

PLANNING COMMITTEE

4 MARCH 2025

REPORT OF THE DIRECTOR OF PLANNING

**A.1. PLANNING APPLICATION – 24/01890/FUL – LAND AT HIGH STREET CAR PARK
CARNARVON ROAD CLACTON ON SEA ESSEX CO15 6QF**



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Application:	24/01890/FUL	Expiry Date:	3rd April 2025
Case Officer:	Michael Pingram		
Town/ Parish:	Clacton - Non Parished		
Applicant:	Tendring District Council		
Address:	Land at High Street Car Park Carnarvon Road, Clacton On Sea, CO15 6QF		
Development:	Demolition of existing multi-story car park and clearance of site. Construction of replacement multi-story car park, 28no. residential (Class C3) apartments, and 5no. flexible units (Class E, F1, F2 and related Sui Generis uses).		

1. Executive Summary

- 1.1 The application is before members of the Planning Committee on the basis that the applicant and owner of the site is Tendring District Council.
- 1.2 This application seeks the demolition of the existing multi-story car park and all other structures, to be replaced by a new multi-story car park providing 301 spaces, the erection of 28 affordable residential units and the erection of 1,330sqm of flexible commercial floorspace. Given that the site falls within the Settlement Development Boundary for Clacton-on-Sea, and is also an area prioritised for regeneration, the principle of development is acceptable. The proposed commercial uses may not necessarily be main town centre uses, but will still be a boost to the commercial offering in the surrounding area.
- 1.3 Officers consider that the design, scale and layout is an acceptable response to the character and appearance of the area, and whilst there will be a degree of harm to the amenities of Number 39 Carnarvon Road, on balance this is not considered so significant that it warrants recommending a reason for refusal. The residential units all meet the technical housing space standards and provide for enough private amenity space, and Essex Highways Authority have raised no objections subject to conditions. The parking provision is also considered to be of an acceptable level.
- 1.4 The proposal would result in the loss of a Copper Beach tree, however whilst unfortunate it would not be feasible to retain it without significant revisions to the wider scheme. Furthermore, the proposal includes a significant increase of soft landscaping, and therefore on balance the wider benefits of the scheme are considered to outweigh the harm of the loss of this tree.
- 1.5 Taking all of the above into consideration, Officers conclude that whilst there are some minor harms as a result of the development, they are significantly outweighed by the benefits the scheme would generate.

Recommendation: Approval subject to S106

- 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 provision; and

- Biodiversity Net Gain (Unless the applicant opts to deal with under the planning condition)
- 2) That the Head of Planning and Building Control be authorised to grant planning 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 Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

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In relation to housing supply:

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

On 12th December 2024 the Government published the Housing Delivery Test: 2023 measurement. Against a requirement for 1,466 homes for 2020-2023, the total number of homes delivered was

2,343. The Council's HDT 2023 measurement was therefore 160%, and a buffer of 5% is to be used when calculating the Council's five year land supply position.

The Council demonstrates its supply of specific deliverable sites within the Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in July 2024, and demonstrates a 6.26-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer. The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>

As a result, the 'titled balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

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>

4. Planning Policy

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

National:

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

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

Local:

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

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

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

HP2 Community Facilities

HP5 Open Space, Sports and Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable Housing

PP1 New Retail Development

PP5 Town Centre Uses

PP8 Tourism

PP14 Priority Areas for Regeneration

PPL1 Development and Flood Risk

- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL8 Conservation Areas
- PPL9 Listed Buildings
- PPL10 Renewable Energy Generation and Energy efficiency Measures
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

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

[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

94/01377/FUL	(High Street Car Park, High Street, Clacton on Sea) General Market (Tuesdays) including small car park, replacement for site on Ellis Road car park	Approved	10.01.1995
95/00950/FUL	(High Street Car Park, Clacton on Sea) Construction of a multi-storey car park on the site of the existing surface level car park	Approved	26.09.1995
96/00593/FUL	(High Street Car Park, Clacton on Sea) General market to be held on Tuesdays including car parking	Refused	25.06.1996
96/01010/FUL	(High Street Car Park, Clacton on Sea) Construction of a multi-storey car park on the site of the existing surface level car park (variation to scheme approved under planning permission TEN/95/0950)	Approved	17.09.1996
98/00983/FUL	Extension to access/egress ramp to upper floors	Approved	22.09.1998

6. Consultations

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

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

Active Travel England**08.01.2025**

Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application. Our standing advice can be found here: <https://www.gov.uk/government/publications/active-travel-england-sustainable-development-advice-notes>

ATE would like to be notified of the outcome of the application through the receipt of a copy of the decision notice, in addition to being notified of committee dates for this application.

Anglian Water Services Ltd**23.01.2025****ASSETS****Section 1 - Assets Affected**

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

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

WASTEWATER SERVICES**Section 2 - Wastewater Treatment**

This development is within the catchment of Clacton-Holland Haven water recycling centre (WRC), which currently lacks the capacity to accommodate the additional flows that would be generated by the proposed development. Clacton-Holland Haven WRC is included within our approved Business Plan as a named growth scheme with investment delivery planned between 2025-2030

To ensure there is no pollution or deterioration in the receiving watercourse due to the development foul flows we recommend a planning condition is applied if permission is granted.

Condition: Prior to occupation written confirmation from Anglian Water must be submitted confirming the upgrades at Clacton-Holland Haven water recycling centre have been completed, and there is sufficient headroom to accommodate the foul flows from the development site.

Reason: To protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

Section 3 - Used Water Network

This response has been based on the following submitted documents: Drainage Strategy Document 12/12/24 The sewerage system at present has available capacity for these flows.

If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Section 4 - Surface Water Disposal

Anglian Water object to this application as the proposal of discharge of surface water to existing systems without evidence of existing connections and surface water hierarchy evidence could cause flood risk as per Drainage Strategy dated 12/12/24.

There is no historic right of connection when a site is redeveloped and the surface water hierarchy must be fully explored. There are designated public surface water sewers within the vicinity of the development. When the applicant has fully explored the surface water hierarchy, they will need to engage with Anglian Water and provide evidence that all other options have been exhausted and discounted in line with the Surface Water Hierarchy and with consultation with the LLFA.

The rate proposed (5l/s) is not in line with Anglian Water's policy and rate and is not considered acceptable. Only when this engagement has taken place and an agreement issued by Anglian Water will we remove any objections.

<https://www.anglianwater.co.uk/developing/drainage-services/sustainable-drainage-systems/surface-water-policy/>

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition/objection 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>

Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Surface water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:
 - Development hectare size
 - Proposed discharge rate (Our minimum discharge rate is 2l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website - <http://www.uksuds.com/drainage-calculation-tools/greenfield-runoff-rate-estimation> . For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)
 - Connecting manhole discharge location

- Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)

Essex County Council Archaeology

27.01.2025

There are no recorded features on the Essex Historic Environment Record and no evidence to indicate that there is potential for surviving archaeological remains within the proposed site. The site has been developed and is likely to have disturbed or destroyed any archaeological remains that may have been present. The above application is unlikely to have any further significant impact on any unknown archaeological remains.

There is no objection to the above application.

Essex County Fire Officer

23.01.2025

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 24/01890.FUL 28 Land at High Street Car Park Carnarvon Road Clacton On Sea Essex:

- 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
- Section 13, with new roads or surfaces compliant with the table below to withstand the standard 18 tonne fire appliances used by Essex County Fire and Rescue Service.

Min. Width of Road between Kerbs

Pumping Appliance

3.7m

High Reach

3.7m

Min. Width of Gateways

Pumping Appliance

3.1m

High Reach

3.1m

Min. Height Clearance

Pumping Appliance

3.7m

High Reach

4.0m

Min. Carrying Capacity
Pumping Appliance
18 tonnes
High Reach
28 tonnes

Min. Turning Circle (Kerb to Kerb)
Pumping Appliance
17.8m
High Reach
17.8m

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

Sweep Circle
Pumping Appliance
19.0m

- Implementation of a transport strategy to minimise the impact of construction and prevent an increase in the number of road traffic collisions. Any development should not negatively impact on the Service's ability to respond to an incident in the local area.
- A risk reduction strategy to cover the construction and completion phases of the project.
- Implementation of a land management strategy to minimise the potential spread of fire either from or towards the development site.

