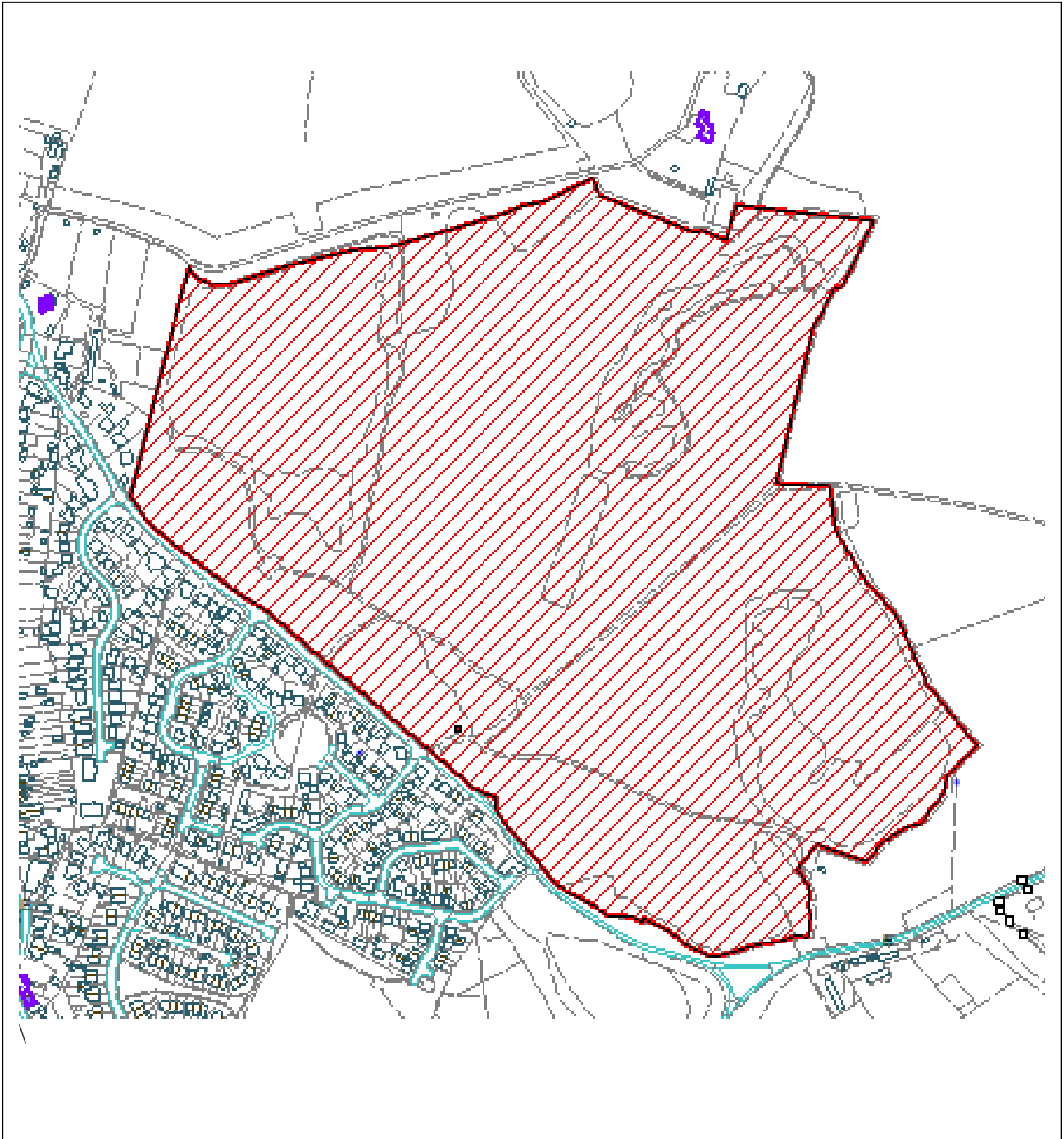


PLANNING COMMITTEE

05TH NOVEMBER 2024

REPORT OF THE DIRECTOR OF PLANNING

**A.2. PLANNING APPLICATION – 23/01196/FUL – LOWER FARM EAST END GREEN
BRIGHTLINGSEA COLCHESTER CO7 0SX**



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Application:	23/01196/FUL	Expiry Date:	11th December 2023
Case Officer:	Matthew Lang	EOT Date:	3rd May 2024
Town/ Parish:	Brightlingsea Town Council		
Applicant:	Artemis (Brightlingsea) Limited		
Address:	Lower Farm East End Green Brightlingsea Essex CO7 0SX		
Development:	Mixed use tourist and residential development of retirement living lodges with an ancillary social hub, detached farmstead houses, and holiday lodges along with separate communal buildings providing dining, leisure and recreation facilities and ancillary activity uses such as glamping, a multi-use games area, events space and nature play areas with associated infrastructure works.		

1. Executive Summary

- 1.1. This application is referred to planning committee because of a 'call in' by Cllr Chapman. The application site is situated on the north-eastern edge of Brightlingsea on land to the north of Robinson Road. The site comprises approximately 81 acres of former gravel workings which established a low-level restoration profile. The site has been left to self-seed, which has created areas of open scrub, grassland and woodland around three former silt lagoons, which have formed five open lakes. The site is located outside of, but directly to the north of, the defined settlement boundary for Brightlingsea.
- 1.2. Full planning permission is sought for: "A mixed-use tourist and residential development of retirement living lodges with an ancillary social hub, detached farmstead houses, and holiday lodges along with separate communal buildings providing dining, leisure and recreation facilities and ancillary activity uses such as glamping, a multi-use games area, events space and nature play areas with associated infrastructure works". The site benefits from an implemented full planning consent (ref: 19/00188/FUL) for 'the development of a mixed-use tourist and residential scheme comprising of retirement living apartments, detached farmhouses and holiday lodges with ancillary facilities such as glamping pods, toilet facilities, a club house/ hub, children's play areas and boating jetties'. This application was submitted in February 2019 and granted full planning permission in March 2021.
- 1.3. This application seeks significant revisions to the previously approved scheme to propose a more contemporary, consistent and sustainable approach to the design of the various buildings located throughout the site. The quantum of accommodation remains as previously approved (i.e. 104 holiday lodges, 36 retirement units and 5 market dwellings), but the size, mix and arrangement of the various units of accommodation has been revised. The development now also proposes a wider range of tourism and leisure facilities predominantly at the western end of the site and revised retirement accommodation from the previously approved retirement apartments to individual retirement lodges supplemented by a communal retirement hub.
- 1.4. Whilst the revisions include an increase to the overall footprint of the development (approximately a 51% increase), they also provide for substantial enhancements over and above the approved scheme in terms of an improved tourism offer through more on-site facilities, ecological benefits via lake and reedbed creation and an enhanced and consistent design approach across the whole development, which incorporates improved sustainability credentials.
- 1.5. When considered against the backdrop of the existing implemented consent, the proposed development would not result in an adverse impact upon residential amenity, highway safety,

landscape impacts or ecological interests. Moreover, the submitted Environmental Impact Assessment has not identified any exceptional circumstances which contravene prevailing legislation or planning policy and, with the added input of statutory consultees who have reviewed the submitted documentation, it is concluded that the proposed development at Lower Farm Park will not result in any significant environmental impacts.

- 1.6. Subject to the applicant entering into a Section 106 agreement to secure contributions towards off-site affordable housing, RAMS, Public Open Space improvements and Highway/Public Right of Way upgrades, alongside obligations to control the occupation of the retirement lodges and the phasing of the development, the proposal is considered to be acceptable and recommended for approval subject to the Conditions outlined at Section 10.2 of this report.

Recommendation: Full Approval subject to conditions listed at section 10.2 and S106 securing the following;

- 1) On appropriate terms as summarised 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 following matters:

- **Affordable Housing Contribution - £952,850 (index linked)**

- **RAMS Contribution - £163.86 per unit**

- **Public Open Space Contribution - £14,080 - Enhancements to Bayards Recreation Park**

- **Highway Contribution £27,300 – Bus Stop upgrade – Bayards Crescent**

- **Highway Contribution towards PRow Improvements (Currently Uncosted)**

- **Phasing Plan (Trigger Points outlined at Section 10.1)**

- **Restriction on Occupation of Retirement Lodges – Over 55's Only**

- 2) That the Head of Planning and Building Control be authorised to grant full planning permission subject to the agreed section 106 agreement and 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,

- 3) The informative notes as may be deemed necessary.

Or;

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

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>

There is not a neighbourhood plan in force within the Brightlingsea area.

4. **Planning Policy**

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

National:

National Planning Policy Framework December 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
SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3 Spatial Strategy for North Essex
SP4 Meeting Housing Needs
SP7 Place Shaping Principles

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

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design

HP1 Improving Health and Wellbeing
HP2 Community Facilities
HP3 Green Infrastructure
HP5 Open Space, Sports and Recreation Facilities

LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
LP5 Affordable Housing

PP8 Tourism
PP10 Camping and Touring Caravan Sites
PP11 Holiday Parks
PP13 The Rural Economy

PPL1 Development and Flood Risk
 PPL3 The Rural Landscape
 PPL4 Biodiversity and Geodiversity
 PPL5 Water Conservation, Drainage and Sewerage
 PPL7 Archaeology
 PPL9 Listed Buildings
 PPL10 Renewable Energy Generation and Energy efficiency Measures

CP1 Sustainable Transport and Accessibility
 CP2 Improving the Transport Network

DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

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

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

5. Relevant Planning History

89/02059/FUL	(Robinson Road, Brightlingsea) Restoration of sand and gravel workings - Renewal of permission TEN/1088/87	Approved	22.05.1990
90/00872/FUL	(Disused Gravel Pits at Robinson Road, Brightlingsea) Holiday leisure home park (200 lodges) and amenities	Refused	03.11.1992
02/01789/TELCO M	Installation of telecommunications mast and ancillary equipment.	Determination	07.11.2002
12/00127/LUEX	Certificate of existing lawful use for recreational fishing.	Granted	23.03.2012
19/00188/FUL	Mixed use tourist and residential scheme comprising enabling development of retirement living apartments (36 units), detached farmstead houses (5 units) and a lodge or club house serving a number of timber holiday lodges (104 units) and ancillary activities such as glamping, toilet facilities and play areas which will be the main focus of the development.	Approved	11.03.2021
23/01196/FUL	Mixed use tourist and residential development of retirement living lodges with an ancillary social hub, detached farmstead houses, and holiday lodges along with separate communal buildings providing dining, leisure and recreation facilities and ancillary activity uses such	Current	

as glamping, a multi-use games area, events space and nature play areas with associated infrastructure works.

23/01473/NMA	Non-Material Amendment to planning permission 19/00188/FUL to alter the trigger for Conditions 6 (surface water drainage scheme), 8 (surface water drainage maintenance), 14 (revised road junction design), and 28 (local recruitment strategy) to be above slab level rather than pre-commencement.	Approved	06.11.2023
23/01655/DISCON	Discharge of conditions 7 (Scheme to minimise the risk of offsite flooding) and 11 (Construction Method Statement) of application 19/00188/FUL.	Approved	05.02.2024

6. Consultations

- 6.1 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.
- 6.2 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 22.08.2024

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

1. Prior to occupation of the development, each road junction / access at its centre line shall be provided with a minimum visibility splay, with dimensions of 2.4-metres by 43-metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of obstruction above 600mm 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 in accordance with policy DM1.

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

a) A priority junction off Robinson Road, as shown in principle on drawing no. 23180-MA-XX-DR-C-0131 - P01, to provide access to the proposed site, including a 2-metre-wide footway/ with tactile paving and a straight section of carriageway to be provided from the entrance junction for 15-metres with a minimum carriageway width of 5.5-metres.

b) A secondary access as shown in principle with drawing no. 23180-MA-XX-DR-C-0130 - P01, to include 7-metre kerb radii with a 2-metre-wide footway/ with tactile paving around the north-western kerb radii together with tactile paving for the existing footway on the opposite side of Robinson Road and a straight section of carriageway to be provided from the entrance junction for 6 metres with a minimum carriageway width of 5.5 metres.

c) A vehicular turning facility as shown in principle on drawing no. 5553/SP/23/SK0001.

- d) The provision of a 3-metre-wide shared footway/ cycleway linking the leisure hub with the secondary access, and Robinson Road.
- e) The upgrade of the nearest bus stop on Bellfield Avenue, to current Essex County Council specification to include but not restricted to, 5-metre raised Kassel kerbs, and cantilever shelter (details to be agreed with Essex County Council prior to commencement of the development).
- f) The extension of the existing waiting restrictions at the junction of Church Road/ Bateman Road, details to be agreed with the Local Planning Authority and in conjunction with Essex County Council.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM7 and DM9.

- 3. No unbound material shall be used in the surface treatment of the vehicular accesses within a minimum of 10-metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

- 4. Any gates retained at the vehicular access shall be inward opening only and shall be set back a minimum of 22-metres from the back edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1.

- 5. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall always be retained in this form. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

- 6. The powered two-wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided in accordance with Policy DM8.

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

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

- 8. Prior to first occupation of the proposed development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years.

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

9. Prior to occupation and until such time as the public footpaths 161_8 & 161_27 (just beyond Marsh Farm) infrastructural improvements required for the upgrade of the natural surface by providing planings with timber edging; the extent to be agreed with the Highway Authority and has been provided entirely at the Developer's expense.

Reason: To make adequate provision within the highway for public footpath 8 and 27 (part) These areas currently have a natural surface so would benefit from an upgrade (a layer of planings with timber edging) due to the additional pedestrian traffic generated as a result of the proposed development.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and National Planning Policy Framework 2023.

Affinity Water **18.09.2023**

Affinity water has no comments to make regarding planning application 23/01196/FUL.

Anglian Water Services Ltd **19.09.2023**

ASSETS

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Brightlingsea-Church Rd Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network

This response has been based on the following submitted documents: FRA and Drainage documents Due to lack of information we are unable to make an informed assessment. A full assessment cannot be made due to lack of information, the applicant has not identified a connection point into the public network. Therefore, the development has the potential to have an unacceptable risk of flooding/or pollution from the network.

Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. We therefore request a condition requiring phasing plan and/or on-site drainage strategy INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by

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

Section 4 - Surface Water Disposal

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

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the 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. 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.

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority were mindful to grant planning approval.

Used Water Sewerage Network (Section 3)

We have no objection subject to the following condition:

Condition - Prior to the construction above damp-proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason To prevent environmental and amenity problems arising from flooding.

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition has been recommended above, please see below information:

Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Essex County Council Archaeology

25.09.2023

The Essex Historic Environment Record (HER) records cropmarks features within the area of the proposed development, these were plotted from historical photographs taken prior to the quarrying activities within the site boundaries. Any archaeological remains within the site are likely to have been previously impacted upon through quarrying activities.

There is unlikely to be any significant impact on any archaeological remains from the proposed development due to the former use of the site, there is no objection to the above application.

ECC Green Infrastructure

03.10.2023

Thank you for your email which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed landscape and green infrastructure (GI) strategy/plans for the aforementioned planning application.

ECC currently provides advice on green infrastructure schemes (GI) for major developments. ECC have been consultees on GI since 2018. Although there are no statutory requirements for GI, the 25 Year Environment Plan and Environment Act (2021) place significant importance on protecting and enhancing GI, accessibility and biodiversity net gain.

In providing advice we look to ensure that adequate provision, protection and improvements of high-quality GI comply with the objectives and planning principles set out in the following documents:

- Local Planning Authorities (LPA) Green Infrastructure Strategy/ SPD or equivalent green and open space strategies provides further guidance on the LPA's Local Development Plan policies regarding the Council's approach to green infrastructure provision in the local authority area.
- Essex Green Infrastructure Strategy, 2020, aims to enhance the urban and rural environment, through creating connected multi-functional GI that delivers multiple benefits to people and wildlife. It meets the County Council's aspirations to improve GI and green spaces in our towns, city and villages, especially close to areas of deprivation.
- Essex Green Infrastructure Standards, 2022, provide clear guidance on the requirements on both planning policy and planning application and processes.

ECC GI position

Having reviewed the Environment Statement (ES), Design and Access Statement (DAS), Soft Landscape Proposals and Schedules and the associated documents which accompanied the planning application, **we do not object** to the granting of 23/01196/FUL based on the following:

ECC GI Team welcomes the Soft Landscaping Proposal and schedule. If these, along with the green roofs mentioned in the ES and DAS, as well as the mitigation recommendations in the Preliminary Ecological Assessment (PEA) and Arboricultural Impact Assessment (AIA)

documents, are implemented, the potential harm from the proposed vegetation removal will be adequately mitigated.

Condition 1

The ES mentions that a Construction Environmental Management Plan (CEMP) will be created and that the landscaping will be delivered in stages, which is a positive. It is suggested that the CEMP be protected by a planning condition. In that no development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a Construction Environmental Management Plan (CEMP). With strategic elements of the GI framework brought forward in phase one of the development, to create a landscape structure or that substantive GI is secured as early as possible in each phase of delivery to allow early establishment. A CEMP will be required to set out how retained GI, such as trees, hedges and vegetation, will be protected during construction. As recommended within the ES, PEA and AIA.

Reason:

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

Condition 2

The ES recommends that a Landscape Ecological Management Plan (LEMP) should be produced. No development shall take place until there has been submitted to and approved, in writing, by SuDS and landscape specialists at the Local Planning Authority a landscape ecological management and maintenance plan and work schedule for a minimum of 10 years.

Details should include who is responsible for GI assets (including any surface water drainage system) and the maintenance activities/frequencies.

We would also expect details on how management company services for the maintenance of GI assets and green spaces shall be funded and managed for the lifetime of the development to be included.

Reason:

To ensure appropriate management and maintenance arrangements and funding mechanisms are put in place to maintain high-quality value and benefits of the GI assets.

