space for residents and it is a significant material consideration that this judgement has already taken place when the 28 bungalows and associated road link was decided.
- 1.5 The resultant open space will continue to provide ample, usable open space provision in excess of Local Plan Policy DI1 requirements for a development of this size.
- 1.6 The proposed variation will not alter the existing layout or situation to an extent that would result in any harm to residential amenity, including pedestrian or highway safety.
- 1.7 The planning obligations associated with the development are secured via a S106 Legal Agreement attached to the outline consent. This application seeks a variation to the reserved matters application and a variation to the original S106 is not required.
- 1.8 For the reasons set out above, in the absence of any material harm resulting from the development, the application is recommended for approval as set out below.

Recommendation: Approval

- 1) That the Head of Planning and Building Control be authorised to approve the variation application 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,
- 2) The informative notes as may be deemed necessary.

2. **Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (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 brought into force.

3. **Neighbourhood Plans**

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

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

4. **Planning Policy**

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

National:

National Planning Policy Framework July 2023 ([NPPF](#))

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

Local:

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

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

CP1 Sustainable Transport and Accessibility

DI1 Infrastructure Delivery and Impact Mitigation

5. **Relevant Planning History (full history available online)**

5.1 Application site (Bellway development):

16/01169/OUT	Outline planning permission for the erection of up to 98 dwellings, public open space and supporting site infrastructure with all matters reserved apart from access.	Approved	28.04.2017
17/01482/DETAIL	Reserved matters application for the erection of up to 98 dwellings, public open space and supporting site infrastructure and site access.	Approved	13.12.2017
18/01195/NMA	Non material amendment to 17/01482/DETAIL - Change to materials schedule to better reflect available materials.	Approved	07.08.2018
19/00369/DETAIL	Reserved Matters Application following Outline Approval of 16/01169/OUT considering appearance only to allow for a change in brick and roof tile materials (variation of previously approved 17/01482/DETAIL and 18/01195/NMA).	Approved	19.06.2019
20/01752/NMA	Non-material amendment to application 19/00369/DETAIL - Alterations to roof tiles for plots 1, 11-14 and 35.	Approved	02.02.2021

5.2 Adjacent site (Scott Properties development):

21/01397/FUL	Proposed construction of 28 no. bungalows with associated parking, roads, site infrastructure and hard and soft landscaping.	Approved	10.02.2023
23/00304/VOC	Application under Section 73 of the Town and Country Planning Act, to allow a variation of condition 15 of 21/01397/FUL to amend the wording as follows: Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the carriageways and footways serving that dwelling, have been constructed to at least base course level or	Approved	25.04.2023

better, in accordance with the approved details. The approved details shall be implemented in full prior to the occupation of the 28th dwelling. Reason - To ensure that roads and footways are constructed to an acceptable standard and to ensure that satisfactory access is provided for residents and the public, in the interests of highway safety.

23/00393/DISCON <i>PART APPROVED</i> Conditions - 18, 19, 20, 21, 22 and 24	Discharge of conditions 15 (Estate Road Details), 18 (Travel Pack), 19 (Construction Management Plan), 20 (Arch Evaluation), 21 (Arch Fieldwork), 22 (Arch Post Evac), 23 (SuDS Scheme) and 24 (Off-site flooding scheme) of application 23/00304/VOC.	Current <i>Approval of Conditions – 15 and 23 imminent – all necessary information received</i>
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6. Consultations

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

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

<u>Tree & Landscape Officer</u>	31.07.2023	NO OBJECTION
The information provided relating to the layout and species selection for the soft landscaping of the open space associated with the development is sufficient to secure a satisfactory amount of new planting.		

<u>ECC Highways Dept</u>	15.08.2023	NO OBJECTION
It is noted that this application concerns variation of condition 1 only to alter the approved S106 Open Space Plan, landscaping, and road to join to neighbouring development approved under 23/00304/VOC, therefore:		
The Highway Authority does not object to the proposal as submitted.		
1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.		
The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org		

UU Open Spaces

No comments received.