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.

Future Infrastructure Risk Team: future.infrastructure.risk@essex-fire.gov.uk

ECC Green Infrastructure

22.01.2025

ECC GI position

Having reviewed the Design and Access Statement (includes Landscape Strategy), Landscape Masterplans, Preliminary Ecological Assessment (PEA), Biodiversity Net Gain (BNG) Metric Calculation and the associated documents which accompanied the planning application, we do not object to the granting of 24/01890/FUL based on the following:

The site benefits from existing green infrastructure (GI) in the form of a few urban trees but is otherwise bare of other GI features. The DAS, PEA, and BNG Metric Calculations highlight the retention and enhancement of mature trees where possible, with significant opportunities for further improvements. These improvements include urban greening of vertical landscapes, introducing native hedgerows, enhancing the small section of landscape north of Clacton Library, adding shrubs and species-rich wildflower lawns, creating green streets, designing natural play areas, providing seating, implementing sustainable drainage rain gardens, and additional tree planting.

The BNG Metric Calculations and PEA establishes a net gain of 59.9%% in habitats, a significant net gain of 0.25 units in hedgerow against a 0 unites baseline which is welcomed.

Additionally, the PEA and DAS recommend other ecological enhancements not captured by the metric, such as bird, bat and insect boxes. The enhancement and mitigation measure identified are instrumental in producing quality GI, therefore all these GI threads should be carried through to detail stages of the application and secured through suitably worded condition.

The PEA recommends that a Biodiversity Gain Assessment (or BNG Plan) be produced to support the application and that management and maintenance for 30 years. The application does not reference or include any maintenance or management schedules for the proposed landscape scheme. Therefore, we recommend that a Landscape Ecological Management Plan (LEMP) be submitted for approval prior to determination or secured by condition as outlined below. The LEMP should detail responsibilities for GI assets, timescales for implementing each aspect of GI within the development phase, maintenance activities and frequencies, and the funding, management, and monitoring of GI assets and green spaces throughout the development's lifetime. A Construction Environmental Management Plan (CEMP) should explain how to protect existing GI during construction and how to add new GI in stages for early growth. Given the significant net gains, a Habitat Management and Monitoring Plan may be required as a planning condition.

To ensure delivery of the new GI components and retention of the existing, we would recommend the following conditions:

Condition 1

No development shall take place until there has been submitted to and approved, in writing, by landscape specialists at the Local Planning Authority a Construction Environmental Management Plan (CEMP). Ideally, strategic elements of the GI framework are brought forward in phase one of the development, to create a landscape structure or evidence is shown that substantive GI is secured as early as possible in initial phases of delivery to allow early establishment, where possible. Therefore, a Construction Environmental Management Plan (CEMP) will be required to set out how retained GI, such as trees, and vegetation will be protected during construction.

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

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 (LEMP) 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 which should be carried out in accordance with any approved LEMP/Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

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 Considerations

New Tree Planting and their early establishment

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

Sustainable Design

ECCs GI team support a strategy that seeks to maximise opportunity for habitat retention and welcomes the proposal for vertical landscaping (climbers), rain gardens and other ecological enhancements recommended by the PEA. ECCs GI team also recommends consideration of the following: -

- Wildlife Bricks: The provision of wildlife bricks creates habitats for invertebrates.
- Dual street furniture/seating (i.e., a bench including a planter): The design of the street furniture and bin stores can contribute to the landscape character, reduce clutter of an area or street and act as a green corridor/link to the wider landscape scale GI network.]
- Log piles/ hibernacula- for invertebrates.
- Permeable paving within the public realm/ green streets.

ECC Highways Dept

30.01.2025

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. A previous site visit was undertaken in conjunction with a separate planning application. It is noted that the existing site is currently situated in a residential and commercial area. Its primary use is for parking and consists of a multi-storey car park as well as more car parking at the wider ground level of 300 spaces overall. A parking survey over a radius of approximately 200m around the site accounting for daytime and nighttime was undertaken in September 2024. The findings indicate that as the proposed car park is of a similar size to the existing, the development will not have an adverse impact on the parking situation in the area. The vehicle trips associated with the development is expected to remain consistent with the existing given that the number of spaces being provided will be consistent with the current scenario. The town centre location means that many services are within walking distance of the new mixed-use development and apartments with sustainable travel or public transport network facilities nearby, considering these factors:

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

1. As provided in the supporting information, and prior to any works commencing on site, including any ground works or demolition, a Construction Management Plan must be approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i. vehicle routing,
 - ii. the parking of vehicles of site operatives and visitors,
 - iii. loading and unloading of plant and materials,
 - iv. storage of plant and materials used in constructing the development,
 - v. wheel and underbody washing facilities.
 - vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense when caused by developer.

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

2. No occupation of the new development shall take place until the following have been provided or completed:
 - a) A minimum 2.4 metres x 43 metres clear to ground visibility splay shall be provided at its centre line in both directions, for all vehicular accesses as measured from and along the nearside edge of the carriageway.
 - b) A 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of each vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
 - c) A half a metre 'no build zone' will need to be provided between the rear of the existing footway/ highway boundary and the proposed structures/ buildings across the site frontage.
 - d) At no point shall barriers/gates be provided at the car park access. To ensure a free and unhindered access is retained at all times.
 - e) Any redundant vehicular access as shown in principle on drawing shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway / kerbing prior to the occupation of the development.
 - f) Public Footpath 34, surface is a block paved area, which is prone to lift or sink creating tripping hazards. The block paving should be removed and replaced with a compacted surface material to provide a firm and level surface, a plan shall be submitted to PROW Planning providing details of the surfacing works to be agreed prior to commencement of works.

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 walking, in accordance with policy DM1 and DM9.

3. 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 be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

4. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each blue badge parking space shall have minimum dimensions of 4.1 metres x 6.7 metres.

Reason: To ensure adequate space for parking off the highway is provided and to reflect modern car sizes in the interest of highway safety in accordance with Policy DM8.

5. 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.

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

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

7. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

8. The public's rights and ease of passage over public footpath no. 34 (Great Clacton_167) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

9. No development shall be permitted to commence on site until such time as an Order securing the temporary closure/ diversion of the existing definitive right of way (public footpath no. 34 Great Clacton_167) to allow the route to be resurfaced, to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

Reason: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Policies DM1 and DM11.

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

Notes:

o Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 or Minor Works Authorisation to regulate the construction of the highway works.

o The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority.

o The development should be in accordance with the 2024 Essex Parking Guidance 2024 Essex Parking Guidance | Essex Design Guide

o A Stage 1 RSA for the proposed accesses to be provided, ideally to be carried out by Essex Highways (to avoid the issue of additional items being identified at RSA2 stage which can then delay technical approval) roadsafety.audit@essexhighways.org o The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.

ECC Schools Service

07.02.2025

Thank you for your email, no request on this occasion, I can see that there are multiple 1 bed dwellings, therefore this falls under our current threshold for requesting contributions.

ECC SuDS Consultee

20.01.2025

Lead Local Flood Authority position:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following:

- As discussed in the pre application advice from October 2024, the LLFA does not accept a flat rate of 5l/s discharging from the site if the Greenfield 1 in 1 year rate is below 5l/s as there are vortex flow control devices which can be designed to a discharge at 1l/s, with 600mm shallow design head and still provide a more than 50mm orifice diameter. Furthermore, appropriate measures should be put in place to remove materials that are likely to cause blockage before they reach the flow control device.