Failure to provide the above required information before commencement of works may result in reducing the value of the development, becoming an undesirable place to live that may increase the impacts from climate change, such as flood risk or air pollution from the site.

Condition 3

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

Reason:

To ensure the GI are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure the high-quality and multi-functional benefits of GI assets.

Other consideration -

Essex Climate Focus Area

The aforementioned planning application is situated within the Essex Climate Action Commission's (ECAC) recommended Climate Focus Area (CFA), which is formed of the Blackwater and Colne River catchment areas (please see Figure 1 for further details). The objective of this recommendation is for the CFA to "accelerate [climate] action and provide exemplars, for learning and innovation: adopting Sustainable Land stewardship practices: 100% by 2030 and Natural Green Infrastructure: 30% by 2030" (ECAC, 2021). Among the objectives of the CFA are to achieve net zero carbon, biodiversity net gain, improve soil health and air quality, reduce flooding and urban heat island effect, and enhance amenity, liveability and wellbeing of Essex communities. It will achieve this by wholesale landscape change in rural areas and urban areas and it will look to developments to contribute to these targets.

Figure 1: Map of ECACs Climate Focus Area

CFA require developments to take into account the following requirements in in line with meeting the requirements outlined in NPPF:

- a) biodiversity net gain to enhance biodiversity and the natural environment by creating Natural Green Infrastructure contributing to the CFA 30% by 2030 target and the wider Local Nature Recovery Network/Strategy.
- b) flood and water management, for those properties at risk of flooding to include Integrated Water Management and Natural Flood Management techniques.
- c) New developments to improve urban greening of our towns, and villages through the provision of street trees for example. New developments are necessary in terms of increasing greenspace creation, naturalizing existing green spaces, greening the public realm, and implementing sustainable drainage systems (SuDS).

ECC Planner Minerals

No comments received

ECC Schools Service

No comments received

Economic Growth Team

18.09.2023

Tendring District Council's Economic Growth Team would support this application due to it having the potential to bring tourism and growth to the district.

Environment Agency

03.11.2023

Thank you for your consultation we have reviewed the plans as proposed and we consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed

development on this site poses an unacceptable risk to the environment and we would object to the application.

Land Contamination

This site is located above a Secondary A Aquifer (Kesgrave Formation) and is close to drains leading to Flag Creek. The site is considered to be of moderately low environmental sensitivity. The past use could present potential pollutant linkages to controlled waters.

Due to significant resource pressures, we are unable to provide a full review of the submitted documents. However, we have carried out a partial review and place reliance on the competent person as to the accuracy of the conclusions and recommendations provided within the submitted reports. Based on our partial review, we make the following comments:

Given the relatively low environmental sensitivity setting, the proposed land use, past use as an inert landfill, and following partial review of:

- CET Preliminary Ground Investigation & Generic Risk Assessment of November 2017 (ref: 392576)
- Soiltechnics Ground Investigation Report of August 2023 (ref: STV6024-R01 Rev B)
- SLR Flood Risk Assessment and Surface Water Drainage Strategy of 15 August 2023 (ref: 425.64239.00001)

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Our only comment on the Soiltechnics report is that VOC and TPH were contaminants of concern for groundwater in the conceptual site model, but these were not tested for in the groundwater sampling but given other assurances with soil testing and environmental setting, we do not consider this significant enough to object.

It is noted that infiltration is not proposed at this development. If this changes in future, please reconsult us.

We ask to be consulted on the details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations.

Condition 1

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons

To protect and prevent the pollution of the water environment (particularly the Secondary A aquifer and drains leading to Flag Creek) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF 2021; paragraphs 174, 183 and 184), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 - A6, J1 - J7 and N7.

Shoreline Management Plan

We have reviewed the application details, and Shoreline Management Plan, and it is clear that all the proposed works are well above potential Flood zones and therefore will not be affected by any impacts of coastal flooding irrespective of any realignment proposed.

Environmental Protection

23.10.2023

Environmental Impact Assessment: with reference to the submitted EIA, dated August 2023; I can advise the EP Team are satisfied with its contents and the methodologies utilised. Given the report covers several aspects of interest to the EP Team, we have broken them down for individual responses below -

- Air Quality and Dust: The findings of the submitted AQ report outlines the proposed development won't have an adverse impact on the local air quality, and as such we are satisfied with the outcome of the report, and the methodology used to confirm this aspect relating to the operational phase. However, as the proposed development is considered to be a medium risk of dust impacts, the EP Team are requesting a Dust Management Plan (DMP) to be conditioned/submitted to the LPA for approval; this report should include all highly recommended methods stated within the report.

- Noise and Vibration: A number of mitigation measures, as well as best practicable means have been identified in relation to noise during the construction phase; as such the EP Team are requesting the submission of a formal Construction Method statement, of which would need to include all relevant measures outlined within the EIA, and shall be submitted to the LPA for approval prior to the commencement of any works. Submission of section 61 applications should also be considered, should works need to take place outside of normal construction hours. With reference to the noise generated by the operational phase; due to some unknown factors in relation to plant noise, the EP Team would request a further information once the machinery has been confirmed. In addition, appropriate design and glazing should be implemented, as outlined in the report, to minimise any adverse impact. With additional reference to the submitted Acoustic assessment report by Blackbird Acoustics, dated July 2023 the EP Team would request all additional mitigation laid out within this assessment is implemented in relation to both construction and operational phases.

- Contaminated Land: The EP Team are satisfied with the findings of the phase 2 investigation and the additional information and proposed mitigation outlined in the EIA. Table 7.4 contained within the geotechnical report, outlines the proposed measures and significance of impact. Providing all methods laid out in this report are performed and adhered to along with any copies of remediation statements, we have no further comments to make in relation to contaminated land.

Arch. Liaison Off, Essex Police

25.09.2023

The Essex Police Designing out Crime team welcomes the opportunity to make comment on the planning application 23/01196/FUL.

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

the available documentation, Essex Police would welcome the opportunity to discuss the following considerations with the applicant.

Movement Strategy (Access and Egress) Essex Police would request further information regarding the access and movement proposals of the site ensuring that security cannot be easily compromised. This will mitigate the potential to design in 'crime and anti-social behaviour (ASB) generators,' which could breach the integrity, safety and compromise the suitability of the proposed development.

Landscape plan Effective public realm spaces are designed where safety and security are subliminal to the user of that space. We would welcome the opportunity to liaise regarding the green architecture and appropriate landscaping plan, especially with regards to the use and management of the proposed public realm spaces.

Lighting Considerations Lighting plays a pivotal role in deterring criminal activity, but also promotes a feeling of safety within that space. When designing both public and private space, (and when applied and designed correctly), lighting can reduce the potential for crime. Essex Police would wish to seek further clarity regarding the lighting proposals as it is imperative that the lighting provision must provide uniform illumination with due consideration given to the spill of light and ecological considerations.

Physical security

The physical security for the dwellings, communal and holiday units is not mentioned within the documents submitted to the planning portal. We would be keen to discuss how the applicant intends to secure these units to keep future residents and visitors safe whilst also preventing crime and anti-social behaviour.

Management and maintenance At the appropriate stage within the planning process, we would be keen to understand the finer detail of management and maintenance proposals. The long-term durability of security can only be guaranteed if it is maintained and regularly serviced with appropriate plans in place to ensure security does not fall into disrepair through neglect.

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

SBD is the national official police security initiative that works to improve the security of building and their immediate surroundings to provide a safe and secure environment to help reduce the opportunities for crime and minimise the fear of crime, as referenced in the NPPF, 'Promoting Healthy and Safe Communities'.

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

Natural England

08.10.2024

DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for Essex Coast RAMS. It is anticipated that new residential development within this ZOI is 'likely

to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development. This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

Natural England advises that the specific measures (including financial contribution, signage, client's visitor website, visitor/information leaflets, dog bins, and over 2.3 ha circular walks on site) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those European Site within the ZOI, alone and combination with other plans and projects.

Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of those European Site(s) within the ZOI for the duration of the proposed development.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of its conservation objectives) with regards to recreational disturbance.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

Other advice

It is of note that, where tourist accommodation is open all year around, it is up to the local authority to decide if the applicant should pay the tariff for these units, as we advise that the development would become more similar to residential than tourism.

Functionally linked land Natural England confirmed in our response dated 21 February 2024 – that we were satisfied with the level of survey effort/ desktop study provided to agree that the application site is not being used as functional habitat associated with the Colne Estuary.

Biodiversity Net Gain (BNG)

Natural England agree that since the application was validated prior to mandatory net gain, no assessment is legally required.

Soils

We welcome the additional soils information contained in the Carter Jones letter dated 28 February 2024, we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20ha 'best and most versatile' (BMV) agricultural land.

For this reason, we do not propose to make any detailed comments in relation to agricultural land quality and soils, although sustainable soil management should aim to minimise risks to

the ecosystem services which soils provide, through appropriate site design / masterplan / Green Infrastructure. Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of soil resource information in line with the Defra guidance Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.

NHS East Essex CCG

No comments received

UU Open Spaces

19.10.2023

Public Realm Assessment

Play Space - current deficit:

- Deficit of 6.43 hectares of equipped play in Brightlingsea

Formal Play - current deficit:

- Deficit of 7.25 hectares of Open Space

Settlement provision:

- Pawsons Playground LEAP and Open Space 1.7miles to development

- Bayard Rec Ground LEAP and Open Space 0.8 miles to development

Officer Conclusions and Recommendations

Contribution necessary, related, and reasonable?
to comply with CIL Regs*

- Although the development includes an on-site play area it is likely that this is going to be for holiday guests only and not available to residents. A contribution towards improvement existing open space and play facilities is relevant and justified to this application. The contribution will be used to improve Bayards Rec.

Network Planner - UK Power Networks

No comments received

Essex County Council Ecology

01.03.2024

No objection subject to securing:

- a) a proportionate financial contribution towards Essex Coast RAMS
- b) biodiversity mitigation and enhancement measures

Summary

Further to our comments on 13th December 2023, we have reviewed the Further Ecological Response Letter (Tim Moya Associates, February 2024), Bats and Lighting Response (Tim Moya Associates, January 2024), and Winter Bird Analysis (Tim Moya Associates, January 2024) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.

We note that the Winter Bird Analysis (Tim Moya Associates, January 2024) concludes that "surveys undertaken of the proposed development site do not suggest that any bird species included in the citation for Colne Estuary SPA regularly makes use of the proposed development site in numbers that would classify the site as Functionally Linked to the SPA". We are satisfied that the submitted information.

Therefore, a Habitats Regulations Assessment will need to be prepared by the LPA (as the competent authority), to demonstrate that adverse impacts on integrity of the Habitats sites within scope, either alone or in combination with other plans and projects, can be avoided from the development.

We are now satisfied that there is sufficient ecological information available for determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal (Adonis Ecology, August 2022) and Ecological Constraints and Opportunities Summary (Tim Moya Associates, August 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly Otter, Water Vole, Badger, nesting birds, Hedgehog, Common Toad and Brown Hare.

Furthermore, a Construction Environmental Management Plan for Biodiversity (CEMP: biodiversity) should be produced and submitted as condition of consent. This is to ensure that any potential impacts to retained habitat, Robinsons Road Ponds Te47 LoWS, and other protected and Priority species are mitigated.

European Protected Species - Bats

Within our previous comments on 13th December 2024, it was noted that the results of additional presence / likely absence surveys were advised as Trees T37, T112, T126, T1338, and T110 have potential for roosting bats. However, the Further Ecological Response Letter (Tim Moya Associates, February 2024) explains that these trees do not require removal to accommodate the development and rather a long-term issue with tree health and safety. We also note that the "The development is anticipated to be completed through many separate phases of works over a period of several years" and that "Any extensive survey data gathered now prior to the determination of planning consent will therefore quickly become obsolete". Given the reasonable justification provided within the Further Ecological Response Letter (Tim Moya Associates, February 2024) that these trees do not require removal to accommodate the development, no further surveys are considered necessary prior to determination.

In regard to the potential increase in lighting resulting in likely impacts to foraging and commuting bats, it was advised within our previous comments (13th December 2024) that bat activity surveys be undertaken to identify how and what species of bats are using the site. We note Bats and Lighting Response (Tim Moya Associates, January 2024) includes a proposed draft lighting plan, demonstrating lit areas and potential bat commuting routes. It is demonstrated that proposed lighting, assuming the unlikely event that all lighting will be on at any one time, will be low level (0.2 lux at any extent), have a Colour Temperatures of <3000k,

and only contained within areas that need to be lit. Therefore, we are now satisfied that foraging and committing bats within the site can be mitigated. As a result, we recommend that a finalised sensitive lighting scheme is submitted to the LPA and secured by a condition of consent.

Protected Species - Reptiles

We note the Further Ecological Response Letter (Tim Moya Associates, February 2024) provides clarification that the onsite translocation of reptiles, will not be restricted to a receptor known as the "Hills and hollows" within the southeast of the site. The Further Ecological Response Letter (Tim Moya Associates, February 2024) highlights that the "low" population of Slowworm and Common Lizard would be moved to suitable areas, which will be enhanced, throughout the site. It is considered that the LPA now has certainty of the likely impacts to these protected species. Therefore, a finalised Reptile Mitigation Strategy should be produced and submitted as part of the CEMP: Biodiversity. However, we advise that any reptiles translocated should not be placed within the "hills and hollows" area due to the isolated nature of this area, which could result in killing and injury.

Priority Habitats

Furthermore, the Further Ecological Response Letter (Tim Moya Associates, February 2024) explains that Lowland Fen Priority habitat no longer meets the categorisation for a Habitat of Principal Importance. However, the Lowland Dry Acid Grassland Priority habitat does meet the criteria, although confirmed to be outside of the development boundary. As a result, the LPA can be satisfied that Priority habitats will not be directly affected by the proposals.

Local Wildlife Sites (LoWS) - Robinsons Road Ponds Te47

We note that the Further Ecological Response Letter (Tim Moya Associates, February 2024) provides a recap of the proposed habitat enhancement measures throughout the site. These include the extension of the southern lake, marginal aquatic planting, provision of islands and rafts for wetland birds, and the creation of two new lakes within the site. Furthermore, we also support the new proposals of reedbed creation within the LoWS lakes stated within the Further Ecological Response Letter (Tim Moya Associates, February 2024). Considering the proposed enhancements throughout, it is considered that this development will likely not result in detrimental impacts to the condition of the Local Wildlife Site and that a net gain of biodiversity within the site can be demonstrated.

Additional Comments

We also support the proposed reasonable biodiversity enhancements which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 180d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

As advised within the Further Ecological Response Letter (Tim Moya Associates, February 2024), it is recommended that a Landscape and Ecological Management Plan (LEMP) be secured by condition of consent to ensure that biodiversity enhancements are managed appropriately for the long-term benefit of biodiversity.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Adonis Ecology, August 2022) and Ecological Constraints and Opportunities Summary (Tim Moya Associates, August 2023) 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 (Priority habitats & species).

2. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures including a finalised Reptile Mitigation Strategy (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

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 (Priority habitats & species).

3. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"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 or product descriptions to achieve stated objectives;

- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- 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 prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

4. PRIOR TO BENEFICIAL USE: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the beneficial use of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details"

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 (Priority habitats & species)

5. PRIOR TO BENEFICIAL USE: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

ECC SuDS Consultee

03.11.2023

Thank you for your email received on 13/09/2023 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

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

Condition 1

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

- Provide 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.
- Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- 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. Cover levels and invert levels are also to be included on the drainage plan.
- A final detailed drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

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

Condition 2

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

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

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

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

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

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

Reason

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

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>

- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures

- Please consider the use on non-return valves in this development.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Essex County Council Heritage

04.10.2023

The application is for mixed use tourist and residential development of retirement living lodges with an ancillary social hub, detached farmstead houses, and holiday lodges along with separate communal buildings providing dining, leisure and recreation facilities and ancillary

activity uses such as glamping, a multi-use games area, events space and nature play areas with associated infrastructure works.

The proposal site was historically associated to Grade II Listed Marsh Farm, located in close proximity to the Northern boundary. A WWII pillbox recorder on the HER (EHER Ref. 21336) is also situated on the site boundary.

The proposal is a revision of the scheme previously approved under planning application 19/00188/FUL. The applicant also engaged in a pre-application process for this revised proposal in 2023.

As previously assessed, the historic agrarian setting of Marsh Farm and the WWII Pillbox has already been compromised due to the change of use of the surrounding land for mineral extraction. As noted in relation to the approved scheme, the introduction of a built form within an historically undeveloped land would further change those elements of the setting which contribute to the significance of the designated heritage assets and to the way this significance is experienced, perceived and understood.

With regards to the NPPF, the level of harm to Marsh Farm, similarly to the previous scheme and as also stated in the attached heritage assessment, would be considered at the lower end than less than substantial and Paragraph 202 of the NPPF is relevant. As such the local planning authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use.

Similarly, effect of the proposal on the WWII Pillbox as non-designated heritage asset should be taken into account (Paragraph 203 of the NPPF) having regard for the scale of harm identified and the significance of the heritage asset.

Food Health and Safety

No comments received

Essex Wildlife Trust

13.10.2023

Thank you for consulting us regarding the above application. Essex Wildlife Trust objects to this proposal for the following reasons:

- The proposal will result in a significant net biodiversity loss
- The applicant has not provided a biodiversity net gain assessment
- The proposal conflicts with NPPF guidance on protecting biodiversity
- The proposal is in direct conflict with the Government's aspirations for Nature's Recovery
- The proposal will result in permanent harm to a designated Local Wildlife Site
- Disturbance impacts on designated features of the Colne Estuary Special Protection Area (SPA), Ramsar, Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR)

1. Biodiversity Net Gain

Essex Wildlife Trust recently attended a public meeting held by the applicants, Artemis Ltd, in Brightlingsea Parish Hall. The applicants stated that a biodiversity net gain assessment would be included as part of the application. However, they have not provided a biodiversity net gain

assessment. We take the view that the proposed development cannot deliver a measurable net gain in biodiversity but will result in significant biodiversity loss. There is insufficient wildlife habitat retained within the proposals to achieve biodiversity net gain.