7. Representations

Thorpe-le-Soken Parish Council

7.1 No comments have been received from Thorpe-le-Soken Parish Council.

Residents and Other Interested Parties

7.2 33 individual letters of objection have been received against the application (several of which have similar or identical content). The issues and concerns raised can be summarised as follows.

- No right of ownership or right of way to this land, or through it. It belongs to the residents of the Bellway development – not Bellway.
- The applicant has falsely stated ownership on the application.
- All 98 owners should have been given advanced notice of this application.
- 21/01397/FUL certificate of ownership was also flawed (only notifying Bellway and Strutt and Parker Farms).
- 21/01397/FUL falsely stated that no new or altered access was required.
- Dangerous having a new road next to children's play area.
- S106 legal agreement requires open space to be for recreational and amenity use in perpetuity.
- New road is in breach of the S106 legal agreement.
- New road requires planning permission.
- According to the agreement, the public open space should have been handed over to Trinity Management when 80% of the properties had been sold (this benchmark was reached in June 2021).
- Once a plan has been approved that it cannot be changed.
- Enforcement action should be taken due to the unlawful road and breach of S106.
- Damage being done to Henderson Road from construction traffic.
- Case law supports revoking fraudulent approvals.
- Material considerations - planning is concerned with land use in the public interest.

7.3 Concerns raised which are not material planning considerations and / or form private legal matters that cannot be taken into account as part of the assessment of this application are summarised below:

- Loss of open views.
- Impact on house prices.
- Conflicts with what is written into the current residents of Henderson Road title deeds and the management of open space and roads.
- No right of access through Henderson Park development.
- What is the compensation due to residents.
- Occupation restrictions will hinder sale of properties.
- Residents pay toward maintenance of the open space land.
- Bellway promised/showed every Henderson Park resident that no new developments were possible anywhere in the near vicinity.

7.4 Officer Comments on representations received.

On the matter of Ownership. For the purpose of a planning application notice needs to be served on all known owners or otherwise, if there are some unknown owners the application needs to be published. Initially there was some debate on the extent of ownership as, while the focus of the

application relates to a small area, the nature of the variation relates technically to the red line for the 98 dwellings now occupied. Accordingly, ownership notification has been updated during the course of the application and this issue is resolved.

The second matter of ownership relates to claims by residents who live within the occupied 98 dwellings that they own or should own the small open space area itself. While ownership dispute is a private legal matter, in planning terms it is correct to point out two provisions of the S106 agreement for the site (98 Dwellings).

The agreement clearly ensures that at no time will the open space areas of the entire site fall to an individual or individuals who own any of the 98 Dwellings.

Part Two Para 2.3

- 2.3 a covenant that the Council or the Nominated Body (as appropriate) will not transfer the Open Space Land into the individual ownership of the owner or owners of any of the Dwellings

The second provision, for the avoidance of doubt, provides that the S106 does not in any way restrict the powers and functions of the District Council. This covers a range functions, but in planning terms does not stop the consideration of later applications, changing plans or any other planning function.

Under 2 Effect of this Agreement.

- 2.3 Nothing in this Agreement restricts or is intended to restrict the proper exercise at any time by the Council or the County Council of any of their statutory powers, functions or discretions in relation to the Site or otherwise.

Other matters will be considered further in the report, but it is correct that the road (while approved under a separate planning application) is in breach of the open space plan and that is why this variation is made to correct that.

The new road does not require permission as it already has it.

8. **Assessment**

8.1 The main consideration relevant to the assessment and determination of this application can be summarised and addressed as follows:

- Site Description and Context
- Site Background and Adjacent Development
- Proposal
- Loss of Open Space
- Landscaping and Visual Impact
- Parking Provision and Pedestrian Safety
- Impact on Residential Amenity
- Legal Agreement Obligations

Site Description and Context

8.2 The application site is located on the edge of, but within the defined Thorpe-le-Soken Settlement Development Boundary, to the east of the village centre.