- As the site lies within the Combined Essex Management Catchment, 45% climate change allowance should be used when calculating the storage required and within the drainage calculations.

Essex County Council Ecology

04.02.2025

We have reviewed the Preliminary Ecological Appraisal (Place Services, October 2024) and Landscape Master Plan (Wynne-Williams Associates, Drg 2487-WWA-ZZ-ZZ-D-L-0101, Rev Po5, October 2024) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We are satisfied that there is sufficient ecological information available to support determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal (Place Services, October 2024) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

We also support the proposed reasonable biodiversity enhancements for protected and Priority species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Please note we do not provide comments on Biodiversity Net Gain as we have been instructed to leave comments on this matter to the LPA.
Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Place Services, October 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

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

Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority or threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Place Services, October 2024), shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

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

Economic Growth Team

17.01.2025

The Economic Growth Team are unable to submit a comment on this application due to the team being involved in the delivery of this project.

Environmental Protection

20.01.2025

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

Contaminated Land: I can advise we have reviewed the submitted Phase One, Desk Top Study document, dated November 2024, and are satisfied with its methodology and findings. In line with the relevant recommendations, the EP Team are requesting a further, intrusive study be performed to determine the extent of the presence of contaminated soil within the site.

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

Noise / Ventilation: Given the sites location within the Town Centre, and consideration for the location on the main carriageway, as well as its proximity to Clacton Railway Station and consideration for the potential change to the existing noise climate, due to number of required plant/machinery (extraction / ventilation systems for food outlets for example - use classes requested include potential for food outlets, as well as confirmation as to whether ventilation within the residential units will be achieved by either trickle vents or mechanical ventilation), the EP Team are requesting evidence be submitted to confirm the proposed units will not expose future residents to unacceptable levels of noise leading to an adverse impact. As such we are requesting a formal Noise Impact Assessment be undertaken, by a relevantly qualified acoustician. The survey will meet the requirements of relevant Planning Policy Guidance and include periods for -

Day-time 0700-2300 hours and night-time 2300-0700 hours.

The purpose of the report will be to confirm the current noise climate, any potential design or mitigation techniques that may be required and to ensure the proposed development can offer future residents compliance with the relevant British Standard for noise levels, and other applicable guidance and standards; including the World Health Organisations Community Noise Guideline Values - as shown below -

Dwellings indoors in daytime - 35 dB LAeq,16 hours

Outdoor living area in day time - 55 dB LAeq,16 hours

Inside bedrooms at night-time - 30 dB LAeq,8 hours (45 dB LAmax)

Outside bedrooms at night-time - 45 dB LAeq,8 hours (60 dB LAmax)

The internal figures consider that windows are open.

In addition we are requesting the predicted noise emissions from the proposed plant / machinery is included within the Noise Assessment, in line with the relevant British Standard (BS4142:2014) -

Potential Noise Impact from Plant Machinery: Prior to installation of any plant/machinery/ventilation/air conditioning/extraction equipment, including any replacements of such, full details including location, acoustic specifications, and specific measures to control noise/dust/odour from the equipment, shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed, used and maintained thereafter in full accordance with the approved details.

REASON: to ensure compliance with the relevant standards and guidelines and to protect the amenity of guests and possible future residential premises

Lighting: Any proposed lighting of the development must ensure relevant measures are taken to ensure that any lighting of the development will be located, designed and directed or screened so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

REASON: In the interest of protecting residential amenity

Demolition / Construction Method Statement: The applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Environmental Protection, this document should include, but not be limited to the following information -

- Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- Emission Control

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site.
- 3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Protection. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

REASON: In the interest of protecting residential amenity.

Arch. Liaison Off, Essex Police

23.01.2025

The 'Essex Police ' Designing out Crime Office' (DOCO), welcomes the opportunity to comment on the submission of 24/01890/FUL.

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

Security forms a key part of a sustainable and vibrant development and Essex Police considers that it is important that this site is designed incorporating the maximum achievable benefit of

Crime Prevention Through Environmental Design (CPTED) for which Secured by Design (SBD) is the preferred enabler. This national, official police security initiative works to improve the security of a structure 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'.

Upon reviewing the submitted documents for this application, the DOCO would request further information regarding the Multi-storey car park cycle store and ground floor front aspect space towards Carnarvon Road, we would welcome the opportunity to discuss these spaces with the applicant.

The applicant and Essex Police have been involved in constructive, pre-application consultation and Essex Police is content the ethos of NPPF, sec 12, para 127(f) and the Tendring Local Plan policy PL4, which requires developments that are safe, secure places, is being considered. The applicant has indicated their aspiration for this development to attain Secured by Design accreditation (SBD).

Essex Police requests Tendring DC Planning make SBD compliance a planning condition for this application. The Designing Out Crime Team is keen to support the applicant to ensure crime prevention through environmental design is embedded into the development and assist in successfully achieving the requirements to gain the nationally acknowledged and Police recommended, Secured by Design accreditation.

UU Open Spaces

15.01.2025

Officer Conclusions and Recommendations

- On site open space is being provided. So no off site contribution is being requested.

Tree & Landscape Officer

29.01.2025

The application site is currently dominated by the built form and contains only small areas of soft landscaping and no functional open space or other usable area.

The main landscape features on the site are three mature trees: 2 Copper Beech (*Fagus sylvatica* 'purpurea') close to Carnarvon Road and a Maidenhair Tree (*Ginkgo biloba*) by the walkway from the car park to Station Road.

There are a few smaller trees mainly the fastigate form of the Callery Pear (*Pyrus calleryana* 'Chanticleer').

The site layout proposals make provision for the retention of the large Copper Beech (T3) tree at the northern end of the site and the Maidenhair tree (T4) however the site layout and tree report identify the removal of the second and southernmost Copper Beech (T8) ostensibly because of its condition.

In this regard it is noted that the crown of the tree (T8) is somewhat asymmetrical with the southwestern aspect showing much weaker growth. The Arboricultural Impact Assessment submitted in support of the application categorises the tree as C2 which means that it is not considered to be a significant constraint on the development potential of the land.

However, as the tree is not in leaf at the present time, it is not possible to ascertain the extent of deadwood within the canopy of the tree. The tree appears to be in reasonable condition and makes a positive contribution to the character and appearance of the area.

Whilst the amenity value provided by the smaller trees can be relatively easily replicated and improved upon by tree planting included in the overall soft landscaping proposals the removal of the Copper Beech (T8) would have a significant adverse impact on the amenities of the locality.

Whilst there is no reason to question the accuracy of the AIA in respect of the condition of the Copper Beech (T8) it was not possible for the findings of the report at the time of the site visit as the tree was not in leaf.

Regarding the physical protection of the large, retained trees the application is supported by the above-mentioned Arboricultural Impact Assessment (AIA) containing an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP). This information shows how retained trees will be physically protection for the duration of the construction phase of any approved development.

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

In terms of soft landscaping the scheme will lead to the provision of an area of well-designed and 'thought out' open space that will be a significant improvement on the current situation.

Waste Management

07.01.2025

Bin store for residential properties to be of sufficient size to accommodate the equivalent wheeled bin capacity of 5040 litre fortnightly residual waste collection, 640 litre weekly food waste collection and 8240 litre dry mixed recycling collection.

ECC Heritage

11.02.2025

The site is located within the wider setting of the designated heritage assets named below:

- Clacton Town Hall (List Entry No. 1267903), a Grade II Listed Building which is situated to the west of the site; and,
- Clacton Seafront Conservation Area that includes Rosemary Road to the south of the site.

Currently the site is visually unintrusive and makes a neutral contribution to the setting of these heritage assets. In principle the proposed scheme of re-development for the site is supported, on the basis that the setting of the heritage assets is preserved and could be enhanced if opportunities to improve the connections from the site through to the Town Hall and Conservation Area are exploited.