The NPPF provides the policy context for the assessment of ecological impacts. The Framework sets out the ways in which planning policies and decisions should contribute to and enhance the natural and local environment, including by securing measurable net gains for biodiversity. Measurable net gains can only be assured by utilising the Defra Metric tool to provide a BNG assessment.

The Environment Act 2021 includes a requirement that development must deliver a minimum 10% BNG. This is expected to become mandatory in January 2024, but in the meantime the direction of travel being adopted in local policies and planning decisions by local authorities, and by the majority of developers, is to commit to the delivery of at least 10% BNG.

Whilst we acknowledge that delivery of a minimum 10% BNG will not be mandatory until January 2024, developers are already expected to deliver a measurable net gain for biodiversity in line with the NPPF. Para. 174 of the Framework states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

Para. 179 states:

To protect and enhance biodiversity and geodiversity, plans should:

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Many local authorities in England have already incorporated the requirement to deliver at least a minimum 10% BNG into their local policies and this is clearly the accepted direction of travel. We would expect Tendring DC to advise developers that they must demonstrate how they will achieve delivery of a measurable net gain alongside each application. The accepted methodology for achieving this is by using the latest version of the Defra Metric tool. currently Version 4.1.

The applicant should therefore be required to provide a biodiversity net gain assessment to demonstrate how this will be achieved.

2. Nature's recovery

The application site includes a designated Local Wildlife Site, Robinson Road Ponds and areas of S41 Priority Habitat. The proposal will result in the reduction and increased fragmentation of habitats and harm to core areas of habitat. resulting in a reduction in habitat quality of a Local Wildlife Site and permanent loss of other areas of priority habitat. resulting in a net biodiversity loss.

We are in a climate and nature emergency. To reverse the declines in biodiversity and realise nature's recovery at scale, it is essential to protect and enhance existing natural habitats, such as Local Wildlife Sites like Robinson Road Ponds, and also expand them by restoring and creating new areas of species-rich habitat, and critically, ensuring they join up to create functional and resilient ecological networks.

In 2018, the Government launched an ambition to create a Nature Recovery Network (NRN). Set out within its 25 Year Environment Plan, the proposal for the network is designed to provide an integrated, spatial approach to nature's recovery. It is based on the Lawton principle that in order to thrive, nature in this country needs bigger, better and more connected areas of wildlife-rich habitat.

Following this, the Environment Act 2021 introduced a number of new duties for local authorities which are of relevance to nature's recovery and biodiversity including:

- All planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain from January 2024
- Enhanced duty for LAs to conserve and enhance biodiversity and report on their actions
- LPA's will need to comply with the above duty and have regard to the Local Nature Recovery Strategy in local planning policy and decisions
- Responsible authorities appointed by the Secretary of State to lead the Local Nature Recovery Strategy (LNRS), working with a broad range of stakeholders

The proposal is in direct conflict with Government aspirations for nature's recovery, and conflicts with Tendring DC's enhanced mandatory duty under the Environment Act to conserve and enhance biodiversity. It is also contrary to NPPF guidelines for the protection of Local Wildlife Sites to recognise their importance and the contribution they make to wider ecological networks and as core areas of habitat vital to emerging Local Nature Recovery Networks.

The proposed development is considerably larger and more intrusive than the previously consented proposal. It encroaches right up to the edges of the existing lakes, which are designated as Robinson Road Ponds Local Wildlife Site. This will result in the loss of marginal habitats and increased disturbance to wildlife using the lakes.

Local Wildlife Sites play a critical conservation role. Tendring DC's local plan Policy PPL 4 states that:

Sites designated for their local importance to nature conservation, including Local Wildlife Sites (Lo WS), Ancient Woodlands, Protected Verges and aged or veteran trees will be protected from development likely to have an adverse impact on such sites or features. Proposals for new development should be supported by an appropriate ecological assessment. Where new development would harm biodiversity or geodiversity, planning permission will only be granted in exceptional circumstances, where the benefits of the development demonstrably outweigh the harm caused and where adequate mitigation or, as a last resort, compensation measures are included, to ensure a net gain, in biodiversity.

EIA Chapter 8 Ecology and Biodiversity states:

8.166 Furthermore, management will ensure that recreational aquatic activities are limited to 'Lake 01' (largest westernmost lake) and that the other lakes will be largely undisturbed. General awareness amongst residents and information packs will help ensure that no activities disturb the other lakes.

We strongly disagree with the above statement. The proposals indicate that the proposed lodges will be located around the edges of the lakes, frequently including decking that intrudes over the water. The degree of disturbance to any wildlife attempting to use the lakes and their margins for foraging, breeding, and shelter, will be considerable and is likely to preclude their use by all but a few species habituated to high levels of anthropogenic disturbance. We do not concur with the view that "general awareness" and information packs will prevent such disturbance.

The local wildlife site was designated for its priority wet woodland and reedbed habitats. Poor management has resulted in damage to some of this important habitat. However, restoration of the site would be relatively easy to achieve. The currently reduced condition of the site should not be used as a reason to support development and further damage. On the contrary, in line with the requirements of the Environment Act 2021, the aims of the local authority must be to not only protect these core areas of habitat from harm but to encourage proposals which will enhance, buffer and increase the extent, ecological functionality and connectivity of these core areas. The current proposals are in direct conflict with these aspirations.

3- Colne Estuary SPA

The application site is located less than 150m from the Colne Estuary Special Protection Area (SPA), Ramsar, Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR)

The Colne Estuary SPA comprises a wide diversity of habitats with large stretches of mudflats fringed by saltmarsh on the upper shores. The surrounding terrestrial habitats - the sea wall, ancient grazing marsh and its associated fleet and ditch systems, plus semi-improved grassland - are also of high conservation interest.

The Colne Estuary is a site of significant international ornithological importance for overwintering birds, including raptors, geese, ducks and waders. The diversity of estuarine habitats provides good quality feeding areas for a diversity of waterbird species. At high tide, the birds roost along the shoreline and salt marsh fringe. The site is also important in summer for breeding birds.

The site is designated for overwintering Dark-bellied Brent Geese, Redshank, Hen Harrier and for its overall wintering waterbird assemblage. It is also designated for breeding Little Tern, Pochard and Ringed Plover.

The proposed scheme, which is considerably larger and more intrusive than the previously consented scheme, will result in adverse impacts on site integrity of the SPA, due to increased anthropogenic disturbance (including noise and light pollution) and recreational impacts. Regardless of the provision of on-site green space, holidaymakers staying on the proposed site will still visit the SPA; it provides a unique experience and a unique environment.

The impact of the development on wintering birds will be significant. Wintering birds have a high sensitivity to negative impacts; they are extremely sensitive to disturbance and easily perturbed by habitat loss. The spatial extent of disturbance impacts from the development are considered likely to extend beyond the boundaries of the application site and are likely to impact wintering bird species listed on the citations for the SPA, SSSI and Ramsar site, which is only 135m away.

4. Wintering and breeding birds

The application site itself provides an important resource for wintering bird species in the area. The value of the site to wintering birds is evidenced by the fact that it supports several notable species including; curlew, gadwall, meadow pipit, tawny owl, woodcock, black-headed gull, and mallard. The application site includes habitats which contribute to the overall diversity of bird species at the site. The habitat mosaic of lakes, woodland, scrub, and open grassland provides opportunities for a diverse assemblage of wintering birds to occur at the site. Species including woodcock, curlew and meadow pipit will be negatively impacted by the proposals and are likely to be entirely lost as wintering species post-construction due to the loss of key habitats and significantly increased human disturbance.

The proposed development will result in a significant loss of nesting bird habitat, particularly for species nesting in grassland, such as skylark.

EIA Chapter 8 Ecology and Biodiversity states:

Mitigation Measures

8.162 The inclusion of some areas of meadow grassland within the proposed development landscaping will compensate for some of the overall loss of grassland across the site.

We strongly contest the above statement. The proposed areas of "meadow grassland" within the development will be subject to considerable human disturbance. trampling and dog fouling. Under such pressures. the achievement of "meadow grassland" habitat quality will not be possible.

The extent of these proposed grassland areas will be insufficient to support ground-nesting birds such as skylarks. which require large areas of undisturbed habitat. For example. maximum population density of breeding skylarks in optimal arable habitat was found to be 6 pairs per 1km square, while the mean population density was 4.55 pairs per 1km square. National guidance on the creation of artificial skylark plots on farmland advises 2 skylark plots per hectare.

EIA Chapter 8 Ecology and Biodiversity states:

8.181 The PEA report (Adonis Ecology. 2022) (Appendix 8.1 of this chapter) concluded that the hedgerows. trees. shrubs and scrub were considered to provide some potential for Section 41 nesting bird species. Given the majority of these habitats will be retained within the proposed development. the risk of any impact to the local populations of Section 41 species which may use these habitats was considered to be negligible.

We strongly disagree with the above statement. Given the scale and quantum of proposed development. the anthropogenic disturbance impacts on nesting birds will be permanent and significant, resulting in an overall reduction in the number of breeding territories and a reduction in species diversity, giving a net biodiversity loss.

5. Conclusion

The application represents a development of hubristic scale and intrusiveness which is wholly inappropriate for such an ecologically sensitive location. It will result in considerable harm to wildlife, impacts on an internationally designated site, impacts on a site of County level importance, fragmentation, permanent loss of and reduction in quality of habitats, and an overall measurable net loss in biodiversity. The application is in direct conflict with Government legislation and policy guidance on the protection of biodiversity. The application is also in direct conflict with Tendring DC's local policy on the protection of biodiversity. We respectfully urge Tendring DC to refuse permission for this application.

Royal Society For The Protection of Birds

18.10.2023

The RSPB wishes to comment regarding the above planning application. We object to this application, in summary because of the additional recreational disturbance on the designated features of the adjacent Special protection Area (SPA) and the loss of wildlife habitat onsite.

In summary the RSPB is of the view that:

- The proposed development poses greatly increased risk of recreational disturbance impacts that, due to the proximity to the SPA (Special Protection Area), may not be effectively mitigated by Recreational Access Mitigation Strategy (RAMS) tariff contributions;

- We are concerned about the loss of biodiverse habitat and functionally linked land and an effective buffer zone between the urban areas and the SPA, particularly in regard to Curlew;
- The proposed building layout appears to leave little room for undisturbed grassland or wetland areas - although the lakes are retained, the area would be covered by buildings and paths, and disturbance would remove biodiverse habitat, rendering the site unsuitable for Curlew and other shy species;
- The development would increase noise pollution and routine disturbance as visitors will seek to head towards the coastal areas for recreation.

Recreational impacts of the development on the adjacent SPA and its waterbird assemblage

As it stands, the proposed development would add significant pressure to the Colne Estuary SPA through increased recreational disturbance and potentially noise disturbance. With over 100 holiday units planned, this is a large development. Visitors would be likely to visit the coast for recreation, more so than locals, and it would be reasonable to expect the coast to be one of the main attractions to those who would use the site for holidaying. Many would bring dogs which would greatly increase this disturbance, and visitors would likely be less aware of local wildlife sensitivities than locals who know the area. This disturbance would cause impacts on the wider designated Colne Estuary (Mid-Essex Coast Phase 2) SPA1 waterbird assemblage and designated species such as Redshank *Tringa totanus*, Dark-bellied Brent Goose *Branta bernicla bernicla* and Ringed Plover *Charadrius hiaticula*. Such species are particularly vulnerable to anthropogenic disturbance during migration times, cold weather, or during high tide, for example, when extra energy expenditure can impact feeding and resting, proving costly to their chances of survival.

The citation for the SPA designation states: The Colne Estuary is a site of significant international ornithological importance for overwintering birds, including raptors, geese, ducks and waders. The diversity of estuarine habitats provides good quality feeding areas for a diversity of waterbird species. At high tide, the birds roost along the shoreline and salt marsh fringe. The site is also important in summer for breeding birds.

Mitigation would appear difficult given the proximity of the site to the designated areas (around 130m away). It would not be enough to use leaflets or other communications to try to influence behaviour, or to provide diffuse contributions to wider RAMS schemes. A combination of stronger measures would also be needed as part of a coherent strategy, including landscaping measures and limiting and managing routine access to the SPA from the new site, such as preventing dogs accessing the SPA saltmarsh or intertidal areas. The proposal would need to include a barrier and landscaping/walls/hedge planting as appropriate, to funnel visitors towards the busy existing paths nearer town and away from immediate access to the quieter edges of the SPA, where roosting or feeding birds are present which may not be habituated to visitors. We have not seen such designs in the application, and it would be a challenge to implement the range of measures needed.

Any mitigation taking the form of retained or created habitat onsite is likely to be heavily disturbed, due to the extent and number of holiday accommodations and access roads. This would therefore not be effective wildlife habitat for many bird species. Such areas could absorb some of the additional recreational impacts. However, given that most visitors would wish to go to the coast because that is why they chose a coastal holiday park in the first place, this would be of limited effectiveness. There may be a possibility of a covenant to forbid dogs (excepting guide dogs) on site, though this would be challenging to enforce long-term. The RSPB remains unconvinced that this kind of mitigation would be sufficient or realistic to counteract the serious increased recreational disturbance impacts on the designated areas.

Loss of important land at the site itself, impacting Curlew and other species and affecting the SPA

We are also concerned that the effective loss of the site would have a negative impact on local biodiversity and may constitute a loss of potentially functionally linked land to the SPA, as grassland/wetland, impacting several bird species and Curlew in particular. There does not appear to have been a Biodiversity Net Gain (BNG) assessment. The Appendix 8.2 Wintering Bird Survey Report of 31 March 2023 accompanying the application reveals that Curlew were recorded using the site to rest during all but one of the winter survey visits, with a peak count of 23. In addition, Birds of Conservation Concern² red-listed species such as Woodcock were recorded on almost every winter visit during the surveys. Curlew is listed on the Colne Estuary SPA citation due to the nationally important wintering population of this species at that site.

The Wintering Bird Survey Report (p.24) states that: The following species are likely to be negatively impacted by the proposals and may be lost as wintering species post-construction due to potential loss of key habitats they are associated with and increased human disturbance: woodcock, curlew, and meadow pipit.

We are concerned that a current option for roosting Curlew and other birds would be removed, which could be significant at times of disturbance along the shoreline, for example. The land put forward for the application would appear to currently provide a useful buffer area between Brightlingsea's increasing developments and the SPA. The wide spread of the holiday pods and roads would effectively render this habitat useless for many of the birds that currently use it, both in terms of direct habitat loss and through removal of quiet undisturbed areas. Please also see below taken from the Appendix 8.2 Wintering Bird Survey Report of 31 March 2023 (page 24):

The site represents an undeveloped and relatively undisturbed area of valuable wintering bird foraging and resting habitat. The immediately surrounding areas are increasingly suburban in context and the site is considered to provide an important resource for wintering bird species in the local area. The value of the site to wintering birds was evidenced by the fact it was found to support low numbers of several notable species including; curlew, gadwall, meadow pipit, tawny owl, woodcock, curlew, meadow pipit, black-headed gull, and mallard.

Curlew is a species that requires open, unenclosed landscapes with clear sight-lines so that they can detect incoming threats, either perceived (recreational - people, dogs, drones) or real (birds of prey, foxes etc.). As a large, long-legged wader the distance at which they respond to disturbance and take flight is considerable. Research carried out on The Wash³ showed that this "Flight Initiation Distance (FID)" ranged between 88-570 metres (m), with a mean of 340m. Curlew on site would not remain if the development is built. In addition, given the closeness (under 200 metres) of the proposed development to the SPA we consider any that movements from within the development site, are likely to elicit a negative response from birds using the adjacent SPA land.

Any attempt at mitigation would need to recreate this quiet, biodiverse land that would act as a buffer between Brightlingsea and the SPA, and would need to be in addition to effective mitigation to restrict recreational access to the SPA from the new development.

It is widely acknowledged that landscape scale conservation is fundamental to halting and reversing declines in biodiversity. The Lawton review made clear recommendations about the need for bigger, better and more connected landscapes, and these principles have provided the foundations for subsequent government initiatives, including Nature Recovery Networks, Local Nature Recovery Strategies (LNRS), the emerging Landscape Recovery Scheme and the government's commitment to protect 30% of the UK's land by 2030. It is now widely acknowledged that the existing network of protected sites in the UK is not enough to halt the loss of biodiversity and that we must expand on this network by protecting and improving adjacent and connecting areas. This approach will be particularly important in the context of climate change, which will create additional pressure on species already impacted by habitat loss, inappropriate management, human disturbance, and development impacts.

The National Planning Policy Framework

The planning application also does not meet the National Planning Policy Framework (NPPF)⁴ requirements as follows:

174. Planning policies and decisions should contribute to and enhance the natural and local environment by: 15. Conserving and enhancing the natural environment, and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

There is no net gain for biodiversity associated with these development plans, but instead a likely net loss, and future recreational pressures would disrupt ecological networks around the estuary. In addition, under Habitats and biodiversity, NPPF paragraph 179 requires that:

To protect and enhance biodiversity... plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them... and b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Again, there is certainly no measurable net gain for biodiversity here, and the development would harm local wildlife-rich habitats and national and international designated sites of importance for biodiversity, as detailed earlier in this letter, and the survival of priority bird species.

Lastly, NPPF paragraph 180 gives strong grounds for refusal of planning applications which are likely to be harmful and create adverse effects that are difficult to mitigate for:

When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.

Conclusion

The recently published State of Nature Report details that a shocking one in six species may soon be lost in Great Britain. The Report states that the abundance of 753 terrestrial and freshwater species has on average fallen by 19% across the UK since 1970 and this country is one of the most nature-depleted in the world. It is paramount that local and regional authorities stand up for our struggling biodiversity if we are to start to turn things around.