- 8.3 The application relates to the Bellway Homes Henderson Park development of 98 homes off Landermere Road approved under planning application reference 16/01169/OUT and 17/01482/DETAIL, with the materials schedule amended under application references 18/01195/NMA, 19/00369/DETAIL and 20/01752/NMA.
- 8.4 The entirety of the Bellway site / Henderson Park development site extends approximately 5.6 hectares in size. As this application seeks a variation to the previous approval under application 17/01482/DETAIL, the application site area is the same. However, the proposed variation concerns only a small portion of the site on the eastern boundary, at the end of Henderson Road, with the junction to Ronson Drive to the north, and the development's play area to the south.
- 8.5 The specific area of the site to which this application relates extends approximately 180 square metres, being 0.018 hectares of the overall site area of 5.6 hectares. This portion of the site forms part of the perimeter landscaping and open space originally approved.
- 8.6 For the purposes of this report, the 0.018ha portion of the overall Bellway development to which this application relates will be hereon referred to as "the site", not to be confused with the entirety of the site identified within the red line.
- 8.7 For illustration purposes only the main area of change is shown on the plan below that has attempted to combine the 98 and 28 dwelling developments together. The red line to indicate the area of landscaping/open space to road link.



Site Background and Adjacent Development

- 8.8 As explained above, the 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively).

- 8.9 The Bellway development, application reference 16/01169/OUT, was approved on 28th April 2017. Although this approval came prior to the full adoption of our current Local Plan, the site was allocated for residential development for the plan period of 2013 – 2033 within the Preferred Options Consultation Document July 2016, and was approved on this basis (subject to several other considerations).
- 8.10 Development of the adjoining land to the east / south-east is currently under construction by Scott Properties as per the approval under planning application reference 21/01397/FUL for 28 no. bungalows and associated parking, roads, site infrastructure and hard and soft landscaping (varied by 23/00304/VOC). Access to the Scott Properties development is to be served by an approved extension to Henderson Road.
- 8.11 For the avoidance of doubt, the extent of the site under development by Scott Properties also formed part of the housing allocation for the plan period as contained within the 2016 preferred options document.
- 8.12 Although land ownership is not normally a material planning consideration, Bellway Homes have confirmed via up-to-date Land Registry documents that they are the sole owners of the site. Parker Farms are the owners of the adjacent land being developed by Scott Properties.
- 8.13 Objections have been received from residents on the basis that Bellway Homes and Scott Properties have failed to correctly serve notice on interested parties and landowners through the planning application process. Submission of a planning application requires notice to be served on any other owners of the application site (red lined site area not including the adopted highways). Officers are content that the correct certificate of ownership has now been completed for this current application. The application has also been the subject of neighbour notification letters, a site notice and press advert.

Proposal

- 8.14 This application seeks a variation application under Section 73 of the Town and Country Planning Act, to allow a variation of Condition 1 (Approved plans) of 17/01482/DETAIL removing a section of hedgerow and lawned area on the eastern edge perimeter and the small section not to be part of the open space plan.
- 8.15 Most of the plans and documents approved under application reference 17/01482/DETAIL will remain unchanged and as approved. The plans that require amendment (the portion of the overall site where the application site features) are listed below. The main layout plans are included in the application description, but it was not expedient to list all plans subject to change.