There is a proposal emerging for expansion of Clacton Seafront Conservation Area northwards to include additional buildings of potential positive contribution to its character and appearance. If that proposal is brought forward and adopted by the Tendring District Council, the boundary for the Conservation Area will be redrawn along the High Street. This would bring the Conservation Area adjacent to the southern part of the site where there is a pedestrian access through a passageway between No. 37 the High Street and Nos. 39-43 the High Street (a vacant superstore). This possibility was discussed during the pre-application stage and is recognised by Section 2.03 of the Design and Access Statement submitted for the proposal, which also considers how the proposed Mixed-Use Spaces will be viewed and linked from the High Street (see Section 7.31 for passageway perspective).

The stepped shopfronts of the proposed Mixed-Use Spaces create a contemporary arcade that is in-keeping with the character of the High Street, given that there is a historic arcade found between Nos 4 and 7 the High Street. It is unfortunate that the opposing view of the High Street from the passageway is not represented, as a glimpsed view of the former Post Office (a Non-Designated Heritage Asset) would be gained, nevertheless, the proposal will undoubtedly

improve the appearance of the passageway in the street scene and the experience and appreciation of the former Post Office as a landmark building. Which will in turn enhance the setting of the Conservation Area.

Similarly, a gap between Clacton Library (potentially to be redeveloped as Clacton Hub) and No. 92 Station Road allows a glimpsed view of Clacton Town Hall to be gained, and provides pedestrian access to the site, but only the view of the new four-storey residential building from Station Road through this gap is represented in the Design and Access Statement (see Section 7.15 perspective).

It was recommended at pre-application stage that the height and scale of the new residential building should not detract from the prominence of Clacton Town Hall in the Station Road street scene. The Townscape and Visual Appraisal does not provide any wireframe viewpoints (either from north of Clacton Library looking south or from Station Road looking towards the site) to demonstrate that the proposal will not be a visually prominent addition to the setting of the Town Hall. In addition, there is no Heritage Statement to consider the significance of the Town Hall and Conservation Area and the impact of the development, as per paragraph 207 of the National Planning Policy Framework (NPPF).

The scale of the proposed buildings in views north of Clacton Library looking south towards the site and the Town Hall is not well illustrated. Viewpoint 1 of the Townscape and Visual Appraisal is taken at an angle that excludes the Town Hall from view, which is unhelpful for assessing the impact on its setting and without a wireframe the impact is unclear. It is noted that the submitted Townscape and Visual Appraisal has considered this potential for the upper stories to be visible within the Station Road (Viewpoints 1, 2a and 2b), and concluded that its adverse effects will be minor or negligible.

But the perspective view clearly shows that the upper two stories of the new residential building will protrude above the roofs of the intervening built form that lines the east side of Station Road (page 93 of the Design and Access Statement). From this viewpoint, it is unlikely to result in a harmful impact upon the significance of the Town Hall. However, it is suggested that a condition be used to agree a sensitive colour palette for the external materials of the new residential building, so that its appearance harmonises better with the colour palette of the Station Road street scene. Securing a respectful colour palette will ensure that the new building is unimposing upon the setting of Clacton Town Hall and does not compete with it for prominence. For avoidance of the same issues occurring at nighttime, a condition to agree a suitable external lighting scheme for the building is also suggested.

In its entirety the scheme of new development within the setting of the heritage assets is likely to be acceptable, however, the colour and design of the proposed car park does not appear to reflect local character and distinctiveness on Carnarvon Road. Otherwise, the proposals will enhance the connections from the site to Clacton Town Hall, and the Conservation Area, and attention has been shown to the surrounding historic environment, which is used as a source of inspiration for the design of the Mixed-Use Spaces and the Residential Building. Such as in the use of external materials to distinguish the shopfronts from the residential storeys above and exaggerate the roof form, in a contemporary way that follows the hierarchy and rhythms of the built form from the adjoining streets.

Nevertheless, the application is lacking in information to illustrate the impact on views of the Town Hall, however, assuming that the proposed buildings are of low visibility as per the discussion within the Townscape and Visual Appraisal, it is likely that the proposal will preserve the special architectural and historic interest of the Clacton Town Hall and its setting in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

With regards to the National Planning Policy Framework (NPPF), the proposal is unlikely to cause harm to the significance of any of the aforementioned heritage assets (Clacton Town Hall, Clacton Seafront Conservation Area, and the former Post Office), and the proposal should be treated favourably in line with the direction of Paragraph 219; given that it will improve the appearance and use of the pedestrian connections from the site to the heritage assets which will in turn enhance their setting. In respect of the proposal's design and potential to make a positive contribution to the local character and distinctiveness Paragraphs 210 (c) and 135 (c) will be relevant to decision-making.

7. Representations

- 7.1 Clacton-on-Sea is non-parished so no comments were expected.
- 7.2 One letter of objection has been received, with concerns that the proposal is out of character.
- 7.3 One letter of observation has also been received, which raises potential concerns with the contractor working hours and where contractors would park during construction – this, however, can be addressed within a Construction Method Statement, which is recommended to be included as a planning condition. It is also asked whether the application includes improvements to existing pavements, however this does not form part of the submission.

8. Assessment

Site Description

- 8.1 The application site is the High Street Car Park, which is land sited to the western section of Carnarvon Road, within Clacton-on-Sea. The majority of the site consists of a multi-storey car park and ancillary car parking, with the land to the northern section currently empty following demolition of Carnarvon House, a former building previously occupied by the NHS, in 2023.
- 8.2 The character of the area is heavily urbanised, with a mixture of residential and commercial development located to all sides. The Grade II Listed 'Clacton Town Hall' is sited adjacent to the east, with the main hub of the Clacton Town Centre approximately 250 metres to the south-west. Adjacent to the north of the site is the Clacton Library.
- 8.3 The site falls within the Settlement Development Boundary for Clacton-on-Sea within the adopted Local Plan 2013-2033, and is also allocated as an area prioritised for regeneration purposes. The site is allocated within the Primary Shopping Area for Clacton-on-Sea, with the Clacton Seafront Conservation Area sited to the south, but outside of the site.

Description of Proposal

- 8.4 This application seeks planning permission for the following works:
- Demolition of the existing multi-story car park and all other structures, to be replaced by a new multi-story car park providing 301 parking spaces;
 - Erection of 28 residential units (14 x 1 bedroom units and 14 x 2 bedroom units) to the northern section of the site, with 11 units (40%) being affordable housing;
 - Creation of five flexible commercial civic/community units (1,330sqm) including Classes E, F1, F2 and Sui Generis, with one located on the ground floor of the residential building, one on the ground floor of the car park, and three on the land to the west of the site; and
 - New publicly accessible urban realm, including a range of hard and soft landscaping features.

Principle of Development

- 8.5 The site is located within the Settlement Development Boundary (SDB) for Clacton-on-Sea, as established in the adopted Local Plan 2013-2033. Adopted Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies. In this respect, the site is well located for residential properties.
- 8.6 In addition, the site is allocated within an area prioritised for regeneration purposes. Policy PP14 states these areas are identified within Policy PP14 to be the focus of investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety, accessibility and green infrastructure. The development of a site that is currently operational but not a particularly visually impressive site, would be a welcome boost to the wider area, and is supported in principle.
- 8.7 It is noted that the site also falls within a Primary Shopping Area, with adopted Policy PP5 requiring that ground floor units should be restricted to uses within Class E (commercial, business and service uses). Whilst the exact use types are not yet clarified, the submission clarifies that the 1,330sqm of commercial floorspace will include Classes E, F1 (Learning and non-residential institutions), F2 (Local community uses) and Sui Generis. Whilst some of these uses are not technically in accordance with the requirements of PP5, the NPPF is clear that main town centre uses extend far beyond retail uses. In addition, the current site includes no commercial offering, and therefore the proposal would result in a significant increase to the services provided within the Clacton Town Centre.
- 8.8 Given the above, at an overarching high level, the principle of development on the sites for both residential and civic/commercial uses is acceptable, subject to the detailed considerations below.