In conclusion, the RSPB objects to this planning application that would negatively impact biodiversity such as Curlew through disturbance and loss of habitat, as well as the designated Colne Estuary SPA/Ramsar/SSSI and its waterbird assemblage through greatly increased recreational disturbance. We have not seen realistic proposals for mitigation that would adequately address these impacts and in this instance, we find it difficult to see how mitigation would be possible. We therefore urge the Council to reject this development.

Waste Management

26.09.2023

No Comments: Waste collection to be managed and organised by on site management company.

The Ramblers Association

No comments received

Essex County Fire Officer

09.10.2023

ECFRS Initial Response to 23/01196/FUL

National Fire and Rescue Priorities - Home Office

The priorities for fire and rescue authorities set out in the National Fire and Rescue Framework for England July 2018 are to:

- Make appropriate provision for fire prevention and protection activities and response to fire and rescue related incidents
- Identify and assess the full range of foreseeable fire and rescue related risks their areas face
- Collaborate with emergency services and other local and national partners to increase the efficiency and effectiveness of the service they provide
- Be accountable to communities for the service they provide
- Develop and maintain a workforce that is professional, resilient, skilled, flexible and diverse

The Fire and Rescue Plan - Essex County Fire and Rescue Service

The Fire and Rescue Plan sets out the priorities for fire and rescue services in Essex and a series of strong, tangible commitments to how we will help keep our communities safe.

The plan brings together the Service, partners and the public to build safe and secure communities and other efficient and effective prevention, protection and response activity.

The activities in this plan set out a clear direction for development of the Service and how, by working closer together with other emergency services and wider partners, we can deliver a better service while being closer to the communities we serve.

Our priorities are:

- Prevention, protection and response
- Improve safety on our roads
- Help the vulnerable to stay safe
- Promote a positive culture in the workplace
- Develop and broaden the roles and range of activities undertaken by the Service
- Be transparent, open and accessible
- Collaborate with our partners
- Make best use of our resources

Essex Design Guide

The Essex Design Guide provides high level direction for new developments which we would like to draw your attention to:

- Continuation of road design to ensure safe and timely access and egress to and from new developments.
- Continuation of road design to include turning circle provision plus future consideration to appliance sizes to ensure adequate space to manoeuvre on a development.
- Consideration for installation of an approved suppression system with better safety and more design freedom. Sprinkler considerations would help to isolate fire to the source and to ensure better safety for occupants / emergency services / reduce insurance costs. This may also afford developers more design freedom and scope for capacity in respect of distance from buildings to fire appliance access points.
- Continued consultation with Water Authorities for fire hydrant / water main provisions and consideration to ensure sufficient strategically placed resources are made available for operational firefighting and with appropriate water pressure considerations.
- Ensure new fire hydrant installations are fully operational before permitting residents to occupy dwellings.
- Ensuring new fire hydrants are not installed within private driveways / gardens.
- Continuation of at least 3 forms of fire hydrant asset indication. Hydrant indicator plate / post, painted FH cover and painted adjacent kerb. In the absence of a kerb then a thermoplastic yellow road 'H' applied to the road surface.
- Section 106 agreement at planning application stage to ensure that the developer will bear the costs for any new fire hydrant installations deemed necessary by the Fire Authority where the new development exceeds 10 dwellings.
- Where applicable door sets to carry dual certification ensuring compliance with fire and security regulations. Such recommendations align with both the Independent Review of Building Regulations and Fire Safety in the wake of and the review and recommendations resulting from the Grenfell Fire tragedy of 2017.
- Fire resistant cladding considerations that may fall outside of Building Control matters.

Initial Response to Consultation Document

Having reviewed the consultation document, at this time Essex County Fire and Rescue Service would ask that the following are considered during the continued development of the 23/01196/FUL:

- 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.
- Implementation of vision zero principles where there are introductions of or changes to the road network.
- Appropriate planning and mitigations to reduce risks around outdoor water sources.
- Suitable principles in design to avoid deliberate fire setting.
- Consideration for road widths to be accessible whilst not impeding emergency service vehicle response through safe access routes for fire appliances including room to manoeuvre (such as turning circles).
- Access for Fire Service purposes must be considered in accordance with the Essex Act 1987
- 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.

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

7. Representations

7.1 Brightlingsea Town Council

- Over Development - on the basis of 51.9% growth in footprint and resulting increase in bedrooms - an extra 186 bedrooms on site.
- The site appears not to have taken into consideration the earlier Eco mitigations i.e. wildlife pathways.
- Traffic - no compelling evidence that the current road structure would be capable of handling the increase in traffic.
- Increase in the number of potential bedrooms in the retirement homes. Local services would not be able to cope.
- Landscaping and Visual Impact - consideration of the density and height of some of the structures needs to be reviewed. Also, the impact and noise to local residents.
- Concern about maintaining holiday lodge status and the site not turning into a full-time residence and/or via sub-letting. We believe the main issue is the policing of this.
- The Fire Brigade report is very damning and nothing should go forward until this situation is resolved.

7.2 Neighbour / Local Representations

108 representations of objection have been received. The vast majority of areas of concerns have been addressed in the main report below.

The content of these representations are outlined below;

- Loss of important green space.
- Development is too big for the area and town.
- Too much traffic congestion along Robinson Road and roads leading to the development
- Areas for nature are being decreased.
- Infrastructure of town cannot cope with the development.
- Already too many holiday homes, care homes and housing in the town.
- More noise and pollution to local area.
- Town too busy at peak times already and only one road in and one road out.
- Destruction of abundant wildlife.
- Site is located outside any development boundary.
- Loss of treasured country lane.
- Increased traffic congestion and carbon footprint.
- Affordable housing should be provided.
- Economic benefits to local area should be queried.
- Adverse impact on local resident's amenity in terms of noise/light/privacy loss
- Light pollution impacts upon designated sites and local residents
- Long drawn-out building programme.
- No incentive after housing element is completed.
- Development is not a large job creator.
- Adverse impact on setting of listed building to the north.
- No junction capacity assessments have been undertaken.
- Pressure on local infrastructure
- Much larger than existing consented scheme.
- Different approach to existing consent, which was eco-centric.

- Overlooking and loss of privacy for existing residents due to leisure building being 10 metres high
- Noise pollution from MUGA, leisure uses and amphitheatre
- Traffic congestion, roads leading to the site are too narrow
- Glamping areas contain fire pits causing air pollution to local residents
- Holiday lodges likely to become permanent residences.

1 letter of support has been received outlining the following points;

- Creates employment for the town.
- Traffic flow may increase slightly but not to such an extent as visitors' arrivals would be staggered throughout the day.
- Wildlife would not be upset by development.

8. Assessment

Site Context

- 8.1. The application site is situated to the north-eastern edge of Brightlingsea on land to the north of Robinson Road. The site comprises approximately 81 acres of former gravel workings which established a low-level restoration profile. On the cessation of quarrying operations in the late 1980's the former quarry workings were backfilled with site sourced overburden and silt washings. Limited subsoil or topsoil was used to restore the site. The site has been left to self-seed, which has created areas of open scrub, grassland and woodland around three former silt lagoons, which have formed five open lakes with a total footprint of approximately 15 acres within the low-level landscape.
- 8.2. Access to the site is from the B1029 (which is defined as a B road of importance) and along Red Barn Road/Robinson Road. Direct access to the site is from the former quarry entrance along Robinson Road.
- 8.3. The site is bounded to the north by Marsh Farm (Grade II Listed) and arable fields that extend to Lower Farm to the east of the site. The southeast of the site is bounded by grassland and Freeland's Road, which runs around to bound the south of the site as Robinson Road. The southwest and west of the site is bounded by Robinson Road and the residential fringes of Brightlingsea. Directly on the southern side of Robinson Road is a recently constructed housing development.
- 8.4. Topographical data provided shows that natural ground levels surrounding the site form a plateau of higher ground around the northern, western and south-western boundaries of the site. The ground levels within the site generally fall in a northerly and north-easterly direction. Across the eastern area of the site ground levels fall from the raised plateau in a south-easterly direction.
- 8.5. The Adopted Local Plan Policies Map identifies that the site is located outside of the defined settlement boundary for Brightlingsea. Moreover, the site contains a Local Wildlife Site known as Robinson Road Ponds, Brightlingsea and to the south and east of the site lies the 'Coastal Protection Belt'. The Colne Estuary Ramsar and SPA is located 500m from the development.

Planning History

- 8.6. The site benefits from an implemented full planning consent (ref: 19/00188/FUL) for 'the development of a mixed-use tourist and residential scheme comprising of retirement living apartments, detached farmhouses and holiday lodges with ancillary facilities such as glamping pods, toilet facilities, a club house/ hub, children's play areas and boating jetties'. This application was submitted in February 2019 and granted full planning permission in March 2021.
- 8.7. The above-mentioned planning permission was then subsequently lawfully implemented through the discharge of the relevant pre-commencement conditions and legal obligations and a material

operation taking place on site via the installation of screw piles, which the Council's Building Control Team inspected.

Proposal

8.8. Full planning permission is sought for:

"A mixed-use tourist and residential development of retirement living lodges with an ancillary social hub, detached farmstead houses, and holiday lodges along with separate communal buildings providing dining, leisure and recreation facilities and ancillary activity uses such as glamping, a multi-use games area, events space and nature play areas with associated infrastructure works".

8.9. This application seeks significant revisions to the previously approved scheme to propose a more contemporary, consistent and sustainable approach to the design of the various buildings located throughout the site. The quantum of accommodation remains as previously approved (i.e. 104 holiday lodges, 36 retirement units and 5 market dwellings), but the size, mix and arrangement of the various units of accommodation has been revised, these changes are outlined in more detail below.

8.10. In addition, the supporting documentation outlines that the previously consented scheme did not consider the practicalities of site operations for a 104 unit holiday lodge development. Consequently, several additional storage buildings are now proposed for the secure storage of site maintenance, leisure and laundry paraphernalia. The estates building has also been increased in size to accommodate extra staff facilities and a compound for the day-to-day operation of the development. Additional leisure facilities are now also proposed on the shore of the large lake to the east of the site, including a swimming, gym and spa building and restaurant/dining area.

8.11. Other notable revisions concern a change in the approach of the proposed retirement units. The consented scheme approved a large two-storey building accommodating 36 retirement apartments. The current application now proposes individual low level retirement lodges and a retirement social hub, which will host social activities, event and entertainment for the occupants of these units. Overall, the retirement proposal involves an increase of 14.26% in the total floor area compared to the approved scheme (3942m² existing vs 4505m² proposed).

8.12. The mix of the holiday lodges has also been revised to include an increase in the number of larger family sized lodges, this is detailed within the table of holiday lodge accommodation below;

Holiday Lodge Type	Currently Submitted Application	Consented Scheme
	Number of lodges in brackets.	
1 Bed Lodge	None included.	75.2 m ² (51)
2 Bed Lodge	92m ² (29)	103 m ² (41)
3 Bed Lodge	114 m ² (31)	134 m ² (9)
3 Bed Lodge		187 m ² (3)
4 Bed Lodge	159 m ² (30)	249 m ² (3)
5 Bed Lodge	186 m ² (14)	None included.

8.13. The footprint of the consented lodges totals 10,572.2 sqm against a total of 13,576 sqm within the proposed scheme. This represents an increase of 28.4% overall.

8.14. The table below outlines the accommodation/building schedule now proposed as part of this application against the implemented approval. The table shows a footprint increase between the two developments of approximately 51%.

Accommodation Schedule - Original Full Application 19/00188/FUL			
Unit Type	No. of Building Units	GEA (m ²)	Overall GEA Divided by Number of Units
1-Bed Lodge	51	3,835.2	75.2
2-Bed Lodge	41	4,247.6	103.6
3-Bed Lodge	9	1,207.8	134.2
4-Bed Lodge	3	563.4	187.8
5-Bed Lodge	3	747.0	249.0
4-Bed Farmhouse	5	851.5	170.3
Glamping	0	0	0
1-Bed Retirement Apartments	24	1,891.2	78.8
2-Bed Retirement Apartments	12	1,316.4	109.7
Retirement Communal	0	410.0	410.0
Barrow Building	1	350.0 (estimated)	350.0
TOTAL	149	15,420.1	

Accommodation Schedule - Current Scheme			
Unit Type	No. of Building Units	GEA (m ²)	Overall GEA Divided by Number of Units
2-Bed Lodge	29	2,673.8	92.2
3-Bed Lodge	31	3,555.7	114.7
4-Bed Lodge	30	4,770.0	159.0
5-Bed Lodge	14	2,604.0	186.0
5-Bed Farmhouse - Option A	2	702.0	351.0
5-Bed Farmhouse - Option B	3	1,110.0	370.0
1-Bed Glamping	20	480.0	24.0
1-Bed Retirement	6	522.0	87.0
2-Bed Retirement	15	1,605.0	107.0
3-Bed Retirement	15	2,160.0	144.0
Reception & Guest Services	1	81.7	81.7
Estates Building	1	521.0	521.0
Main Leisure Building	1	1,898.0	1,898.0
Retirement Social Hub Building	1	218.0	218.0
Restaurant	1	352.0	352.0
Workshop	1	180.0	180.0
TOTAL	171	23,433.2	

8.15. Each element of the development is broken down as follows;

Holiday Lodges and Glamping Pods

- 8.16. The planning application proposes 104 timber holiday lodges comprising 29 two bedroom lodges, 31 three bedroom lodges, 30 four bedroom lodges and 14 five bedroom lodges. The lodges will be located within the central, northern and eastern extents of the site.
- 8.17. The planning application also proposes 20 glamping pods; each hut is single storey and will comprise of a living/dining/sleeping area, kitchenette and WC Shower. Each unit includes a raised external terrace overlooking the glamping site. These glamping units will be located within the western extent of the site. Three communal fire pit areas are proposed to serve the glamping pods.
- 8.18. The holiday lodges and glamping pods are targeted at the tourism market for short-term stays with an undertaking to not permit the sale or transfer of these for residential purposes or long-term let. The lodges will be occupied for holiday purposes only and not as a person's sole or main place of residence.

Retirement Living Lodges

- 8.19. The planning application proposes 36 retirement timber lodges comprising of 6 one bedroom lodges, 15 two bedroom lodges and 15 three bedroom lodges. These retirement lodges will be located towards the south-eastern extent of the site.
- 8.20. A retirement social hub is also proposed which will be located within the southern extent of the site and will comprise of open plan social space, communal kitchen, meeting rooms and toilets with consultation space available for healthcare professionals and care workers where required. The exterior of the hub will include timber cladding, aluminium bio-folding doors, textured layered concrete, flat roof lanterns and a green roof.

Private Dwellings

- 8.21. The proposed development proposes five dwellings, which are located towards the southwestern extent of the site and are accessed via a new and separate access onto Robinson Road.

Communal/Ancillary Buildings

- 8.22. The planning application also proposes a Spa/Retreat building ('The Retreat'), reception and guest services building, a restaurant, a workshop and an estates building.
- 8.23. The Retreat will comprise of three buildings located on the edge of the large lake to the east of the site. One will accommodate swimming, gym and spa facilities, one will provide a bar and dining space and a third building to provide facilities for cycle hire, boat/paddle board hire. This area will also provide other uses such as a MUGA/ paddle tennis court and outside space for small scale "pop-up" events which will be extended for access by local people as well as residents and visitors to the site. An artisan market with street food stalls/ vans and an opportunity for local business to sell locally produced products and crafts is envisaged.
- 8.24. The Reception and Guest Services Building will be located within the south-western extent of the site and will comprise of a single storey building which will include a staff kitchen, toilets, reception area as well as office facilities.
- 8.25. The estates building will be located within the south-western extent of the site and will comprise of two storeys which will include estate managers/groundsman facilities, machinery storage, warehouse, offices, meeting room, a laundry storage room, plant room, staff kitchen and toilets.

Open Space and Amenity Areas/Lakes

- 8.26. The proposed development includes areas of green space and landscaped open spaces which will create more habitats for wildlife as well as widen the biodiversity value of the site. Proposed planting

will comprise predominantly native species trees, shrubs and grassland that are appropriate to both the local landscape character and ecological habitats within and around the site.

- 8.27. The layout includes seven freshwater lakes on site which will enhance the biodiversity of the area as well as providing topographical interest, the lake to the east will provide opportunities for non-motorised activities such as paddle-boarding and small sailing dingy as well as fishing alongside the various waterbodies. Five of these lakes are already existing on site and two are proposed.

Car Parking/Cycle Spaces

- 8.28. A total of 449 car parking space are proposed across the whole development to serve both occupiers, visitors and employees. Approximately 158 of these spaces are to be served by EV Charging Points. 70 secure cycle spaces are also proposed throughout the development.

Summary

- 8.29. **The revised proposal seeks full planning permission for a mixed-use development comprising retirement living lodges, holiday lodges, detached houses, and a social hub, along with various recreational facilities. While the total number of units remains the same as the previously approved scheme (104 holiday lodges, 36 retirement units, and 5 market dwellings), there are notable changes in design and layout to enhance sustainability and practicality.**

- 8.30. **Key revisions/proposals include:**

1. Retirement Units: The original two-storey building is replaced with individual low-level retirement lodges and a dedicated social hub, resulting in a 14.26% increase in floor area for retirement living.

2. Holiday Lodges: The plan increases the number of larger family-sized lodges and introduces 20 glamping pods. The overall footprint for holiday accommodation expands by 28.4%.

3. Additional Facilities: New buildings are proposed for storage, maintenance, leisure (including a swimming pool, gym, spa, and restaurant), and operational management.

4. Communal and Ancillary Buildings: Additional amenities include a retreat with wellness facilities, reception areas, and workshop spaces.

5. Open Spaces: The plan incorporates landscaped areas and seven freshwater lakes to enhance biodiversity and recreational opportunities.

6. Parking and Sustainability: A total of 449 parking spaces, including EV charging points, and secure cycle spaces are included to accommodate visitors and residents.