Drawing Number	Drawing Title
TLS:806 P2	Affordable Housing Site Layout
171650-002 C	Surface And Foul Water Drainage Strategy
171650-003 B	Level Strategy
2 F	Open Space Landscape Masterplan
3 C	Amended S106 Open Space Plan
TLS:803 P7	Materials Finishes
TLS:804 P2	Parking Plan
TLS:805 P2	Refuse Strategy
TLS:806 P2	Affordable Housing Layout
TLS:808 P2	Cycle/Pedestrian Routes
TLS:809 P2	Road Hierarchy Plan
TLS:810 P2	Storey Heights Plan
TLS:811 P2	Constraints Plan
TLS:800 P14	Amended Site Layout

TLS:802 P3	Amended Block Plan
TLS:807 P3	Amended Enclosures Layout
-	Lighting Calculation Received 08.01.2024
101A	Detailed Hard and Soft Landscaping Scheme
102A	Detailed Hard and Soft Landscaping Scheme
103A	Detailed Hard and Soft Landscaping Scheme

8.16 A temporary access has been installed on the site to serve construction traffic associated with the development of the adjacent site. The hedgerow and lawned area have therefore already been removed. This has been undertaken in accordance with the approved plans and arboricultural statement accompanying the application for the 28 bungalows.

Loss of Open Space

8.17 Adopted Local Plan Section 2 Policy DI1 requires all new residential developments of 11 or more dwellings on sites of 1.5 hectares and above to provide a minimum 10% of the gross site area as open space. No single area of useable open space will be less than 0.15 hectares in size.

8.18 The overall Bellway site area amounts to 5.6 hectares. The 10% local plan policy requirement for open space provision for a development this size therefore equates to 0.56 hectares. Furthermore, the site occupies approximately 0.018 hectares falling below the size specified in local plan policy as a useable space.

8.19 As demonstrated on accompanying Drawing Number 3 (S106 Open Space Plan), the resultant open space land will total approximately 1.97 hectares. The open space is formed by amenity open space areas together with a meadow, SuDS features and equipped play area.

8.20 The loss of this small portion of the open space will not result in a policy conflict in so far as open space policy is concerned, and the development will continue to provide ample, usable open space provision in excess of Local Plan Policy DI1 requirements.

8.21 Although the site technically forms part of the overall open space provision as originally approved, due to its small size, peripheral siting, and juxtaposition with the defined areas of amenity space and play area, the loss of this section will not result in a materially harmful impact to the useability of the open space or amenity value of the open space overall.

8.22 Objections have been received on the basis that the developer no longer owns, controls or has right of access to or across the site and that the site belongs to the residents of Henderson Park. As addressed above, Bellway Homes have confirmed via up-to-date Land Registry documents that they are the sole owners of the site. Parker Farms are the owners of the adjacent land being developed by Scott Properties and the S106 does not allow the residents to be owners of this part of the site.

Landscaping and Visual Impact

8.23 As explained above, the approved road link for the 28 bungalows already supersedes, in part, the affected area. This variation updates the relevant plans previously approved for the 98 homes. However, for completeness, the resultant visual impact is addressed as follows.

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

- 8.25 TDLPS2 Policy LP4 relates to housing layout and states; to ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential developments will be expected to incorporate and maximise the use of green infrastructure, verges, trees and other vegetation.
- 8.26 The development proposal shows the removal of a short section of hedgerow approximately 23 metres in length together with a small area of grass. The hedgerow does not fall within the scope of the Hedgerow Regulations 1997 as it is situated on developed land. The Hedgerow Regulations 1997 only apply to hedgerows situated on agricultural land. Furthermore, as Tree Preservation Order (TPO) legislation only relates to trees, the hedgerow also falls outside of the controls of the respective TPO legislation. On this basis, the Local Planning Authority does not have the power to retain the hedgerow.
- 8.27 Officers recognise that the replacement of soft landscaping with hard surfacing will result in a degree of visual harm. Nevertheless, the small size of the site and minimal amount of hedging to be removed, together with the context of the site within the settlement boundary, any harm would be minimal and would not be sufficient justification for refusal.
- 8.28 Moreover, the introduction of the approved new section of highway will be well associated with adjacent development (allocated for residential development within the Local Plan), will not be prominent in its setting and will be sufficiently softened by retained boundary hedging and the extension to the play area and associated new landscaping to be delivered as part of the Scott Properties development.
- 8.29 For these reasons, the development will not have a negative impact on the public realm or local landscape character.