Affordable Housing

- 8.9 Paragraph 64 of the NPPF (2024) states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site. Adopted Local Plan Policy LP5 adds that to promote a mix of housing tenure in the District and address the housing needs of people and families with lower incomes who cannot afford to buy or rent housing on the open market, the Council will work with the development industry to provide new affordable housing. For proposals of 11 or more (net) homes the Council will expect 30% of new dwellings to be made available to Tendring District Council or its nominated partners to acquire at a proportionate discounted value for use as affordable housing.
- 8.10 On this occasion, the proposal includes for a total of 28 residential properties, and therefore there is a requirement to ensure that a minimum of nine units are allocated as affordable housing. The supporting submission confirms that 11 of the units (40%) will be affordable housing, thereby comfortably adhering with the above policy requirements. The Council's Housing Team have been consulted but have not provided any comments at the time of writing, however Officers are content with the affordable housing provision outlined. It is therefore recommended that this be secured via a legal agreement in the event that the application is recommended for approval.

Scale, Layout & Appearance

- 8.11 Paragraph 135 of the 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.
- 8.12 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs. Policy SPL3 and LP4 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high

standards and which, together with a well-considered site layout which create a unique sense of place.

- 8.13 As detailed above, in principle the development of these sites would be a visual improvement in comparison to the current site, which includes an outdated multi storey car park as well as additional parking and does not maintain or enhance the character of the wider area. Historically, the site where the 28 dwellings are proposed was a three storey building of poor design that has since been demolished. Similarly, on the land where the proposed car park is to be, was historically Westleigh House which was also demolished a number of years ago.
- 8.14 Set against the above context, the proposal for a mixed-use development that maintains the existing public parking provision and offers additional residential and commercial offering to the District represents an enhancement to the areas character and appearance. ECC Urban Design were involved at pre-application stage and have therefore been involved in the overall design process. The proposed siting of the residential block in the northern corner of the site is considered logical and this location has the opportunity to relate well to the emerging Clacton Hub proposals and existing flats. Similarly, consolidating car parking into the south-western corner of the site is also logical and direct vehicular access off Carnarvon Road to avoid unnecessary highway infrastructure is welcomed. In addition, the development includes significant public realm improvements, including a seating area, a 'green street', public art and additional tree planting; all of which will provide for a significant visual improvement and make the site more appealing and better connected from Carnarvon Road/Station Road through to High Street.
- 8.15 In summary, the proposals overall are considered to result in a significant visual enhancement to the character of the area, representing a marked improvement in comparison to the existing site which is considered to detract from the areas wider character. The design of the buildings and car park is certainly of a more contemporary nature, however would equally not detract from the more traditional properties along Carnarvon Road in particular. Taking all of the above into consideration, there are no objections raised in this regard.

Heritage Impacts

- 8.16 Paragraph 210(c) of the NPPF states that in determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 215 confirms 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.
- 8.17 Adopted Policy PPL8 states that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area. Policy PPL9 adds that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.
- 8.18 The application site falls within the setting of a Grade II Listed Building, and is also close to the Clacton Seafront Conservation Area. ECC Place Services (Heritage) have been consulted as part of this planning application, and have provided the following comments:

"The site is located within the wider setting of the designated heritage assets named below:

- Clacton Town Hall (List Entry No. 1267903), a Grade II Listed Building which is situated to the west of the site; and,*
- Clacton Seafront Conservation Area that includes Rosemary Road to the south of the site.*

Currently the site is visually unintrusive and makes a neutral contribution to the setting of these heritage assets. In principle the proposed scheme of re-development for the site is supported, on the

basis that the setting of the heritage assets is preserved and could be enhanced if opportunities to improve the connections from the site through to the Town Hall and Conservation Area are exploited.

There is a proposal emerging for expansion of Clacton Seafront Conservation Area northwards to include additional buildings of potential positive contribution to its character and appearance. If that proposal is brought forward and adopted by the Tendring District Council, the boundary for the Conservation Area will be redrawn along the High Street. This would bring the Conservation Area adjacent to the southern part of the site where there is a pedestrian access through a passageway between No. 37 the High Street and Nos. 39-43 the High Street (a vacant superstore). This possibility was discussed during the pre-application stage and is recognised by Section 2.03 of the Design and Access Statement submitted for the proposal, which also considers how the proposed Mixed-Use Spaces will be viewed and linked from the High Street (see Section 7.31 for passageway perspective).

The stepped shopfronts of the proposed Mixed-Use Spaces create a contemporary arcade that is in-keeping with the character of the High Street, given that there is a historic arcade found between Nos 4 and 7 the High Street. It is unfortunate that the opposing view of the High Street from the passageway is not represented, as a glimpsed view of the former Post Office (a Non-Designated Heritage Asset) would be gained, nevertheless, the proposal will undoubtedly improve the appearance of the passageway in the street scene and the experience and appreciation of the former Post Office as a landmark building. Which will in turn enhance the setting of the Conservation Area.

Similarly, a gap between Clacton Library (potentially to be redeveloped as Clacton Hub) and No. 92 Station Road allows a glimpsed view of Clacton Town Hall to be gained, and provides pedestrian access to the site, but only the view of the new four-storey residential building from Station Road through this gap is represented in the Design and Access Statement (see Section 7.15 perspective).

It was recommended at pre-application stage that the height and scale of the new residential building should not detract from the prominence of Clacton Town Hall in the Station Road street scene. The Townscape and Visual Appraisal does not provide any wireframe viewpoints (either from north of Clacton Library looking south or from Station Road looking towards the site) to demonstrate that the proposal will not be a visually prominent addition to the setting of the Town Hall. In addition, there is no Heritage Statement to consider the significance of the Town Hall and Conservation Area and the impact of the development, as per paragraph 207 of the National Planning Policy Framework (NPPF).

The scale of the proposed buildings in views north of Clacton Library looking south towards the site and the Town Hall is not well illustrated. Viewpoint 1 of the Townscape and Visual Appraisal is taken at an angle that excludes the Town Hall from view, which is unhelpful for assessing the impact on its setting and without a wireframe the impact is unclear. It is noted that the submitted Townscape and Visual Appraisal has considered this potential for the upper stories to be visible within the Station Road (Viewpoints 1, 2a and 2b), and concluded that its adverse effects will be minor or negligible.

But the perspective view clearly shows that the upper two stories of the new residential building will protrude above the roofs of the intervening built form that lines the east side of Station Road (page 93 of the Design and Access Statement). From this viewpoint, it is unlikely to result in a harmful impact upon the significance of the Town Hall. However, it is suggested that a condition be used to agree a sensitive colour palette for the external materials of the new residential building, so that its appearance harmonises better with the colour palette of the Station Road street scene. Securing a respectful colour palette will ensure that the new building is unimposing upon the setting of Clacton Town Hall and does not compete with it for prominence. For avoidance of the same issues occurring at nighttime, a condition to agree a suitable external lighting scheme for the building is also suggested.

In its entirety the scheme of new development within the setting of the heritage assets is likely to be acceptable, however, the colour and design of the proposed car park does not appear to reflect local

character and distinctiveness on Carnarvon Road. Otherwise, the proposals will enhance the connections from the site to Clacton Town Hall, and the Conservation Area, and attention has been shown to the surrounding historic environment, which is used as a source of inspiration for the design of the Mixed-Use Spaces and the Residential Building. Such as in the use of external materials to distinguish the shopfronts from the residential storeys above and exaggerate the roof form, in a contemporary way that follows the hierarchy and rhythms of the built form from the adjoining streets.