- 8.31. **Overall, the proposal focuses towards a contemporary design and improved operational functionality while maintaining the scale of the development.**

Principle of Development

- 8.32. Planning law requires that decisions on planning 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). The 'development plan' for Tendring comprises, the Tendring District Local Plan 2013-2033 and Beyond Section 1 adopted in January 2021 and the Tendring District Local Plan 2013-2033 and Beyond Section 2 adopted in January 2022.

- 8.33. The site is located outside of, but directly to the north of the Brightlingsea Settlement Development Boundary. However, the principle of a mixed-use development, including tourism/leisure uses, residential, on this site has been established via the implementation of the previous planning permission 19/00188/FUL. This represents a significant material planning consideration as a potential 'fall back' position.
- 8.34. Matters of consideration therefore turn to the detailed impacts of the new proposal against the current 'fall back' position, particularly in relation to landscape, ecological, highway and amenity impacts. Whilst it is noted that the quantum of units and the uses proposed are the same as the previous permission, the development now proposed is more comprehensive and of a higher density due to an increase in the development footprint overall.

Landscape Impacts

- 8.35. Paragraph 180(b) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 8.36. Adopted Policy PPL3 confirms the Council will look to protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance. Adopted Policy SPL3, Part A (c) requires that development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.
- 8.37. The site is a former mineral extraction site comprising of primarily unimproved grassland with established boundary vegetation. The main body of the land contains a few solitary trees and tree belts with an understory comprising of hedgerows and scrubby growth.
- 8.38. When viewed externally there are two clearly visible bodies of water that are the result of earlier mineral extraction works. Although there are five lakes on the land only two are visible externally. The proposed site layout plan shows the retention of existing lakes and the creation of additional bodies of water.
- 8.39. To show the potential impact of the development proposal on the existing trees and other vegetation on the land the applicant has provided an Arboricultural Implication Assessment (AIA). The AIA shows the full extent of the constraint that the existing trees are on the development potential of the land and considers the significance of the existing vegetation, especially for its screening value. The information contained in AIA is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, Recommendations.
- 8.40. The implementation of the proposed site layout will necessitate the removal of several individual trees, areas of trees, scrubby growth and brambles. Most of the trees identified for removal are category 'c' which are of moderate to low quality and are not considered to be a significant constraint on the development potential of the land. At the present time they make little contribution to the character or appearance of the wider landscape. The AIA makes provision for the retention of most of the boundary vegetation and large areas of trees within the site.
- 8.41. The AIA makes special provision for the retention and physical protection of a single veteran tree identified in the AIA - T131 Crack Willow (*Salix fragilis*).
- 8.42. In addition to tree retention, the information submitted relating to soft landscaping shows extensive new planting to soften, screen and enhance the appearance of the proposed development. This will increase plant diversity that will enhance the botanical interest of the site.
- 8.43. Regarding the amenity value of the trees on the land it is not considered necessary to make a new tree preservation order as individual trees do not meet the criteria under which they merit formal

legal protection. The scrubby planting does not fall within the scope of the legislation under which it could be protected as 'Woodland'; nevertheless, it is desirable that existing vegetation should be retained, where possible and practical and strengthened by new planting.

- 8.44. With regard to the impact of the development proposal on the local landscape character, The Tendring District Council Landscape Character Assessment defines the area within which the application sits as the Brightlingsea Peninsula Coastal Ridge Landscape Character Area (LCA). At the southwestern corner the application site creeps into the Brightlingsea Coastal Slopes LCA. The development proposal also has the potential to have a visual impact on the Brightlingsea Drained Marshes LCA and the Brightlingsea Creek Marshes LCA.
- 8.45. To show the likely impact of the development proposal on the existing landscape character the applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The LVIA has been completed in accordance with 'Guidelines for Landscape and Visual Impact Assessment, 3rd edition' (April 2013).
- 8.46. The LVIA accurately describes the quality and value of the existing landscape character, its visual qualities and the sensitivity of the land to the impact of the development. It also describes the magnitude of the effect on the character of the landscape and the way that it is perceived and enjoyed by the public.
- 8.47. The LVIA shows how the development of the lower lying land on the application site, combined with the retention and strengthening of boundary vegetation, will ensure that the development will not have a significant adverse impact on the visual qualities of the landscape. The retention of existing screening, on land under the control of the applicant, greatly reduces the visual harm to the local landscape. In this respect the low-lying character of the site means that even the construction of the larger leisure facilities on the edge of the westernmost lake will not feature prominently in the wider landscape
- 8.48. The conclusion drawn in Section 10.167 of the LVIA entitled Summary and Residual Effects notes 'that no significant residual effects are predicted. This is due mainly to the degraded condition of the landscape within the site at present combined with the enclosed nature of the site surrounded by vegetation. There is restricted access and comparatively few views from the surrounding areas. The nature of development proposed, i.e., mainly low single storey buildings located amongst retained vegetation and the extensive planting proposed will, in time, ensure effective assimilation of the development with its surroundings.
- 8.49. The existence of the extant planning permission for a similar leisure development on the same site is noted. Notwithstanding that above it is important to recognise that the very nature of the development will have a moderate adverse impact on the landscape qualities of the area by way the introduction of the built form into the countryside. The development will contribute to the gradual erosion of the countryside albeit that much of the site will be subject to development comprising low level structures that will have a low impact on the character of the local environs.
- 8.50. With regard to the main physical changes to the extant planning permission it is considered that in general terms the design of the holiday homes is such that they will fit relatively well into the landscape and the single storey units will not be prominent features in their setting or in the wider landscape.
- 8.51. When viewed from the open countryside to the north-west, north and north-east it is considered that the development will not be prominently visible and that any visible elements of the built form will be seen against a backdrop of the existing development to the south of Robinson Road. Additional soft landscaping will assist with the mitigation of potential visual harm.

- 8.52. It is also acknowledged that it will be important to secure the physical protection of the retained trees for the duration of the construction phase of the development. A condition is included to secure tree protection details during the construction phase.
- 8.53. Additionally, whilst the indicative information provided relating to soft landscaping, layout and species is acceptable, detailed soft landscaping plans are secured by a condition to include details such as tree, shrub and hedgerow species and specification. One of the key areas for new soft landscaping will be the north-eastern corner that does not currently benefit from strong boundary vegetation. The LVIA makes reference to the retention, regrading and planting of the existing sound attenuation bund in this location.
- 8.54. Taking the above into consideration, the majority of the effects on the landscape and visual character are lessened over time with the establishment and maturing of the proposed landscape planting, therefore resulting in an overall negligible impact of the development on landscape and visual amenity.
- 8.55. An assessment of cumulative impacts has not identified any developments within the study area (other than minor/domestic schemes), that could give rise to cumulative landscape or visual effects.

Appearance/Layout

- 8.56. Paragraph 135 of the National Planning Policy Framework (NPPF) (2023) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.
- 8.57. Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Adopted Policy SPL3 Part A (b) requires that development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials.
- 8.58. The approved scheme, whilst acceptable within its context, represented a fairly generic approach without any specific sustainable credentials aside from the proposed sedum roofs and timber lightweight construction. The retirement apartments were relatively bland in design terms and formed a large bulky building isolated at the south-eastern corner of the site.
- 8.59. The supporting documentation outlines that the design ethos now proposed represents a more contemporary and sustainable approach that provides a consistent and more sympathetic architectural language across the whole site.
- 8.60. The holiday lodges now take on a simpler and more contemporary form utilising timber finishes and large areas of glazing and terraces to provide views across the site. The lodges are now positioned to make better use of the existing and proposed waterbodies and with the use of external decking areas this assists in enhancing the occupier's experience of the various lakes present and proposed throughout the site. All holiday lodges will have green roofs with zinc perimeter detailing which continues partly on the external walls. The front and rear elevations are clad in a mix of light and dark timber.
- 8.61. The retirement lodges represent the main change from the previous permission. The retirement apartments have been re-designed to form independent single storey units arranged around two new waterbodies. The retirement lodges will be served by a communal hub which is situated in the south-eastern section of the site due to its proximity to the existing access and lower traffic flow. The location of the retirement uses is consistent with the previous approval and represents a compatible siting with the existing residential units along Robinson Road south. Whilst the footprint of these units is likely to represent an increase over the permission, due to the reduction in scale and the design enhancements proposed the visual impacts are likely to be reduced. The retirement lodges are also finished in a mix of timber and metal standing seam to be consistent with the materiality of the holiday

lodges. The associated retirement hub building will consist of significant areas of glazing on the façade and will comprise of an over sailing roof profile and lakeside deck.

- 8.62. The 5 no. residential units previously took on a farmhouse aesthetic. The houses now propose a minimalist contemporary design approach to appear more consistent with the remainder of the development. Again, this is considered acceptable and represents an enhancement over the approved scheme.
- 8.63. The leisure/tourism buildings are arranged around a large water body on the western section of the site and now accommodate a spa and pool to improve the tourism offer on-site, alongside a restaurant/dining area. This is supported within the Council's Tourism Strategy. A natural play area for children and a kitchen garden/allotment area for the retirement lodges also help to enhance the development offer and provides a greater sense of community whilst improving the development's sustainability credentials.
- 8.64. Overall, the positioning and space between the various buildings sets out a mixed-use development that allows for the continued protection and enhancement of the site's existing setting and habitat. Officers consider that the scale and density of the development has been sensitively set out within the confines of the footprint of the former quarry. The location, arrangement and interconnectivity of the various buildings and areas of open space within the site seek to enhance the existing site setting by maintaining an open environment. In addition, the contemporary design approach is considered to represent an enhancement over the existing consent.

Highway Safety/Parking

- 8.65. Paragraph 114 of the National Planning Policy Framework 2023 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 115 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 117 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 8.66. Policy SPL3 (Part B) of the Adopted Local Plan seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.
- 8.67. Adopted Policy CP1 (Sustainable Transport and Accessibility) 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 addition, planning applications for new major development likely to have significant transport implications will normally require a Transport Statement.
- 8.68. In this instance, the main vehicular access to the site is in the same location as the previous approval. However, the current application also includes the repurposing of an existing gateway positioned on Robinson Road to serve the 5 no. private dwellings and a shared footpath serving the leisure hub situated within the western section of the site.
- 8.69. As noted above, the proposed scheme includes the same number of holiday lodges, farmhouse units, retirement units' and 'glamping' pods as the extant scheme alongside additional leisure facilities. The main potential trip generating change between the extant and now proposed development is an increase in the number of bedrooms in some of the lodges and the ability for a number of external memberships to the gym and swimming facility to be offered to local residents.

- 8.70. The site is subject to an extant consent which is a material consideration in determining this application. The general ethos of the consented and current proposal remains unchanged, with most of the facilities for the sole use of site occupants and their guests only. However, 100 external memberships have been put forward by the applicant for the gym and swimming pool facilities. The exact number and extent of local resident membership will be secured via public access strategy conditioned as part of any approval. This condition was also included on the previous planning permission.
- 8.71. In addition, the development is underpinned by a Travel Plan, that outlines a proposed shuttle bus for guests and staff, a cycle hire scheme and a car club demonstrating the sustainable credentials of the proposals. Such a provision is in excess of the extant scheme which was approved under the same policy background.
- 8.72. Taking the above into account ECC-Highways initially raised concerns that the trip generation presented in the Transport Statement was too low and not representative of the development proposals. As such they requested that a sensitivity test was undertaken based on the additional data provided. The sensitivity test concludes that even as a worst-case scenario, when assuming the use of higher traffic survey data, full occupancy of the development and facilities being provided for visitors and residents, the park would generate between 1 and 2 additional vehicles per minute. In reality, this level of trip generation is not reflective of the proposals, but ultimately sets out a worst-case scenario.
- 8.73. In addition, modelling has been undertaken at 4 junctions leading to the application site, as requested by ECC-Highways. For the 3 priority junctions local to the site, the results demonstrate that they continue to operate well within capacity in all scenarios, with minimal delay and virtually no queuing. At the B1027 / B1029 double mini-roundabout, capacity issues and queuing are noted on the B1029 Brightlingsea Road arm in the AM peak in the current base scenario which is exacerbated in the future base scenario. However, it is considered that traffic associated with the proposed development has an insignificant impact to this junction and only a minimal number of development trips will use the junction in the morning peak hour period due to the staggered nature of arrivals and departures from the development.
- 8.74. ECC-Highways have now reviewed all the submitted data and have confirmed that they have no objections to the development and are satisfied that at peak times, the number of trips generated by this proposal can be accommodated on the local highway network. Conditions have been recommended including; the provision of visibility splays and tactile paving to the new upgraded access points, upgrades to the nearest bus stop and PRow, the provision of parking (vehicular and cycling) and vehicular turning heads within the development prior to the first occupation of the relevant phase of development, no unbound materials being used in the first 10 metres of the access points, restrictions around the siting of entrance gates, the provision of a workplace travel plan for employees and residential travel information packs for the permanent dwellings.
- 8.75. These requirements have been applied as conditions where they are considered reasonable and necessary to make the development acceptable. The bus stop upgrade is to be secured via the payment of a contribution of £27,300 (costed by ECC-Highways) along with the PRow enhancement works, which are yet to be costed.
- 8.76. In terms of parking provision, the current submitted application seeks to create adequate private parking to each individual lodge building and private dwelling, based on typical occupancies and highways standards, to ensure all vehicles can be adequately accommodated within the application site. Employee parking is to be provided adjacent to the various facility/storage buildings located across the site.
- 8.77. In summary, the proposed development would generate vehicle movements which would represent a small increase against the baseline traffic situation in areas of low sensitivity and are not considered, subject to the inclusion of recommended conditions and legal obligations, to result in an

unacceptable impact on highway safety, or residual cumulative impacts on the road network that would be classed as severe.

Impact on Residential Amenity

- 8.78. Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.79. 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.
- 8.80. The site will be developed within the footprint of a former quarry. As concluded as part of the consented scheme, the low-level restoration profile will assist in acoustically screening the site from nearby residential properties. To the south of the site the nearest residential properties are situated within a recently constructed housing development. At this end of the development the nearest development to these properties would be the proposed private dwellings and the retirement lodges which will be set behind the existing mature hedgerow that fronts onto Robinson Road. Consequently, the degree of separation between the existing/proposed properties on Robinson Road and the residential elements of the proposed development in conjunction with the mature vegetation on the site's southern boundary means that any impact upon resident's amenity, in terms of outlook and privacy would be negligible.
- 8.81. A noise assessment has been undertaken to establish the baseline noise environment across the site and at nearby sensitive receptors. The assessment concludes the following;

Construction Phase

- 8.82. The proposed buildings are mainly small-scale, being 1 or 2 stories in height. This means limited foundations are required, which helps to minimise any potential noise or vibration impacts. The current design is to utilise as much off-site constructions as possible and lightweight or speed fix type methods, which will also minimise any noise impacts. Buildings will be glazed and watertight prior to internal fit out, so any "noisy" internal works will be attenuated. Privacy/acoustic bunding is also proposed, which will provide further acoustic screening to areas beyond the site.
- 8.83. In summary, some temporary adverse effects during the construction phase are anticipated, particularly via construction traffic movements. However, construction works noise will be managed to reduce impacts, and mitigation measures will be documented within a Construction Environmental Management Plan (CEMP). Working hours on the site will be agreed through the CEMP. However, it is expected that the standard hours of work will be adhered to. These are as follows: 08:00 to 18:00 hours Monday to Friday; 08:00 to 13:00 hours on Saturdays; no noisy works permitted outside of these hours or on Sundays or Bank Holidays.

Operational Phase

- 8.84. Through the use of appropriate noise control measures in order to achieve the specified operational noise limits, it is considered that noise effects of operational building services and plant noise can be limited. Conditions will be applied to secure precise details of the plant equipment to be installed. In addition, the compound yard around the estates building will be enclosed by acoustic timber fencing, this will further reduce noise emanating from this area, which is in fairly close proximity to existing residential properties to the south.
- 8.85. The outside auditorium area is not intended to function as an amplified music area; instead, its purpose is to serve as an informal landscaped feature, complete with tiered seating that can be

utilised for a range of activities, including yoga/meditation classes, social activities, outside artistic activities and acoustic music events. Given that the nearest residential property is located approximately 120m to the south beyond intervening vegetation and changes in the site topography, any impacts in relation to noise emanating from this feature would be minimal and not significantly harmful to existing resident's amenity. The same can be said for noise emanating from the proposed restaurant area, plaza and spa/retreat building, the significant distances to the nearest residential properties on Robinson Road alongside the present of intervening vegetation and other structures means any noise impacts would be negligible.

Future residents

- 8.86. External noise levels affecting future occupants of the development and the need to provide a suitable internal ambient noise environment for the proposed uses have been considered as part of the design of the development buildings. Façade configurations, including glazing and ventilation specifications, have been finalised for all buildings of the development.
- 8.87. The specification of plant machinery with low noise emission and properly attenuated supply and extract terminations will help to ensure that noise emissions are minimised. The use of enclosures, local screening, and attenuators will also be used as appropriate. Plant to the lodges and retirement lodges will be contained in acoustic enclosures and will be local to each building rather than being central.

Traffic Movements

- 8.88. Changes in road traffic noise levels on the local road network due to the introduction of the development have been assessed and are summarised to be limited to a minor adverse effect. The resultant traffic movements will be perceptible to nearby residents but will be predominantly limited in number, in relation to the existing consent, and are likely to be staggered throughout the day, to reduce any perceivable impact in this regard.