Parking Provision and Pedestrian Safety

- 8.30 Paragraph 114 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users, the design of parking areas and other transport elements reflects current national guidance and the content of associated standards. Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.31 Policy SPL3 Part B of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.
- 8.32 The variation will not result in the loss of any designated visitor parking or alter the road layout to an extent that would materially impact access, turning or parking for residents.
- 8.33 Objections have been received raising concerns with the relationship of the extended road with the adjacent play area. Henderson Road currently extends alongside the play area with pedestrian access and tactile paving already in situ. The play area and surrounding open space are both enclosed by fencing and well set back from the road frontage of Henderson Road. Furthermore, it is noted that vehicular access to the properties fronting Paolozzi Way also runs directly adjacent to this area of open space and close to the play area.
- 8.34 The proposed variation will not alter the existing layout or situation to an extent that would result in any harm to pedestrian or highway safety to warrant refusal.

Impact on Residential Amenity

- 8.35 Paragraph 135 of the NPPF includes that planning decisions should ensure developments create places that are safe, inclusive and accessible, and which promote health and well-being with a high standard of amenity for existing and future users.
- 8.36 Section 1 Policy SP7 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.
- 8.37 Due to its small size, peripheral siting, and juxtaposition with the defined areas of amenity space and play area, the loss of this section will not result in a materially harmful impact on the amenity value of the open space for residents and is not considered to result in any material harm or conflict with the above-mentioned policies.

Legal Agreement Obligations

- 8.38 This current application seeks an amendment to the Reserved Matters application and the S106 is attached to the outline consent. The S106 Open Space Plan is not referenced in the S106 or approved plans conditions (only site layout, landscaping plans etc are listed as approved plans). Details of the location and details of the open space and landscaping were not part of the application.
- 8.39 However, the Section 106 agreement tied to that outline permission did include the provision of securing open space with the submission of the Reserved matters application. Therefore, whatever is agreed with the reserved matters as the open space plan would be protected as open space for public access in perpetually or unless a deed of variation to that agreement is applied for and may be agreed, or unless the plan is changed as sought. This is what is now the case as a S73 Application to change this plan that was agreed under the reserved matters.
- 8.40 Ref 21/01397/FUL for the 28 Dwellings and road link provides planning permission to remove this approved open space, essentially superseding this section of the original outline and reserved matters in terms of layout/design. However, while the planning permission for a road across this space is agreed, the obligation of the original S106 remains and is why that open space plan under the reserved matters needs to be changed to align with the approval.

9. Conclusion

- 9.1 The loss of the small section of vegetation will not result in any material harm to the useability or the amenity value of the open space for residents.
- 9.2 The resultant open space will continue to provide ample, usable open space provision in excess of Local Plan Policy DI1 requirements for a development of this size.
- 9.3 The proposed variation will not alter the existing layout or situation to an extent that would result in any harm to pedestrian or highway safety.
- 9.4 Only the approved plans condition is required in this instance, as all other requirements set out in conditions 2 to 7 of 17/01482/DETAIL have been satisfied through the implementation and completion of the development.

10. Recommendation

- 10.1 The Planning Committee is recommended to grant the variation to the approved plans condition under 17/01482/DETAIL subject to the following conditions and informatives:
- 10.2 Conditions and Reasons

1. COMPLIANCE: APPROVED PLANS AND DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:

17/01482/DETAIL Approved Plans and Documents:

17.011/901 P1	Affordable Housing Plots 4-6 - Proposed Elevations, Floor Plans and Roof Plan
17.011/902 P1	Affordable Housing Plots 7-10 - Proposed Elevations, Floor Plans and Roof Plan
171650-003 A 3 A	Level Strategy S106 Open Space Plan
TLS:001 P2	House Type 2b Bungalow - Proposed Floor Plan and Roof Plan
TLS:002 P2	House Type 2b Bungalow - Proposed Elevations
TLS:003 P1	House Type 2b Bungalow - Proposed Floor Plan and Roof Plan
TLS:004 P1	House Type 2b Bungalow - Proposed Elevations
TLS:005 P1	House Type 2b Bungalow - Proposed Floor Plan and Roof Plan
TLS:006 P1	House Type 2b Bungalow - Proposed Elevations
TLS:011 P1	House Type Almond (Country Brick) - Proposed Floor Plans and Roof Plan
TLS:017 P1	House Type Campbell (Std Brick) - Proposed Elevations, Floor Plans and Roof Plan
TLS:018 P1	House Type Campbell (Render) - Proposed Elevations, Floor Plans and Roof Plan
TLS:019 P1	House Type Campbell (Std Brick-Modern) - Proposed Floor Plans and Roof Plan
TLS:023 P1	House Type Cherry (Std Brick) - Proposed Floor Plans and Roof Plan
TLS:025 P1	House Type Elm (Std Brick-Modern) - Proposed Floor Plans and Roof Plan
TLS:027 P1	House Type Fitzgerald - Proposed Floor Plans and Roof Plan
TLS:028 P1	House Type Fitzgerald - Proposed Elevations
TLS:033 P1	House Type Japonica (Town Render) - Proposed Elevations, Floor Plans and Roof Plan
TLS:037 P1	House Type Mulberry (Std Brick-Modern) - Proposed Elevations and Floor Plans
TLS:041 P1	House Type Osbourne (Std Brick-Modern) - Proposed Elevations and Floor Plans
TLS:042 P1	House Type 1 Bed Maisonette (Std Brick) - Proposed Floor Plans and Roof Plan
TLS:043 P1	House Type 1 Bed Maisonette (Std Brick) – Proposed Elevations
TLS:044 P1	House Type 2b & 3b - Proposed Floor Plans and Roof Plan
TLS:060 P1	Street Elevations Key
TLS:070 P2	Detached Single Garage - Proposed Elevations and Floor Plan (Sheet 1 of 7)
TLS:071 P2	Detached Double Garage - Proposed Elevations and Floor Plan (Sheet 2 of 7)
TLS:072 P2	Detached Double Carport - Proposed Elevations and Floor Plan (Sheet 3 of 7)
TLS:076 P1	Attached Single Garage - Proposed Elevations and Floor Plan (Sheet 4 of 7)
TLS:077 P1	Attached Single Garage - Proposed Elevations and Floor Plan (Sheet 5 of 7)
TLS:078 P1	Attached Double Garage - Proposed Elevations and Floor Plan (Sheet 6 of 7)
TLS:079 P1	Attached Double Garage - Proposed Elevations and Floor Plan (Sheet 7 of 7)
TLS:007 P2	Amended House Type 3b Bungalow - Proposed Floor Plan and Roof Plan
TLS:008 P2	Amended House Type 3b Bungalow - Proposed Elevations
TLS:009 P2	Amended House Type 3b Bungalow - Proposed Floor Plan and Roof Plan
TLS:010 P2	Amended House Type 3b Bungalow – Proposed Elevations
TLS:012 P2	Amended House Type Almond (Country Brick) – Proposed Elevations