Nevertheless, the application is lacking in information to illustrate the impact on views of the Town Hall, however, assuming that the proposed buildings are of low visibility as per the discussion within the Townscape and Visual Appraisal, it is likely that the proposal will preserve the special architectural and historic interest of the Clacton Town Hall and its setting in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

With regards to the National Planning Policy Framework (NPPF), the proposal is unlikely to cause harm to the significance of any of the aforementioned heritage assets (Clacton Town Hall, Clacton Seafront Conservation Area, and the former Post Office), and the proposal should be treated favourably in line with the direction of Paragraph 219; given that it will improve the appearance and use of the pedestrian connections from the site to the heritage assets which will in turn enhance their setting. In respect of the proposal's design and potential to make a positive contribution to the local character and distinctiveness Paragraphs 210 (c) and 135 (c) will be relevant to decision-making."

- 8.19 In summary, the site in its current form provides a neutral contribution to the setting of the aforementioned heritage assets, and the principle of re-development of the site is supported. The stepped shopfronts create a contemporary appearance in-keeping with the character of the adjacent High Street, and overall the proposal improves the appearance of the passageway in the street scene. Whilst the submission does not definitively clarify that the proposal would not be a visually prominent addition to the setting of the Town Hall, it is considered unlikely to result in a harmful impact subject to conditions relating to the colour palette of the external materials and a suitable external lighting scheme.
- 8.20 Some concerns are raised with the design and colour of the proposed car park, with it being considered not to reflect the local character and distinctiveness of Carnarvon Road, however the remainder of the works enhance connections from the site to Clacton Town Hall as well as the Conservation Area. Overall, ECC Place Services consider the proposal should be looked upon favourably. Officers acknowledge these comments, and subject to the recommended conditions do not raise any objections in this regard. It is noted that some concerns are raised relating to the car park design, however the overall proposals taken as a whole are an enhancement to the setting of the heritage assets, and therefore Officers do not consider it reasonable to raise an objection on this basis.

Highway Safety

- 8.21 Paragraph 114 of the National Planning Policy Framework (2024) seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 108 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. Paragraph 115 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.22 Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.

- 8.23 Essex Highways Authority have been consulted on the application and have confirmed that from a highway and transportation perspective the impact of the proposal is acceptable. However, they do recommend a number of conditions relating to a Construction Management Plan, visibility splays, no gates/barriers, closure of any redundant access points, the vehicle parking area, cycle parking provision, the submission of a Residential Travel Information Pack, boundary planting, no impact to the public footpath, and that no development shall commence until a temporary closure/diversion of the existing definitive right of way has been agreed. Where these are supported by the six tests of conditions they have been recommended to be included.
- 8.24 The proposed car park includes for a total of 301 public parking spaces, of which 36 will be dedicated to electric vehicle charging and 21 will be dedicated blue badge spaces. There is also proposed to be 64 cycle spaces. The current car park provides for approximately 300 spaces, and therefore there will be no loss of spaces overall.
- 8.25 Essex Parking Standards (2009) outlines that for one bedroom properties there should be a minimum of one parking space measuring 5.5m x 2.9m and for two bedroom properties there should be a minimum of two spaces at the above measurements. Given part of the application is for 28 dwellings, of which 14 will be served by one bedroom and 14 served by two bedrooms, there is a requirement to provide for a total of 42 parking spaces. The supporting submission clarifies that 42 cycle spaces are to be provided within the private garden area, and residents occupying the residential units will also be able to apply for a permit to park within the public car park. In addition, Officers acknowledge that the site is within a highly sustainable location in walking distance to a number of shops and facilities. Given this, and that all of the units are one and two bedroom, therefore unlikely to attract larger families with a greater requirement for parking provision, Officers conclude that the parking provision as outlined is acceptable.

Impact on Residential Amenity

- 8.26 Paragraph 135 of the National Planning Policy Framework (2024) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.27 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.
- 8.28 The site is within a highly urbanised area, with a number of residential properties located out to all sides. There are a number of properties along the western boundary (fronting Station Road), to the south (fronting High Street) and Number 39 Carnarvon Road to the eastern section of the site.
- 8.29 The development by its very nature will result in some degree of impact to these properties, however it must also be acknowledged that the existing site is an active and busy car park that generates high levels of vehicular movements and associated noise. The re-location of the multi-storey car park away from the north-western boundary will result in an improvement to the amenities of the neighbours to the west, with the current multi-storey appearing oppressive and likely resulting in some of loss of light.
- 8.30 The most impacted property is likely to be 39 Carnarvon Road given its close proximity and relationship to the residential proposals. The submitted plans include a daylight and sunlight report that concludes that while there would be a minor impact in respect of loss of daylight to two windows at Number 39, these both serve small kitchens there are not considered to be non-habitable rooms. The units include small balcony areas that provide a degree of overlooking to the rear of Number 39, however it is noted that this area is already overlooked via the adjacent multi-storey car park that is proposed to be replaced elsewhere within the site, which in turn results in a neutral overall impact. Furthermore, it is acknowledged that previously a large structure has been in the location of the

proposed residential units for a number of years, and the site is a heavily urbanised location where such proposed development would be expected.

- 8.31 Taking the above into consideration, whilst it is likely that there will be some impacts as a result of the development, the majority is set away from neighbouring properties and in the case of the north-western corner properties, there will be an improvement to their existing amenities. With regards to Number 39 Carnarvon Road, Officers acknowledge a small degree of loss of light and note that the building itself will appear relatively oppressive, however for the reasoning detailed above the harm is not so significant that Officers consider it warrants recommending a reason for refusal.

Tree and Landscape Impacts

- 8.32 Adopted Policy PPL3 states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.
- 8.33 The Council's Tree and Landscape Officer has been consulted on the application, and has provided the following comments:

"The application site is currently dominated by the built form and contains only small areas of soft landscaping and no functional open space or other usable area.

*The main landscape features on the site are three mature trees: 2 Copper Beech (*Fagus sylvatica* 'purpurea') close to Carnarvon Road and a Maidenhair Tree (*Ginkgo biloba*) by the walkway from the car park to Station Road.*

*There are a few smaller trees mainly the fastigate form of the Callery Pear (*Pyrus calleryana* 'Chanticleer'.*

The site layout proposals make provision for the retention of the large Copper Beech (T3) tree at the northern end of the site and the Maidenhair tree (T4) however the site layout and tree report identify the removal of the second and southernmost Copper Beech (T8) ostensibly because of its condition.

In this regard it is noted that the crown of the tree (T8) is somewhat asymmetrical with the southwestern aspect showing much weaker growth. The Arboricultural Impact Assessment submitted in support of the application categorises the tree as C2 which means that it is not considered to be a significant constraint on the development potential of the land.

However, as the tree is not in leaf at the present time, it is not possible to ascertain the extent of deadwood within the canopy of the tree. The tree appears to be in reasonable condition and makes a positive contribution to the character and appearance of the area.

Whilst the amenity value provided by the smaller trees can be relatively easily replicated and improved upon by tree planting included in the overall soft landscaping proposals the removal of the Copper Beech (T8) would have a significant adverse impact on the amenities of the locality.

Whilst there is no reason to question the accuracy of the AIA in respect of the condition of the Copper Beech (T8) it was not possible for the findings of the report at the time of the site visit as the tree was not in leaf.

Regarding the physical protection of the large, retained trees the application is supported by the above-mentioned Arboricultural Impact Assessment (AIA) containing an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP). This information shows how retained trees will be physically protected for the duration of the construction phase of any approved development.

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

In terms of soft landscaping the scheme will lead to the provision of an area of well-designed and 'thought out' open space that will be a significant improvement on the current situation."

- 8.34 Therefore, in summary, the proposal involves the removal of the existing Copper Beach which provides a positive contribution to the area, and its loss results in a level of harm to the amenities of the locality. However, the submitted AIA considers it not to be a significant constraint on the development potential of the land, and following discussions with the agent for the application they have confirmed the tree falls within the footprint of the proposed car park, which could not realistically be located elsewhere on the site. On balance, whilst the loss of the tree is not supported, it must be weighed in the overall planning balance against the benefits of the provision of the car park, and on this occasion the benefits of the proposal are considered to outweigh the identified harm.