Air Quality

- 8.89. An air quality impact assessment has been carried out and this has shown that for the proposed development, limited releases of dust and particulate matter are likely to be generated from on-site activities and construction activities. However, through good site practice and the implementation of suitable mitigation measures, including the implementation of dust suppression techniques and avoidance of on-site burning, the impact of dust and particulate matter releases may be effectively mitigated and the resultant impacts on nearby residents are considered to be minimal.
- 8.90. The Council's Environmental Protection Team have reviewed the Environmental Impact Information submitted and have confirmed that they are satisfied with the content and the methodologies utilised. In particular, they outline that;
- The proposed development won't have an adverse impact on the local air quality, however, as the proposed development is considered to be a medium risk of dust impacts, they request a Dust Management Plan (DMP) is secured via condition.
 - A number of mitigation measures, as well as best practicable means have been identified in relation to noise during the construction phase; as such they request the submission of a formal Construction Method Statement and further information once the plant equipment and machinery has been confirmed.
 - They are satisfied with the findings of the phase 2 investigation and the additional information and proposed mitigation outlined in the EIA. Providing all methods laid out in this report are performed and adhered to along with any copies of remediation statements, they have no further comments to make in relation to contaminated land.

8.91. Against the findings of these documents, the degree of separation between the proposed development and nearby residents, the well-screened nature of the site and lower topography, it is considered that the proposal would not adversely harm local resident's current level of amenity, particularly when having regard to the level of impact as weighed up against the current implemented scheme.

Heritage Impacts

8.92. Paragraph 200 of the NPPF (2023) states that an applicant should describe the significance of any heritage assets affected, including any contribution made by their setting, with the level of detail being proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 208 identifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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

8.94. The following built heritage assets have been identified in the vicinity of the site;

- Marsh Farm Grade II Listed Building c.65m from the site boundary
- Pillbox World War II Pillbox recorded on the HER

8.95. In respect of Marsh Farm, this is a designated heritage asset (Grade II) situated to the north of the proposed development area. This heritage asset would, historically, have been functionally linked to its wider landscape as it would have been the operational centre of the surrounding farm. The current settling, established in the late 20th century, is of a different nature.

8.96. In this instance it is concluded that; the historic setting of Marsh Farm has already been subject to change through the loss of its functional relationship to its surrounding landscape and the mineral extraction in that landscape, none of the factors from which the asset derives its significance will be impacted and the listed building is well screened from the proposed development site by existing vegetation. As such it is considered that there would be no discernible change to the setting of the asset as pertains to its significance.

8.97. Turning to the Pillbox, this is classified as a non-designated heritage asset as it is considered to be of local heritage and cultural heritage significance. Whilst the topographical position of the pillbox was of critical significance to the choice of its position the historic mineral extraction means that this setting is considerably different to that of 1940. Accordingly, there is no longer a functional link between the monument and landscape, including that of the site proposed for re-development. Again, it is therefore concluded that the impact on this asset would be minimal.

8.98. ECC-Place Services (Heritage) confirm that the historic agrarian setting of Marsh Farm and the WWII Pillbox has already been compromised due to the change of use of the surrounding land for mineral extraction. They noted in relation to the approved scheme, the introduction of a built form within an historically undeveloped land would further change those elements of the setting which contribute to the significance of the designated heritage assets and to the way this significance is experienced, perceived and understood.

8.99. Consequently, when having regard to the requirements of the NPPF, the level of harm to Marsh Farm, similarly to the previous scheme and as also stated in the attached heritage assessment,

would be considered at the lower end than less than substantial and Paragraph 208 of the NPPF is relevant.

- 8.100. Paragraph 208 of the NPPF states the following, 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'.
- 8.101. Taking into consideration the requirements of paragraph 208 (NPPF), officers are of the view that the development would, as with the previous approval, result in public benefits that outweigh the low-level harm identified by ECC-Place Services (Heritage). The harm identified, for the reasons outlined above, is evidently at the lower end of the 'less than substantial' spectrum. Consequently, the benefits associated with creating a tourism use that promotes both direct and indirect employment opportunities within the local area, attracts both national and international tourism and promotes economic growth of the immediate and local areas, are considered to outweigh the lower level of harm identified to the heritage asset at Marsh Farm and the non-designated WWII Pillbox. The development is therefore considered to meet the requirements of paragraph 202 of the NPPF.

Drainage Considerations

- 8.102. Policy PPL5 states that proposals for development must demonstrate that adequate provision exists, or can be provided in time, for sewage disposal to a public sewer and water recycling centre (sewage treatment works).
- 8.103. The conceptual surface water drainage strategy utilises the existing discharge locations and storage provided within existing lakes, new lakes and a new wetland area. Where there is suitable space, swales will be used to provide conveyance and ensure a SuDS management train for features such as car parks and roadways. These conveyance features will additionally slow water movement through the site.
- 8.104. Analysis indicates that this system will be sufficient to ensure that peak rates of discharge from the site does not exceed the estimated 1 in 1 annual probability greenfield rate for all storms up to and including the 1% AEP +45% climate change uplift design storm. It will also be sufficient to manage water quality and protect the receiving water environment.
- 8.105. ECC-SUDs Team have reviewed the conceptual drainage strategy and have no objections subject to the inclusion of several conditions securing precise details of the drainage system and its maintenance.
- 8.106. In terms of foul drainage, as with the consented scheme, the whole development will be served by mains sewerage. While one small area can be drained by gravity, foul flows from the remainder of the site will discharge by gravity to one of four pumping stations located across the development. From this water will be conveyed by foul rising mains towards the Anglian Water sewer to the south within Robinson Road.
- 8.107. Anglian Water has confirmed that the foul drainage from this development is in the catchment of Brightlingsea, Church Rd Water Recycling Centre that will have available capacity for these flows. A condition securing full details of the foul drainage strategy is recommended and therefore included as part of the recommendation.

Sustainability Considerations

- 8.108. Paragraph 116 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

- 8.109. 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.
- 8.110. The application is accompanied by an Energy and Sustainability Statement which explores low carbon and renewable energy opportunities for the proposed development.
- 8.111. This document outlines that the following features will be embedded within the design of each building;
- improved building thermal efficiency above base line by up to 100%;
 - the heating and cooling system controls ensure installed equipment will be operating efficiently and to include automatic monitoring and targeting with alarms for out-of-range values;
 - mechanical services equipment shall be of a high efficiency; and
 - low energy (LED) lighting throughout.
- 8.112. Moreover, the statement concludes that the use of photovoltaics combined with air source heat pumps could satisfy the renewable energy target. A range of options are suitable for use on the development all of which are under consideration. A condition is recommended to secure precise details of the energy and sustainability package to be provided on the site. This condition will also secure an electric vehicle charging scheme sufficient to cater for the whole development.

Habitats, Protected Species and Biodiversity Enhancement

Ecology and Biodiversity

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

General duty on all authorities

- 8.114. 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.
- 8.115. 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. Such ecological enhancements include the provision of a robust landscaping scheme that incorporates native species planting, humps and hollows, entranceway banks and meadows. In addition, it includes the incorporation of birch glade, central communal garden space and grasslands in the north of the site and new lake islands that contain significant areas of reedbed creation. Biodiverse roofs and woodland and tree planting have also been included within the design. Enhanced bat roost features on existing mature trees adjacent to the waterbodies and in other suitable locations adjacent to optimal habitat are also proposed alongside the provision of bat boxes, where appropriate, on buildings, avoiding lighting and orientated towards optimal habitat.
- 8.116. Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

Biodiversity net gain

- 8.117. Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand.
- 8.118. As the application was submitted prior to the introduction of the BNG regime there is not a requirement for the applicant to engage in a formal BNG assessment of the site.
- 8.119. However as outlined above, the applicant is proposing to enhance the biodiversity on site through the careful protection of existing habitats (where practical), through the provision of new habitats within the ground level landscape and through the inclusion of biodiverse green roofs to all buildings. There is an intent for the applicant to remain involved with the scheme post-development which will also ensure their long-term commitment to manage, maintain and protect established biodiversity on the site.

Protected Designated Habitats

European Designated Habitats

- 8.120. The site falls within the recreational Zone of Influence (ZOI) of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Furthermore, the Colne Estuary SPA and Ramsar and Essex Estuaries SAC are the closest European sites and are located around 4.5km south of the application site.
- 8.121. 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.
- 8.122. In view of the above and the proximity of the site to the Colne Estuary SPA and Ramsar and Essex Estuaries SAC, a Habitat Regulations Assessment (HRA) has been completed for the proposal by Place Services (Ecology) on behalf of the Council. The HRA concludes the following;
- The applicant has provided a Wintering Bird Survey report Appendix 8.2 (Tim Moya Ecology Ltd, March 2023) which confirms that the site is not functionally linked to the designated sites and does not act as 'displacement habitat' during high water periods. Natural England is satisfied with the level of survey effort/ desktop study provided to agree that the application site is not being used as functional habitat associated with the Colne Estuary.
 - The applicant's Suitable Alternative Natural Greenspace letter (Corporate Architecture, 3rd September 2024) includes details of the Suitable Alternative Natural Greenspace (SANG) onsite and offsite Walking Routes. The mitigation will include information and education for visitors regularly updated information on their website, along with guidance in the form of booklets for the owner occupiers and visitors which can be updated. The site shall be a private / gated facility, and the use of the site restricted to use by residents and visitors staying within the holiday lodges.
 - The site contains 4.9km of pathways and access routes which are deliberately meandering to reflect the client's ethos and leisure use of the site, providing opportunities to capture various and diverse views across the site whilst limiting the impact on the natural surroundings with the waterbodies as a key feature. In addition, when combined with interlinking throughfares to make circular routes this increase to a total length in excess of 7km of surfaced and non-surfaced walkways and meandering pathways around the site so meeting the Natural England advice for 2.3km circular routes. As such the proposed development has adopted a landscape-led

approach to the master planning of the site to provide a high-quality development featuring informal, semi-natural (and natural) areas, with SANG-like features.

- Conditions are to be used to secure the details of these elements and the long-term maintenance and management of the SANG-like green spaces including a Landscape and Ecological Management Plan setting out their intended strategy for the long-term management and maintenance of the development. This project provides considerable on-site informal opportunities for recreation, as well as proposing to provide educational activities to promote responsible enjoyment of the countryside. This will be secured through a condition of any planning consent and provides bespoke onsite mitigation for both the tourist and resident element of the development.
 - A proportionate financial contribution will be secured in line with the Essex Coast RAMS requirements to ensure that the residential element of this proposal (retirement lodges and farmhouse dwellings) will not have an adverse effect on the integrity of the above Habitats sites from recreational disturbance, when considered 'in combination' with other development. As impacts from tourists staying on the site cannot be ruled out without mitigation, an additional financial contribution in line with the Essex Coast RAMS should also be secured by a legal agreement.
 - It is considered that the above mitigation is acceptable in terms of mitigating the in-combination effect of increased recreational disturbance to coastal European designated sites; and the provision of on-site/close to site recreational opportunities.
- 8.123. Natural England have reviewed the completed HRA and confirm that they have no objections to the application. In particular Natural England confirm that the specific measures (including financial contribution, signage, client's visitor website, visitor/information leaflets, dog bins, and over 2.3 ha circular walks on site) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those European Site within the ZOI, alone and combination with other plans and projects. Natural England conclude by stating that, 'having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the HRA conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

Priority Habitats

- 8.124. The Further Ecological Response Letter (Tim Moya Associates, February 2024) explains that Lowland Fen Priority habitat (to the north of the site) no longer meets the categorisation for a 'Habitat of Principal Importance'. However, the Lowland Dry Acid Grassland Priority habitat does meet the criteria, although confirmed to be outside of the development boundary. As a result, Place Services (Ecology) confirm that Priority habitats will not be directly affected by the proposals.

Protected Species / Local Wildlife Designation

- 8.125. In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species.
- 8.126. It is noted that the site contains areas of waterbodies designated as a Local Wildlife Site (LoWS) – known as Robinsons Road Ponds Te47.
- 8.127. The supporting documentation clarifies that the LoWS is designated on the basis of 'ponds with associated marginal vegetation, grassland and scrub'. Priority habitats of the LoWS are stated as Wet Woodland and Reedbeds.

- 8.128. The applicant's Further Ecological Response Letter (Tim Moya Associates, February 2024) provides a recap of the proposed habitat enhancement measures throughout the site in respect of the LoWS. These include the extension of the southern lake, marginal aquatic planting, provision of islands and rafts for wetland birds, and the creation of two new lakes within the site. Furthermore, the proposals include reedbed creation within the LoWS lakes.
- 8.129. Place Services (Ecology) have reviewed this information and conclude that considering the proposed enhancements throughout, it is considered that this development will likely not result in detrimental impacts to the condition of the Local Wildlife Site and that a net gain of biodiversity within the site can be demonstrated.

Protected Species

- 8.130. The Preliminary Ecological Appraisal (Adonis Ecology, 2022) concludes that, overall, the site is of moderate value for wildlife at a local level, largely due to the size of the site, proximity of the site to numerous statutory wildlife sites and variety of vegetated habitats, albeit it that many of the habitats on site were likely in poor condition. The impacts upon particular protected species found on the site are outlined below, along with outlined mitigation measures;

Bats

- 8.131. The Preliminary Ecological Appraisal (Adonis Ecology, August 2022) identifies that the site has moderate to high value for foraging and commuting bats. The appraisal confirms that the lakes/ponds, areas of trees and shrubs and taller areas of grassland/tall herb habitat are considered to provide a significant amount of likely moderate to high value foraging habitat for bats and the grassland areas are considered to provide only very low potential foraging grounds for bats. The survey goes on to state that *'given the existing lakes/ponds are to be retained and additional lakes/ponds provided, and as significant areas of trees, shrubs and scrub will be retained, including all the site boundary features, it was considered the risk of any significant direct impact to foraging and/or commuting bats would be negligible'*.
- 8.132. Place Services (Ecology) originally requested that bat activity surveys be undertaken to identify how and what species of bats are using the site. Following this the applicant provided a Bats and Lighting Response (Tim Moya Associates, January 2024) which also included a proposed draft lighting plan, demonstrating lit areas and potential bat commuting routes. This response demonstrates that the proposed lighting, assuming the unlikely event that all lighting will be on at any one time, will be low level (0.2 lux at any extent), have a Colour Temperatures of <3000k, and only contained within areas that need to be lit. As such, in terms of commuting and foraging bats Place Services are now satisfied that foraging and committing bats within the site can be mitigated. As a result, they recommend that a finalised a sensitive lighting scheme is submitted to the LPA and secured by a condition of consent.
- 8.133. With regards to the potential for trees to be used by roosting bats, the submitted Bat Scoping Survey Report (Appendix 8.6 to the Environmental Statement), outlines a substantial survey effort has been undertaken to identify the trees with features suitable for use by roosting bats, including climbed inspections of many of them. Where trees have been identified to possess features suitable for roosting bats, further inspections or surveys are proposed to be undertaken in advance of any physical works. This development is anticipated to be completed through many separate phases of works over a period of several years. Any extensive survey data gathered now prior to the determination of planning consent will therefore quickly become obsolete given the sporadic use of trees by bats and the changing nature of suitable features within trees.
- 8.134. Following a review of the submitted information in this respect, Place Services (Ecology) originally stated that presence / likely absence surveys were advised as Trees T37, T112, T126, T1338, and T110 have potential for roosting bats. However, the Further Ecological Response Letter (Tim Moya Associates, February 2024) explains that these trees do not require removal to accommodate the development and rather a long-term issue with tree health and safety. As such given the reasonable

justification provided within the Further Ecological Response Letter (Tim Moya Associates, February 2024) that these trees do not require removal to accommodate the development, Place Service conclude that no further surveys are considered necessary prior to determination.

Reptiles

- 8.135. The Preliminary Ecological Appraisal found evidence of two “low” populations of Common Lizard and Slowworm onsite. Place Services (Ecology) originally requested additional information on the suitability of a particular receptor area on the site. However, the Further Ecological Response Letter (Tim Moya Associates, February 2024) provides clarification that the onsite translocation of reptiles, will not be restricted to a receptor known as the “Hills and hollows” within the southeast of the site. The Further Ecological Response Letter (Tim Moya Associates, February 2024) also highlights that the “low” population of Slowworm and Common Lizard would be moved to suitable areas (i.e. other more sporadic/peripheral areas, for example in the wilder interfaces between scrub/woodland and grassland). The applicant’s response also confirms that the aim of the translocation strategy will be to move any captured reptiles to the closest suitable habitat area. Areas intended to provide reptile receptor habitat will be enhanced by the addition of sheltering habitats such as occasional scrub planting, log piles and hibernacula.
- 8.136. Consequently, Place Services (Ecology) have confirmed that there is now certainty of the likely impacts to these protected species. Therefore, a finalised Reptile Mitigation Strategy will be produced and submitted as part the conditioned Construction Environmental Management Plan (CEMP).

Other Protected Species

- 8.137. The mitigation measures identified in the Preliminary Ecological Appraisal (Adonis Ecology, August 2022) and Ecological Constraints and Opportunities Summary (Tim Moya Associates, August 2023) are to be secured by a condition and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly Otter, Water Vole, Badger, nesting birds, Hedgehog, Common Toad and Brown Hare.
- 8.138. In particular, the following mitigation measures are recommended;
- Habitat clearance necessary at the site will either be undertaken between October and the end of February (outside the nesting bird season) or only following a ‘bird nesting check’ and/or search of the vegetation to be removed by a suitably qualified ecologist.
 - Any taller grassland (above 10 cm) or ruderal habitat to be removed should be strimmed in two stages. If any reptiles, hedgehogs, common toads or other animals are found during the works, the ecologist should capture the animal(s) if possible and place them within an area of the site that is away from the working areas.
 - To prevent any risk of harm to otters and/or water voles, an ecologist should be present during the clearance of any lake/pond bank habitats. If any signs or evidence of a water vole burrow, or otter holt or resting places is found, works should cease and the ecologist would advise on how to proceed lawfully.
 - Any trenches or holes which will be left overnight should either be fully covered, or have a wooden plank placed in them in such a way that any wildlife that falls in can climb out safely. Materials brought to the site for the construction works should be kept off the ground on pallets and rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge.