TLS:013 P2	Amended House Type Almond (Country Render) - Proposed Floor Plans and Roof Plan
TLS:014 P2	Amended House Type Almond (Country Render) - Proposed Elevations
TLS:015 P2	Amended House Type Campbell (Std Brick-Modern) – Proposed Elevations and Floor Plan
TLS:016 P2	Amended House Type Campbell (Town Brick) – Proposed Elevations, Floor Plans and Roof Plan
TLS:020 P2	Amended House Type Campbell (Std Brick-Modern) - Proposed Elevations
TLS:021 P2	Amended House Type Cherry (Town Brick) - Proposed Elevations, Floor Plans and Roof Plan
TLS:022 P2	Amended House Type Cherry (Town Render-Front Gable) – Proposed Elevations and Floor Plan
TLS:024 P2	Amended House Type Cherry (Std Brick) - Proposed Elevations
TLS:026 P2	Amended House Type Elm (Std Brick-Modern) - Proposed Elevations
TLS:029 P2	Amended House Type Fitzgerald – Proposed Floor Plans and Roof Plan
TLS:030 P2	Amended House Type Fitzgerald – Proposed Elevations
TLS:031 P2	Amended House Type Japonica (Std Brick-Modern) - Proposed Elevations and Floor Plan
TLS:032 P2	Amended House Type Japonica (Country Brick) - Proposed Elevations and Floor Plan
TLS:034 P2	Amended House Type Japonica-Corner Turner (Country Brick) – Proposed Elevations
TLS:035 P2	Amended House Type Japonica-Corner Turner (Country Render) - Proposed Elevations
TLS:036 P2	Amended House Type Walnut (Std Brick-Modern) - Proposed Elevations and Floor Plans
TLS:038 P2	Amended House Type Mulberry (Country Brick) - Proposed Elevations and Floor Plans
TLS:039 P2	Amended House Type Mulberry (Town Brick) - Proposed Elevations, Floor Plans and Roof Plan
TLS:041 P2	Amended House Type Osbourne (Std Brick-Modern) – Proposed Elevations and Floor Plans
TLS:045 P2	Amended House Type 2b & 3b – Proposed Elevations
TLS:046 P1	House Type Fitzgerald (Plot 41) – Proposed Floor Plans
TLS:047 P1	House Type Fitzgerald (Plot 41) – Proposed Elevations
TLS:048 P1	House Type Japonica (Country Brick) - Proposed Elevations, Floor Plans and Roof Plan
TLS:061 P2	Amended Street Elevations (Sheet 1 Of 5)
TLS:062 P2	Amended Street Elevations (Sheet 2 Of 5)
TLS:063 P2	Amended Street Elevations (Sheet 3 Of 5)
TLS:064 P2	Amended Street Elevations (Sheet 4 Of 5)
TLS:065 P2	Amended Street Elevations (Sheet 5 Of 5)
TLS:801 P2	Amended Site Location Plan
171650-011	Drainage Construction Details (Sheet 1 Of 2)
171650-012	Drainage Construction Details (Sheet 2 Of 2)
171650-013	Attenuation Basin Cross Sections

23/00993/VOC Approved Plans and Documents (superseding previous versions):

TLS:806 P2	Affordable Housing Site Layout
171650-002 C	Surface And Foul Water Drainage Strategy
171650-003 B	Level Strategy
2 F	Open Space Landscape Masterplan
3 C	Amended S106 Open Space Plan
TLS:803 P7	Materials Finishes
TLS:804 P2	Parking Plan

TLS:805 P2	Refuse Strategy
TLS:806 P2	Affordable Housing Layout
TLS:808 P2	Cycle/Pedestrian Routes
TLS:809 P2	Road Hierarchy Plan
TLS:810 P2	Storey Heights Plan
TLS:811 P2	Constraints Plan
TLS:800 P14	Amended Site Layout
TLS:802 P3	Amended Block Plan
TLS:807 P3	Amended Enclosures Layout
-	Lighting Calculation Received 08.01.2024
101A	Detailed Hard and Soft Landscaping Scheme
102A	Detailed Hard and Soft Landscaping Scheme
103A	Detailed Hard and Soft Landscaping Scheme

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

10.3 Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received 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.

11. Additional Considerations

Public Sector Equality Duty (PSED)

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

11.4 The proposal overall shall have a neutral impact.

11.5 Consultations undertaken with the affected communities or groups have not been required in this case.

11.6 No mitigation measures required.

Human Rights

11.7 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.

11.8 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).

11.9 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

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

11.11 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.

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/>.