Foul Sewage

- 8.35 Paragraph 187 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 198 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.
- 8.36 Adopted Local Plan Section 2 Policy PPL5 the states that all new development must make adequate provision for drainage and sewerage. Connection to the mains is the preferred option having regard to the drainage hierarchy and building regulations requirements.
- 8.37 The application form clarifies that foul sewage will be disposed of via the existing mains sewer, and therefore it fully complies with the requirements of the above local and national planning policies.

Flood Risk and SuDS

- 8.38 Paragraph 181 of the NPPF states that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 goes on to say that, developments should incorporate sustainable drainage systems. The systems used should, amongst other things, take account of advice from the lead local flood authority and have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.
- 8.39 Adopted Local Plan Policy PPL5 requires that all new development must make adequate provision for drainage and sewage treatment and should include sustainable drainage systems (SuDS). Policy SPL3, Part B criterion g), requires that development reduces flood risk and integrates sustainable drainage within development.
- 8.40 ECC SuDS as Lead Local Flood Authority have been consulted on the application and have raised a holding objection on the basis that they do not accept a flat rate of 5l/s discharging from the site if the Greenfield 1 in 1 year rate is below 5l/s. In addition, a 45% climate change allowance should be used when calculating the storage required and within the drainage calculations.
- 8.41 At the time of writing, the applicant is preparing revised information in order to address these technical points raised by ECC SuDS, but importantly this is not a greenfield site and material consideration must be given to the location, existing infrastructure and previous use. Tending has not adopted higher rates. Due to the nature of this proposal and the existing/previous use of the site, it is considered this matter could be adequately resolved by condition as included within the recommendation, in consultation with ECC SUDS and Anglian Water.

Functional Layout

- 8.42 Paragraph 135(f) of the NPPF states that planning decisions should ensure that developments create places that are safe with a high standard of amenity for existing and future users. Adopted Policy SPL3 (Part B)(f) seeks to ensure that provision is made for adequate private amenity space, waste storage and recycling facilities, vehicle and cycle parking.
- 8.43 The submitted plans demonstrate that there is a shared residential garden space to the rear of the site, that includes cycle parking facilities. In addition, the properties at ground floor level each have a small private amenity area, whilst all apartments on first, second and third floors are all served by a balcony area. Given this, and that the site is in a highly sustainable location in walking distance to amenity areas including the seafront, such provision is acceptable on this occasion.
- 8.44 Policy LP3(b) states new residential development must comply with the government's latest 'Technical housing standards - nationally described space standard', which for a one bedroom for two persons on a single storey requires the dwelling to be a minimum of 50 square metres, and for a two bedroom property for four persons on a single storey requires the dwelling to be a minimum of 70 square metres. The plans submitted show that the one bedroom units range between 50.2sqm and 62.6sqm, and the two bedroom units range between 70.1sqm and 85sqm. Therefore, the standards above are adhered to and no objections are raised in this regard.

Bin Storage and Waste Collection

- 8.45 Policy SPL3 Part states that all new development must meet practical requirements, including provision for adequate waste storage and recycling facilities. The supporting information states that refuse will be provided in accordance with best practice and the Essex Design Guide.
- 8.46 On this occasion, the submitted plans show that a refuse area is located at ground floor level to the rear of the residential courtyard. The Council's Waste Management team have confirmed this area is of a sufficient size to accommodate the equivalent wheeled bin capacity of 5,040 litre fortnightly residual waste collection, 640 litre weekly food waste collection and 8,240 litre dry mixed recycling collection. Officers therefore raise no objections in this regard.

Impact on Protected Species

- 8.47 Paragraph 187 of the Framework states planning decisions should contribute to and enhance the natural and local environment, by minimising impacts and providing net gains for biodiversity. Paragraph 193(a) of the NPPF confirms that in assessing planning applications where significant harm to biodiversity as a result of a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.
- 8.48 Adopted Policy SP7 requires that all new development should incorporate biodiversity creation and enhancement measures. Adopted Policy SPL3 Part A(d) includes that the design and layout of development should maintain or enhance ecological value.
- 8.49 ECC Place Services (Ecology) have been consulted on the application, and have confirmed there is sufficient ecological information available to support determination this application. They raise no objections to the proposal, subject to conditions relating to securing the mitigation measures and the submission of a Biodiversity Enhancement Strategy.

Habitats, Protected Species and Biodiversity Enhancement

- 8.50 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

- 8.51 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.
- 8.52 The application is supported by a Preliminary Ecological Appraisal (PEA), that concludes there will be a neutral impact to bats, mammal species and birds. ECC Place Services (Ecology) have been consulted on the application, and have confirmed there is sufficient ecological information available to support determination this application. They raise no objections to the proposal, subject to conditions relating to secure the mitigation measures outlined within the PEA and the submission of a Biodiversity Enhancement Strategy.

Biodiversity net gain

- 8.53 Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals. The statutory framework for BNG applies. This involves the imposition (automatically applied as a deemed condition) of a planning condition on approvals to ensure the objective of at least 10% net gain over 30 years. The determination of the Biodiversity Gain Plan (BGP) under this planning condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Development may not be begun until the BGP, via planning condition discharge, is approved.
- 8.54 Given this position, the government strictly provides it would generally be inappropriate for decision makers to refuse an application on the grounds that the biodiversity gain objective will not be met. It is considered logical to confirm this closer to commencement of development, given the potential number of options available. This further supports the position that the biodiversity gain objective can always be met in some form. Sufficient information has been provided at this stage in relation to BNG and the full requirements are recommended to be secured by condition and legal agreement.

Protected Designated Habitats

- 8.55 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.
- 8.56 The application scheme proposes a residential on a site that lies within the Zone of Influence (Zoi) but is approximately 6.1 kilometres from the Colne Estuary SPA, SAC and RAMSAR. New housing development within the Zoi would be likely to increase the number of recreational visitors to these sites and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.
- 8.57 A planning condition is recommended to secure this via a future legal obligation. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Biodiversity Conclusion

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

Public Open Space and Play Facilities

8.59 Policy HP5 of the adopted Local Plan requires major new residential development to provide a minimum 10% of the gross site area as open space. If new development would be better served by existing or proposed open spaces within an accessible distance (having regard to the standards set out in the Open Spaces Strategy or any future update), a financial contribution in lieu of on-site provision may be sought through a s106 legal agreement or an appropriate alternative mechanism towards any necessary improvement or expansion of existing, or the delivery of new, open spaces and/or sports facilities.

8.60 The Council's Open Space team have confirmed that there is a deficit of 2.22 hectares of equipped play in Clacton-on-Sea, and adequate formal open space to cope with some future development. However, they have clarified that as on site open space is being provided within the scheme, no off-site contribution is requested.

Renewable Energy

8.61 Paragraph 117 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.

8.62 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.

8.63 The proposal includes for a development that has the potential to incorporate renewable energy features, and accordingly is supported by an Energy Statement which outlines a series of energy efficiency and low/zero carbon measures are to be adopted, including ULEV charging points for electric cars, air source heat pumps, solar panels, and highly efficient systems for lighting. Given this, it is not reasonable or necessary to include a condition requiring the submission of renewable energy details.

9. Planning Balance and Conclusion

9.1 This application seeks the demolition of the existing multi-story car park and all other structures, to be replaced by a new multi-story car park providing 301 spaces, the erection of 28 affordable residential units and the erection of 1,330sqm of flexible commercial floorspace. Given that the site falls within the Settlement Development Boundary for Clacton-on-Sea, and is also an area prioritised for regeneration, the principle of development is acceptable. The proposed commercial uses may not necessarily be main town centre uses, but will still be a boost to the commercial offering in the surrounding area.