- 8.139. In view of the conclusions outlined above and following the formal review and comments of Place Services (Ecology), and 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. The information submitted provides certainty of the likely impacts on priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

Biodiversity/Ecology Conclusions

- 8.140. 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 recommended planning conditions, namely;
- A Construction Environmental Management Plan for Biodiversity (CEMP: biodiversity) to ensure that any potential impacts to retained habitat, Robinsons Road Ponds Te47 LoWS, and other protected and Priority species are mitigated;
 - A Biodiversity Enhancement Strategy to enhance protected and Priority species & habitats;
 - A Landscape and Ecological Management Plan (LEMP) to ensure that biodiversity enhancements are managed appropriately for the long-term benefit of biodiversity;
 - A lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (Institute of Lighting Professionals).
- 8.141. **Essex Wildlife Trust and the RSPB, whilst not statutory consultees, have objected to the application, but following the submission of additional information to satisfy requirements of the Habitat Regulations, including the submission of wintering bird surveys and additional information pertaining to the priority habitats and Local Wildlife Site present on the site, Place Services (Ecology) are satisfied that the points raised within those submissions have been suitably addressed through mitigation and significant enhancements, particularly in relation to additional water bodies being proposed and reedbed creation. Moreover, the Council's Habitats Regulations Assessment has been reviewed by Natural England and they have confirmed that the development would not adversely harm the integrity of the nearby European Designated Sites.**
- 8.142. **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 – Fire Safety

- 8.143. Essex County Fire & Rescue Service have provided comments regarding layout and design of the scheme. They raised queries concerning turning facilities to dead end access routes and required distances for fire fighting vehicles.
- 8.144. In response the applicant has confirmed that these matters will need to be addressed at Building Regulations stage. However, they have provided a Fire Strategy Technical Appraisal Drawing which demonstrates the intended turning facilities to dead-end access routes longer than 20m in accordance with standards and within 45 metres of every point of the footprint of the building.
- 8.145. Moreover, they have confirmed that at Building Regulations stage further measures will need to be considered for a bespoke solution which may include dry risers, hydrants, private firefighting infrastructure, and automatic water suppression systems not the subject of planning control. Officers are therefore satisfied that these matters would need be addressed at a later stage to accord with the requirements of the Building Regulations and planning should not duplicate powers and responsibility of other authorities.

Section 106 of the Town and Country Planning Act 1990

8.146. Paragraph 55 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development can be made acceptable through the use of conditions or planning obligations. Planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably relate in scale and kind to the development.

8.147. TDLP Policy DI1 states that new development should be supported by, and have good access to, all necessary infrastructure. Where a development proposal requires additional infrastructure capacity mitigation measures must be secured. The need for additional infrastructure can be mitigated by a developer through the payment of financial contributions towards new or expanded facilities, on-site or off-site provision and works; and the provision of land.

8.148. The following legal obligations are to be secured via the Section 106 Legal Agreement;

Affordable Housing Contribution

8.149. As part of the previous approval an off-site affordable housing contribution was secured in the region of £750,000. The Council's Housing Team confirmed that an off-site contribution was acceptable due to the bespoke housing offer proposed meaning it would be very difficult to attract a housing association to take on an on-site provision.

8.150. This approach is still considered appropriate and, following a review of house prices in the vicinity, an off-site contribution of £950,000 will be secured. The trigger points are as follows;

- Not occupy more than 50% of the market/retirement units until 50% of the AH contribution has been paid.
- Further 25% payable at 75% occupation.
- The remaining 25% being due on 90% occupation of the dwellings.

Phasing of Development

8.151. The consented scheme proposed the private housing element of the development to, in part, enable the tourism use. Therefore, it is still considered relevant to include trigger points as part of a site wide phasing scheme to prevent the private housing being built out and not the associated tourism use.

8.152. In this context, the following phasing/trigger points are proposed by the developer;

No more than 60% (25No) of the dwellings to be occupied until:

- The humps and hollow ecological feature and associated planting are in place
- The footpaths and jetty to the southern side of lake 04 and the footpaths to the humps and hollows is in place

No more than 75% (31No) of the dwellings to be occupied until:

- The Retirement communal building is in place.
- The 2 show units for the holiday lodges are in place (lodges L99 & L100, a 4 bed unit and a 2 bed unit respectively).

The remaining 25% (10 No) of the dwellings cannot be occupied until:

- Bases for the first 31 holiday lodges are in place
- Roads are provided (to base level) to serve the 31 holiday lodges (indicated yellow on phasing plan)

- 8.153. Officers have reviewed this phasing of development and consider that the thresholds outlined above strike an appropriate balance between securing the construction of the tourism function against the occupation of the residential units whilst sufficiently incentivising the developer to complete various sections of the mixed used development proposed. These trigger points will therefore be secured as a legal obligation within the S106.

Highway Works

- 8.154. Essex County Council Highways have requested improvements to a nearby bus stop and enhancement to the PRow that borders the site on its north-western boundary. The developers have asked that these works are costed by ECC and secured via contributions contained within the S106. The bus stop enhancements are proposed to cost in the region of £27,300, whilst the PRow upgrade costs are yet to be confirmed.
- 8.155. These enhancements were secured as part of the original approval and are considered to meet the requirements of the CIL Regulations, in so far that they are;
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

Public Open Space

- 8.156. As before, the Council's Open Space Team have confirmed that a contribution towards improvements to existing play facilities is both relevant and justified to this planning application. The contribution would be used to improve the facilities at the nearest play area located at Baynards Recreation Ground. The contribution would equate to approximately £14,000.

RAMS

- 8.157. As detailed above, a financial contribution (currently £163.86 per unit) towards RAMS is required to mitigate the recreational impacts of the proposal upon the nearby European Designated Sites.

EIA Development

- 8.158. In accordance with Regulation 6(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, an Environmental Impact Assessment (EIA) has been produced, which accompanies the planning application.
- 8.159. It is considered that within the submitted EIA appropriate mitigation measures have been identified, where necessary, which will prevent, reduce or off-set any likely adverse effect of the proposed development on other environmental facets during the construction and operational lifetime.
- 8.160. The EIA concludes that due to the design of the scheme, Geotechnical and Environmental Impacts, Archaeology and Heritage, Landscape and Visual, Traffic and Transport, Air Quality and Dust and Hydrology and Water Quality do not pose a constraint to the proposed development, either during construction or once operational and residual effects are considered to be Negligible.
- 8.161. Moreover, the residual effects on Ecology and Biodiversity in the construction phase are considered to be Moderate albeit these are temporary impacts. The residual effects on Ecology and Biodiversity in the operational phase are considered to be Low.
- 8.162. Construction phase works are anticipated to result in temporary, short term noise impacts, and can be limited to an effect of Moderate - Minor Adverse significance. It is considered that noise effects of operational building services and plant noise can be limited to an effect of Negligible significance. Changes in road traffic noise levels on the local road network due to the introduction of the

development have been assessed and are summarised to be limited to Minor Adverse effect and therefore not significant.

- 8.163. The residual effect of Socioeconomics and Health Impact Assessment is considered to have a Negligible to Minor Beneficial impact during the construction and operational phase of the development and lighting effects will have a Minor Adverse effect following adoption of the proposed lighting strategy.
- 8.164. Overall, the EIA has not identified any exceptional circumstances which contravene prevailing legislation or planning policy and, with the added input of statutory consultees who have reviewed the submitted documentation, it is concluded that the proposed development at Lower Farm Park will not result in any significant environmental impacts.

9. Conclusion

- 9.1 The development proposal seeks revisions to an existing implemented consent for a mixed-use tourism, leisure and residential development on the site. Whilst the revisions include an increase to the overall footprint of the development, they also provide for substantial enhancements over and above the approved scheme in terms of an improved tourism offer through more on-site facilities, ecological benefits via lake and reedbed creation and an enhanced and consistent design approach across the whole development, which incorporates improved sustainability credentials.
- 9.2 When considered against the backdrop of the existing implemented consent, the proposed development would not result in an adverse impact upon residential amenity, highway safety, landscape impacts or ecological interests.
- 9.3 In summary, the development will offer: both direct and indirect employment opportunities within the local area; attract both national and international tourism; and, promote economic growth of the immediate and local areas.
- 9.4 The development mix and general arrangement of Lower Farm Park is designed to relate well to the local area and connect the site to its surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials used within the buildings.
- 9.5 The mixed use development is therefore considered to represent sustainable development on the edge of one of the District's larger settlements that meets the three strands of sustainability namely; environmental, social and economic.
- 9.6 In the absence of any objections from any statutory consultees, the development is recommended for approval subject to the completion of a legal agreement outlining the various obligations listed below and the conditions listed at section 10.2 of this report.

10. Recommendation

- 10.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a section 106 legal agreement with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Off-Site Affordable Housing Contribution	£952,850 (index linked) - Not occupy more than 50% of the dwellings until 50% of the AH contribution has been made. Further 25% payable at 75% occupation. The remaining 25% being due on 90% occupation of the dwellings.
Financial contribution towards RAMS.	£163.86 per unit paid upon commencement

Open Space	£14,080 - Enhancements to Bayards Recreation paid upon first occupation of market units
Highways Contribution	- £27,300 – Bus Stop upgrade – Bayards Crescent - Contribution towards PRow Improvements (Currently Uncosted) Both paid upon first occupation
Retirement Lodges	Restriction to occupants over 55 only.
Development Phasing	No more than 60% (25No) of the dwellings to be occupied until: - The humps and hollow ecological feature and associated planting are in place - The footpaths and jetty to the southern side of lake 04 and the footpaths to the humps and hollows is in place No more than 75% (31No) of the dwellings to be occupied until: - The Retirement communal building is in place. - The 2 show units for the holiday lodges are in place (lodges L99 & L100, a 4 bed unit and a 2 bed unit respectively). The remaining 25% (10 No) of the dwellings cannot be occupied until: - Bases for the first 31 holiday lodges are in place - Roads are provided (to base level) to serve the 31 holiday lodges (indicated yellow on phasing plan)

10.2 Conditions and Reasons

1). COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

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

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

NOTE/S FOR CONDITION:

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

2). APPROVED PLANS & DOCUMENTS

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

5553/SP/23/0000 P1 (Red Line Site Plan)
23180-MA-XX-DR-C-0009 P02 (Amended Junction Dimensions – Proposed Crossing Points)
23180-MA-XX-DR-C-C-0140 P03 (Amended Junction Dimensions – Visibility Splays)
162-01-04 01 (Amended Illustrative Sections)
5553/SP/23/1023 P1 (Footpath/Open Space Plan)
5553/SP/23/1024 P1 (Viewpoint/Pedestrian Signage Plan)
5553/SP/23/3030 P2 (Site Section AA)
5553/SP/23/3031 P2 (Site Section BB)
5553/SP/23/3032 P2 (Site Section CC)
5553/SP/23/3033 P2 (Site Section DD)
5553/SP/23/3034 P1 (Site Section EE)
5553/SP/23/3035 P1 (Site Section FF)
5553/SP/23/3036 P1 (Site Section GG)
5553/SP/23/3045 (Lake Buffer Zones)
5553/SP/23/3012 P1 (Preliminary Fire Fighting Appraisal)
162-01-01 06 (Landscape Proposals)
162-01-10 01 (Soft Landscape Proposals & Schedules)
5553/SP/23/3021 P1 (Proposed Earthworking)
Environmental Impact Assessment (August 2023)
Arboricultural Impact Assessment (Ref – 230238-TMA-XX-XX-RP-AP-5300 – August 2023)
Planning Design & Access Statement (August 2023)
Climate Change and Energy Statement (Faarup Associates Ltd; 2023)
Construction Strategy and Traffic Management Plan
Preliminary Ground Investigation & Generic Risk Assessment (CET; Nov 2017)
Ground Investigation Report (Soiltechnics; August 2023)
Preliminary Ecological Appraisal (Adonis Ecology Ltd; 2022)
Winter Bird Survey (ACJ Ecology Ltd; 2023)
Great Crested Newt Survey (TMA; 2023)
Reptile Survey (TMA; 2023)
Water Vole And Otter Survey (TMA; 2023)
Bat Tree Scoping Survey (TMA; 2023)
Botanical HPI Survey (Sound Ecology; 2023)
Ecological Constraints and Opportunities Summary (TMA; 2023)
Heritage Statement (Archaeology South-East; 2023)
Transport Statement (Markides Associated; 2023)
Acoustic Assessment Report (Blackbird Acoustics; 2023)
Flood Risk Assessment and Surface Water Drainage Strategy (SLR; 2023)
Planning Statement (August 2023 – Carter Jonas)
5553SP/23/3010 P1 (Proposed Masterplan)
162-01-05 01 (Soft Landscaping Proposals – Sheet 1)
162-01-06 01 (Soft Landscaping Proposals – Sheet 2)
162-01-07 01 (Soft Landscaping Proposals – Sheet 3)
162-01-08 01 (Soft Landscaping Proposals – Sheet 4)
162-01-09 (Soft Landscaping Proposals – Sheet 5)
162-01-10 01 (Soft Landscaping Proposals – Sheet 6)

162-01-11 01 (Soft Landscaping Proposals – Sheet 7)
5553/SP/23/0001 P1 (Existing Site Plan – Sheet 1)
5553/SP/23/0002 P1 (Existing Site Plan – Sheet 2)
5553/SP/23/0002 P1 (Existing Topographical Survey)
5553/SP/23/1010 P1 (Waterscape Appraisal)
5553/SP/23/1011 P1 (Treescape Appraisal)
5553/SP/23/1012 P1 (Site Levels and Contours)
5553/SP/23/1013 P1 (Sunpath and Views Analysis)
5553/SP/23/1014 P1 (Access and Movement)
5553/SP/23/1020 P1 (Site Constraints Plan)
5553/SP/23/1021 P1 (Wider Site Constraints)
5553/SP/23/1022 P1 (Site Opportunities)
5553/SP/23/3000 P1 (Building Zoning Plan)
5553/SP/23/3001 P1 (Vehicle Routing Plan)
5553/SP/23/3002 P1 (Pedestrian & Cycle Routing Plan)
5553/SP/23/3003 P1 (On-Site Amenities)
5553/SP/23/3011 P1 (Accommodation Schedule)
5553/SP/23/3100 P1 (Car Port/Bin)
5553/SP/23/3101 P1 (Car Port)
5553/SP/23/3102 P1 (Bin Store)
5553/SP/23/3103 P1 (Cycle Rack)
5553/SP/23/3110 P1 (Lake Deck – Main Plan)
5553/SP/23/3111 P1 (Lake Deck – Non Covered)
5553/SP/23/3112 P1 (Lake Deck – Covered)
5553/SP/23/3113 P1 (Raised Boardwalk)
5553/SP/23/3113A P1 (Raised Boardwalk – Over Water)
5553/SP/23/3114 P1 (Bridge Structure)
5553/SP/23/3115 P1 (Fire Pit)
5553/SP/23/3120 P1 (MUGA Pitch)
5553/SP/23/3122 P1 (Climbing Tower)
5553/SP/23/3123 P1 (Outdoor Auditorium)
5553/SP/23/3124 P1 (Playground Equipment)
5553/SP/23/3125 P1 (Outdoor Exercise Equipment)
5553/SP/23/3126 P1 (Drainage Pump Stations)
5553/SP/23/3130 P1 (Security Fencing)
5553/SP/23/3131 P1 (Acoustic Fencing)
5553/SP/23/3132 P1 (ANPR Barrier)
5553/SP/23/3133 P1 (Landscape Features)
5553/SP/23/3134 P1 (Planters)
5553/SP/23/3135 P1 (Benches)
5553/SP/23/3140 P1 (Signs and Signage)
5553/SP/23/3141 P1 (Fire Fighting Equipment)
5553/SP/23/3142 P1 (Life Bouy)
5553/SP/23/4000 P1 (2 Bedroom Holiday Lodge Floor Plan)
5553/SP/23/4001 P1 (2 Bedroom Holiday Lodge Roof Plan)
5553/SP/23/4002 P1 (2 Bedroom Holiday Lodge Elevations)
5553/SP/23/4004 P1 (2 Bedroom Holiday Visuals – Sheet 1)
5553/SP/23/4005 P1 (2 Bedroom Holiday Visuals – Sheet 2)
5553/SP/23/4007 P1 (2 Bedroom Holiday Lodge Floor Plan – Flat Roof)
5553/SP/23/4008 P1 (2 Bedroom Holiday Lodge Roof Plan – Flat Roof)
5553/SP/23/4009 P1 (2 Bedroom Holiday Lodge Elevations – Flat Roof)
5553/SP/23/4010 P1 (3 Bedroom Holiday Lodge – Floor Plan)
5553/SP/23/4011 P1 (3 Bedroom Holiday Lodge – Roof Plan)
5553/SP/23/4012 P1 (3 Bedroom Holiday Lodge – Elevations)
5553/SP/23/4014 P1 (3 Bedroom Holiday Lodge Visuals – Sheet 1)
5553/SP/23/4015 P1 (3 Bedroom Holiday Lodge Visuals – Sheet 2)