9.2 Officers consider that the design, scale and layout is an acceptable response to the character and appearance of the area, and whilst there will be a degree of harm to the amenities of Number 39 Carnarvon Road, on balance this is not considered so significant that it warrants recommending a reason for refusal. The residential units all meet the technical housing space standards and provide

for enough private amenity space, and Essex Highways Authority have raised no objections subject to conditions. The parking provision is also considered to be of an acceptable level.

- 9.3 The proposal would result in the loss of a Copper Beach tree, however whilst unfortunate it would not be feasible to retain it without significant revisions to the wider scheme. Furthermore, the proposal includes a significant increase of soft landscaping, and therefore on balance the wider benefits of the scheme are considered to outweigh the harm of the loss of this tree.
- 9.4 Taking all of the above into consideration, Officers conclude that whilst there are some minor harms as a result of the development, they are significantly outweighed by the benefits the scheme would generate.

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, for affordable housing and BNG.

10.2 Conditions and Reasons

- 1 **CONDITION:** The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **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.

Drawing Numbers 9613-CPL-ZZ-ZZ-DR-A-08000 Revision P4, 9613-CPL-ZZ-ZZ-DR-A-08200 Revision P10, 9613-CPL-01-01-DR-A-08201 Revision P9, 9613-CPL-01-02-DR-A-08202 Revision P8, 9613-CPL-01-03-DR-A-08203 Revision P8, 9613-CPL-01-RF-DR-A-08204 Revision P8, 9613-CPL-01-ZZ-DR-A-08301 Revision P7, 9613-CPL-01-ZZ-DR-A-08400 Revision P7, 9613-CPL-01-ZZ-DR-A-08401 Revision P7, 9613-CPL-01-ZZ-DR-A-08600 Revision P5, 9613-CPL-01-ZZ-DR-A-08601 Revision P5, 9613-CPL-01-ZZ-DR-A-08602 Revision P5, 9613-CPL-01-ZZ-DR-A-08603 Revision P5, 9613-CPL-02-04-DR-A-08210 Revision P9, 9613-CPL-02-01-DR-A-08211 Revision P8, 9613-CPL-02-02-DR-A-08212 Revision P8, 9613-CPL-02-03-DR-A-08213 Revision P8, 9613-CPL-02-04-DR-A-08214 Revision P8, 9613-CPL-02-ZZ-DR-A-08311 Revision P6, 9613-CPL-02-ZZ-DR-A-08411 Revision P6, 9613-CPL-02-ZZ-DR-A-08412 Revision P6, 9613-CPL-03-05-DR-A-08225 Revision P6, 9613-CPL-03-ZZ-DR-A-08321 Revision P6, 9613-CPL-03-ZZ-DR-A-08322 Revision P6, 9613-CPL-03-ZZ-DR-A-08323 Revision P6, 9613-CPL-ZZ-ZZ-DR-A-08150 Revision P6, 9613-CPL-ZZ-ZZ-DR-A-08151 Revision P5, 9613-CPL-ZZ-ZZ-DR-A-08152 Revision P2, 2487-WWA-ZZ-ZZ-D-L-0101 Rev P05, 2487-WWA-ZZ-ZZ-D-L-0103 Rev P02, 2487-WWA-ZZ-ZZ-D-L-0104 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0105 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0106 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0107 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0301 Rev P05, 2487-WWA-ZZ-ZZ-D-L-0302 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0704 Rev P01 and the documents titled 'Planning Statement', 'Tree Survey, Arboricultural Impact Assessment and Outline Method Statement', 'Interim Travel Plan', 'Transport Statement', 'Townscape and Visual Appraisal', 'Superfast Broadband Statement',

'Preliminary Ecological Appraisal', 'Energy Strategy Report', 'Design and Access Statement', 'Contaminated Land Risk Assessment', 'Sitewide Existing Demolition Plan'.

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

- 3 CONDITION: No development of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) shall take place until;
- (i) A strategy for investigating any contamination present on site has been submitted for approval, in writing, by the Local Planning Authority. Development on site, including demolition, may be carried out in order to fully investigate contamination prior to the submission of said strategy subject to agreement, in writing, by the Local Planning Authority and all other pre commencement conditions being agreed by the Local Planning Authority first.
 - (ii) Following approval of the strategy, an investigation shall be carried out in accordance with the strategy and timescales as may be agreed.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors. This condition is required to be agreed prior to the commencement of any development to ensure health and safety is secured early for both development and its construction including the health of all workers during all phases of construction. If agreement was sought at any later stage there is an unacceptable risk to health.

- 4 CONDITION: Prior to any works within each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) above slab level, a Noise Impact Assessment shall be submitted to, and agree in writing by, the Local Planning Authority. The details contained within this assessment shall thereafter be adhered to.

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

- 5 CONDITION: Before any machinery/plant is first used on the development 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 been 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.

- 6 CONDITION: Prior to the commencement of development details of a construction methodology and timetable shall be submitted to and approved, in writing, by the Local Planning Authority. This shall incorporate the following information:-
- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
 - b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
 - c) Details of how construction and worker traffic and parking shall be managed. This shall include the intended routing of HGV traffic on the surrounding road network, programme of restoration works to soft highway verges, and any directional signs to be installed and where.
 - d) Details of any protection measures for footpaths and trees surrounding the site.
 - e) Details of all access points to be used to access the site during construction only and any staging of provision.
 - f) Details of the scheduled timing/phasing of development for the overall construction period.

- g) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and 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, or similar scheme for which full details shall be provided and complied with
- n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).

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 in adverse harm on amenity.

- 7 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 each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) 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.

- 8 CONDITION: Prior to the first occupation of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) of the hereby approved development, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Place Services, October 2024).

REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations.

- 9 CONDITION: Prior to first occupation of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) of the hereby approved development, 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 and habitats.

- 10 CONDITION: No development/works shall be commenced above slab level of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) 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.

- 11 CONDITION: Prior to the erection/installation of any means of external lighting at the site, details to include position, height, aiming points, lighting levels and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out and retained as may be approved. There shall be no other means of external lighting installed and/or operated on/at the site except that approved.

REASON: In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity.

- 12 CONDITION: Full details of surface 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/s it would serve are commenced. No part of the development shall be brought into use until the agreed method of surface water drainage has been fully installed and is functionally available for use. The surface water drainage scheme shall thereafter be maintained as approved.

REASON: To safeguard the ground water environment and minimise the risk of flooding.

- 13 CONDITION: Prior to first use of the access of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152), visibility splays shall be provided with a minimum clear to ground 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, and shall then be retained in its 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.

- 14 CONDITION: Prior to first occupation of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) of the development, a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the hereby permitted vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 15 **CONDITION:** Prior to first use of the new access details of the stopping up of all other means of vehicular access within the frontage as shown on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The stopping up as approved shall be implemented in full prior to first use of the new access.

REASON: To ensure that an increase in accesses available does not increase in highway safety risk.

- 16 **CONDITION:** Prior to first occupation of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) of the hereby approved development, the vehicle parking area indicated on the approved plans shall be hard surfaced and sealed. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed in writing 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.

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

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

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

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

- 19 **CONDITION:** The hereby approved development shall not be first commenced until detailed proposals addressing the mitigation of the development's impact on protected Essex Habitats Sites have been submitted to and received written approval from the Local Planning Authority. Such proposals must provide and secure mitigation in accordance with the joint Habitats Regulations Assessment Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) or demonstrate mitigation measures of an equivalent effectiveness to the satisfactory of the Local Planning Authority. For any on site mitigation proposals approved, it shall be carried out in full prior to first occupation, and thereafter shall be maintained as approved.

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

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.

Biodiversity Enhancements Informative

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

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

Highways Informatives:

- i) All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details must be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- ii) The areas directly adjacent to the carriageway(s) in which trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway. In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.
- iii) No permanent part of a development shall overhang the public highway.
- iv) In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.
- v) 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.
- vi) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

11. Additional Considerations

Equality Impact Assessment

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

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

Human Rights

- 11.4 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 11.5 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).

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

Finance Implications

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

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

13. Background Papers

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