5553/SP/23/4016 P1 (3 Bedroom Holiday Lodge Visuals – Sheet 3)
5553/SP/23/4017 P1 (3 Bedroom Holiday Lodge – Floor Plan)
5553/SP/23/4018 P1 (3 Bedroom Holiday Lodge – Roof Plan)
5553/SP/23/4019 P1 (3 Bedroom Holiday Lodge – Elevations)
5553/SP/23/4020 P1 (4 Bedroom Holiday Lodge – Floor Plan)
5553/SP/23/4021 P1 (4 Bedroom Holiday Lodge – Roof Plan)
5553/SP/23/4022 P1 (4 Bedroom Holiday Lodge – Elevations)
5553/SP/23/4024 P1 (4 Bedroom Holiday Lodge Visuals - Sheet 1)
5553/SP/23/4025 P1 (4 Bedroom Holiday Lodge Visuals - Sheet 2)
5553/SP/23/4030 P1 (5 Bedroom Holiday Lodge – Floor Plan)
5553/SP/23/4031 P1 (5 Bedroom Holiday Lodge – Roof Plan)
5553/SP/23/4032 P1 (5 Bedroom Holiday Lodge – Elevations)
5553/SP/23/4034 P1 (5 Bedroom Holiday Lodge Visuals – Sheet 1)
5553/SP/23/4035 P1 (5 Bedroom Holiday Lodge Visuals – Sheet 2)
5553/SP/23/4036 P1 (5 Bedroom Holiday Lodge Visuals – Sheet 3)
5553/SP/23/4100 P1 (1 Bedroom Retirement Lodge – Floor Plan)
5553/SP/23/4101 P1 (1 Bedroom Retirement Lodge – Roof Plan)
5553/SP/23/4102 P1 (1 Bedroom Retirement Lodge – Elevations)
5553/SP/23/4104 P1 (1 Bedroom Retirement Lodge Visuals – Sheet 1)
5553/SP/23/4105 P1 (1 Bedroom Retirement Lodge Visuals – Sheet 2)
5553/SP/23/4110 P1 (2 Bedroom Retirement Lodge – Floor Plan)
5553/SP/23/4111 P1 (2 Bedroom Retirement Lodge – Roof Plan)
5553/SP/23/4112 P1 (2 Bedroom Retirement Lodge – Elevations)
5553/SP/23/4114 P1 (2 Bedroom Retirement Lodge Visuals – Sheet 1)
5553/SP/23/4115 P1 (2 Bedroom Retirement Lodge Visuals – Sheet 2)
5553/SP/23/4116 P1 (2 Bedroom Retirement Lodge Visuals – Sheet 3)
5553/SP/23/4120 P1 (3 Bedroom Retirement Lodge – Floor Plan)
5553/SP/23/4121 P1 (3 Bedroom Retirement Lodge – Roof Plan)
5553/SP/23/4122 P1 (3 Bed Retirement Elevations)
5553/SP/23/4124 P1 (3 Bedroom Retirement Lodge Visuals – Sheet 1)
5553/SP/23/4125 P1 (3 Bedroom Retirement Lodge Visuals – Sheet 2)
5553/SP/23/4126 P1 (3 Bedroom Retirement Lodge Visuals – Sheet 3)
5553/SP/23/4430 P1 (Retirement Hub GA – Roof Plan)
5553/SP/23/4431 P1 (Retirement Hub – Elevations)
5553/SP/23/4432 P1 (Retirement Hub – Sections)
5553/SP/23/4434 P1 (Retirement Hub – Visuals)
5553/SP/23/4200 P1 (5 Bedroom Farmhouse A – Floor Plans)
5553/SP/23/4201 P1 (5 Bedroom Farmhouse A – Roof Plan)
5553/SP/23/4202 P1 (5 Bedroom Farmhouse A – Elevations)
5553/SP/23/4204 P1 (5 Bedroom Farmhouse A – Visuals)
5553/SP/23/4210 P1 (5 Bedroom Farmhouse B – Floor Plans)
5553/SP/23/4211 P1 (5 Bedroom Farmhouse B – Roof Plan)
5553/SP/23/4212 P1 (5 Bedroom Farmhouse B – Elevations)
5553/SP/23/4214 P1 (5 Bedroom Farmhouse B – Visuals)
5553/SP/23/4300 P1 (Glamping Unit GA – Roof Plan)
5553/SP/23/4301 P1 (Glamping Unit – Elevation Sheet 1)
5553/SP/23/4302 P1 (Glamping Unit – Elevation Sheet 2)
5553/SP/23/4304 P1 (Glamping Unit Visuals – Pontoon)
5553/SP/23/4305 P1 (Glamping Unit Visuals – Woodland)
5553/SP/23/4400 P1 (Estates Building GA – Floor Plan)
5553/SP/23/4401 P1 (Estates Building – Roof Plan)
5553/SP/23/4402 P1 (Estates Building – Elevations)
5553/SP/23/4403 P1 (Estates Building – Sections)
5553/SP/23/4405 P1 (Estates Building Visuals)
5553/SP/23/4410 P1 (Reception GA – Roof Plan)
5553/SP/23/4411 P1 (Reception – Elevations)

5553/SP/23/4412 P1 (Reception – Sections)
5553/SP/23/4414 P1 (Reception – Visuals)
5553/SP/23/4420 P1 (Leisure Building – Floor Plans)
5553/SP/23/4421 P1 (Leisure Building – Roof Plan)
5553/SP/23/4422 P1 (Leisure Building – Elevations)
5553/SP/23/4424 P1 (Leisure Building Visuals – Sheet 1)
5553/SP/23/4425 P1 (Leisure Building Visuals – Sheet 2)
5553/SP/23/4426 P1 (Leisure Building Visuals – Sheet 3)
5553/SP/23/4440 P1 (Restaurant Building GA – Floor Plan)
5553/SP/23/4441 P1 (Restaurant Building – Roof Plan)
5553/SP/23/4442 P1 (Restaurant Building – Elevations)
5553/SP/23/4444 P1 (Restaurant Building – Visuals)
5553/SP/23/4450 P1 (Workshop – Floor Plans)
5553/SP/23/4451 P1 (Workshop – Elevation, Roof Plan and Sections)
5553/SP/23/4454 P1 (Workshop – Visuals)

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: AGREEMENT OF MATERIALS

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

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

NOTE/S FOR CONDITION:

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

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

4). COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

5). COMPLIANCE: TREE/LANDSCAPE PROTECTION

CONDITION: No development shall be commenced until the existing tree/s on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a height, size and in positions, as shown on the approved Tree Protection Plan, prior to the commencement of development. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the tree/s to be protected. Any tree/s dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with a tree or trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be approved, in writing, with the Local Planning Authority up to first use or first occupation of the development, following the death of, or severe damage to the tree/s.

REASON: For the avoidance of damage to protected tree/s included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area. This condition is required to be carried out prior to the commencement of any other development to ensure trees are protected early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to trees.

6). FURTHER APPROVAL - FOUL WATER DRAINAGE DETAILS

CONDITION: Full details of foul water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority prior to the beginning of any works to the building it would serve are commenced. 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.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to the commencement of works to the building/s approved. This condition is imposed to ensure the potential impact on a sensitive area is considered and harm avoided that may be detrimental to amenity and the environment. This condition as detailed will apply to the development at all times once agreement is obtained unless varied or removed legally.

7). FURTHER APPROVAL - SUDS WATER DRAINAGE DETAILS & MAINTENANCE

No works 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:

- 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.
- Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- 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. Cover levels and invert levels are also to be included on the drainage plan.
- A final detailed drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- 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. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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 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 in 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.

8). FURTHER APPROVAL - SUDS WATER DRAINAGE DETAILS (FOR CONSTRUCTION)

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

accord with the approved timetable. The drainage scheme shall thereafter be maintained as approved or as be agreed to be retained by the local planning authority in writing.

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

NOTE/S FOR CONDITION:

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

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

CONDITION: Prior to the commencement of development details of the 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 routing of all traffic 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 any means of access to the site during construction.
- 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 portaloo's.
- 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.
- 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) Construction traffic routing details.

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. 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 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.

10). ACTION REQUIRED: PROVISION OF ACCESS

CONDITION: The hereby approved accesses shall be completed in all respects in accordance with the approved drawing no. 23180-MA-XX-DR-C-0009 Revision P02 and be available for use before first occupation/use of the development hereby approved and served via the relevant access. The accesses shall then be retained in their approved form.

REASON: In the interests of highway safety to ensure the access is properly designed and constructed and made available for use.

NOTE/S FOR CONDITION:

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

11). HIGHWAYS VISIBILITY SPLAYS

CONDITION: Prior to first use of the site accesses, visibility splays shall be provided as shown on approved drawing no. 23180-MA-XX-DR-C-C-0140 Revision P03 and shall then be retained in their approved form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

REASON: To ensure vehicles exiting the access would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

NOTE/S FOR CONDITION:

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

12). ACCESS MATERIAL

CONDITION: The access/s hereby approved shall have a bound material surface and shall be laid out for a minimum distance of 10 metres from the edge of the carriageway prior to first use. The bound material as implemented shall then be retained thereafter.

REASON: In the interests of highway safety to prevent hazards caused by loose materials on the highway.

NOTE/S FOR CONDITION:

Carriageway is the part of a road intended for vehicles rather than pedestrians normally defined by kerb if available or edge of a bound surface. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

13). HIGHWAYS ON GOING REQUIREMENT – REMOVAL OF PERMITTED DEVELOPMENT

CONDITION: Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) there shall be no gates/fence and/or other means of enclosure within 22 metres from the edge of the carriageway at the point of the accesses unless details are first agreed, in writing, by the local planning authority. Any gates to be erected on site that may be approved, shall only open into the site and not over any area of the public highway at any time.

REASON: In the interests of highway safety.

NOTE/S FOR CONDITION: Carriageway is the part of a road intended for vehicles rather than pedestrians normally define by kerb if available or edge of a bound surface. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

14). HIGHWAYS PROVISION OF PARKING AND TURNING

No building, holiday lodge or dwelling shall be occupied or brought into first use until such time as the car parking and turning areas serving that building, holiday lodge or dwelling have been provided in accord with approved drawings. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking and layout is provided To ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would otherwise be detrimental to highway safety.

15). RESIDENTIAL TRAVEL INFORMATION PACK

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

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

16). FURTHER APPROVAL – TRAVEL PLAN

CONDITION: Prior to the first occupation/use of the development, a Travel Plan including details of the travel arrangements to and from the site for employees, customers and monitoring provisions shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Travel Plan arrangements shall be implemented and followed prior to first occupation/use.

REASON: In the interests of sustainable development.

NOTE/S FOR CONDITION:

This condition only applies to commercial elements of the development.

17). ACTION REQUIRED: REFUSE BINS AND COLLECTION AREAS

CONDITION: Prior to first use/ occupation of the development, or in accordance with an alternative timetable for provision as may be agreed in writing by the Local Planning Authority, the area/s to be provided for storage of refuse/recycling bins as shown on the approved drawings shall be provided and then retained.

REASON: In the interest of highway safety to ensure that refuse recycling bins do not cause any obstruction or danger on the highway.

NOTE/S FOR CONDITION:

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

18). COMPLIANCE – CYCLE//PEDESTRIAN PATHWAY

Prior to the first use of the main leisure hub building, the proposed shared cycle/pedestrian pathway accessed via the secondary access serving the 5 private dwellings from Robinson Road, shall be constructed in full and made available for use, and retained as approved thereafter.

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

19). COMPLIANCE - ECOLOGICAL APPRAISAL RECOMMENDATIONS

CONDITION: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Adonis Ecology, August 2022) and Ecological Constraints and Opportunities Summary (Tim Moya Associates, August 2023) 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 (Priority habitats & species).

20). FURTHER APPROVAL - CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

Prior to commencement of development a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved, in writing, by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following;

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures including a finalised Reptile Mitigation Strategy (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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 (Priority habitats & species).

21). FURTHER APPROVAL - CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

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 or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- 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 prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

22). FURTHER APPROVAL - LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

Prior to any works above slab level a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved, in writing by, the Local Planning Authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details

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 (Priority habitats & species).

23). FURTHER APPROVAL – WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

Prior to the erection/installation of any floodlighting or other means of external lighting at the site a lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

24). SPECIFIC RESTRICTION ON DEVELOPMENT: HOLIDAY OCCUPATION

CONDITION: The tourism lodges and glamping pods hereby approved, and as clearly indicated on approved drawing no. 5553/SP/23/3010 P1, are exclusively designated for holiday purposes of the occupier/s only and shall not be utilised as a person's sole or main place of residence nor permanent residential dwelling of individuals not engaged in such holiday purpose at any time, including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended. Furthermore, the following restrictions shall apply:-

1. Occupation Period: The duration of occupation by any one person shall not exceed more than 100 days in any given year (Jan to Dec) and no continuous occupation period of an individual person shall exceed 28 days without a break of at least 7 days between occupation.
2. Primary Residence Prohibition: The approved tourism lodges shall only be occupied by persons who have available an alternative primary residential address, it shall not be utilised as a person's sole or main place of residence.

3. Register of Occupants: A comprehensive register containing the names, full details of permanent home addresses, and vehicle registrations (if travelling by car) of occupants shall be maintained for all periods of occupation each year. This register must be made available to the Local Planning Authority for inspection at any time in a form that can be digitally provided upon request, and all records shall be retained for a minimum of ten years.

REASON: The site of the permission is outside any area where planning permission would normally be forthcoming for residential development without either harm or conflict with planning policies. The development is expressly permitted for holiday use to contribute significantly to local tourism and the economic well-being of the area. This contribution is considered paramount, justifying the exceptional approval of this development that would otherwise be a departure of the Local Plan and unsustainable development.

NOTE FOR CONDITION: Holiday Purpose: This term refers to the usage of the development site for short-term stays, primarily for recreational or leisure purposes, individuals occupying the site are doing so for holidays and vacations. Continuous Occupation: Continuous occupation, as mentioned in the condition, indicates the uninterrupted stay of an individual on the development site. In this context, the condition restricts the continuous occupation of any individual person to no more than 28 days without a break of at least 7 days between periods of occupation. This restriction is designed to ensure that the site is not used as a permanent residence and aligns with its intended holiday purpose to generate active tourism within the District.

25). AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include as a minimum:-

- An electric car charging point scheme
- Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use for new dwellings.
- Agreement of a scheme to achieve as far as possible a water consumption rate of not more than 110 litres, per person, per day for new dwellings.
- Agreement of heating of each dwelling/building
- Agreement of scheme for waste reduction
- Provision of a fibre optic broadband connection to the best possible speed installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing. (If the applicant is unable to achieve this standard of connection and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 30mbps) wireless service will be considered.)

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

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

NOTES FOR CONDITION:

Slab level normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab

level to be the point before any walls and/or development can be visualised above ground level or seek confirmation from the Local Planning Authority for your development.

Broadband provision is included to ensure the development is able to be equipped with high speed broadband to enable opportunities for web-based communication and homeworking reducing the need for unsustainable travel.

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

26). FURTHER APPROVAL - AGREEMENT OF LOCAL RECRUITMENT STRATEGY

CONDITION: No development before any works on foundations 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.

27). FURTHER APPROVAL – PUBLIC ACCESS STRATEGY

CONDITION: Prior to the first occupation of the development a public access strategy that outlines details to enable local public access onto the site and use of the park facilities, including details of numbers, opening hours for public members and access/security arrangements, shall be submitted to and approved, in writing, by the Local Planning Authority. The approved strategy shall be adhered to at all times as approved thereafter.

REASON: To facilitate public access onto the site in the interests of promoting health and amenity benefits to local residents.

28). COMPLIANCE – POWERED WATERCRAFT

CONDITION: There shall be no use of motorboats or engine powered watercraft on any of the water features located on the site at any time.

REASON: In the interests of residential amenity and biodiversity preservation.

29). FURTHER APPROVAL - SOUND MITIGATION MEASURES TO BE AGREED

CONDITION: Before any machinery/plant is first used on any premises as hereby approved as part of this permission, it shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved, in writing, by the Local Planning Authority. The scheme shall thereafter be maintained as may be approved.

REASON: In the interest of the amenity of neighbouring residents having regard to the background noise levels in the area.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to first use. This condition is imposed due to concern/s over potential noise that may harm amenity and is imposed as it is considered necessary to control potential noise that would have otherwise warranted a refusal.

30). ONGOING REQUIREMENT IMPOSED - NOISE RESTRICTION ON AMPLIFICATION

CONDITION: No equipment for the amplification of sound and/or the playing of music shall be operated outside any of the approved buildings on the site (defined by the red line plan) at anytime.

REASON - In the interest of the amenity of neighbouring residents.

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. 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.

2) Please note this condition does include PA systems and/or similar. This does not prevent the playing of live music or singing but should not use speakers/mics to amplify the sound and/or voice singing.

31). COMPLIANCE – ACOUSTIC FENCING

CONDITION: Prior to the first use of the estates building compound yard the acoustic fencing shall be fully installed, as outlined on approved drawing no. 5553/SP/23/3131 P1, and shall be retained in its approved form thereafter.

REASON: In the interests of visual and residential amenity.

32). APPROVAL REQUIRED: LANDSCAPE MANAGEMENT PLAN

CONDITION: No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a landscape management plan for a minimum of 5 years. Both new and existing planting (including SUDs features as applicable) will be required to be included in a long-term management plan.

The landscape management plan shall also include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan and thereafter retained.

REASON: To support plant establishment and ensure the proper management and maintenance of the approved landscaping in the interests of amenity, functionality and the character and appearance of the area.

33). SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS BUILDINGS, STRUCTURES AND ENCLOSURES

CONDITION: Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development)

Order 2015, (or any Order revoking and re-enacting that Order with or without modification):- no garage, car port, fence, gate, wall or any other means of enclosure, building or structure shall be erected except pursuant to the grant of planning permission on an application made in that regard.

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

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.

Highway Informatives

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is a breach of this legislation. The public's rights and ease of passage over public footpaths 161_8 & 161_27 (Brightlingsea) shall always be maintained free and unobstructed to ensure the continued safe passage of the public on the definitive right of way.

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

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

The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

Reporting Of Unexpected Contamination

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out.

If necessary, the minimum requirements for dealing with unexpected ground conditions being encountered during construction;

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of

solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.

4. The unexpected, contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions.
12. After consultation with the Local Planning Authority, materials should either be: re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or treatment of material on site to meet compliance targets so it can be re-used; or removal from site to a suitably licensed landfill or permitted treatment facility.
13. A Verification Report shall be submitted to and approved in writing by the Local Planning Authority before development can proceed.

Drainage Informatives

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

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.	Positive – retirement units proposed.
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.
- 11.8 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.

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/>.