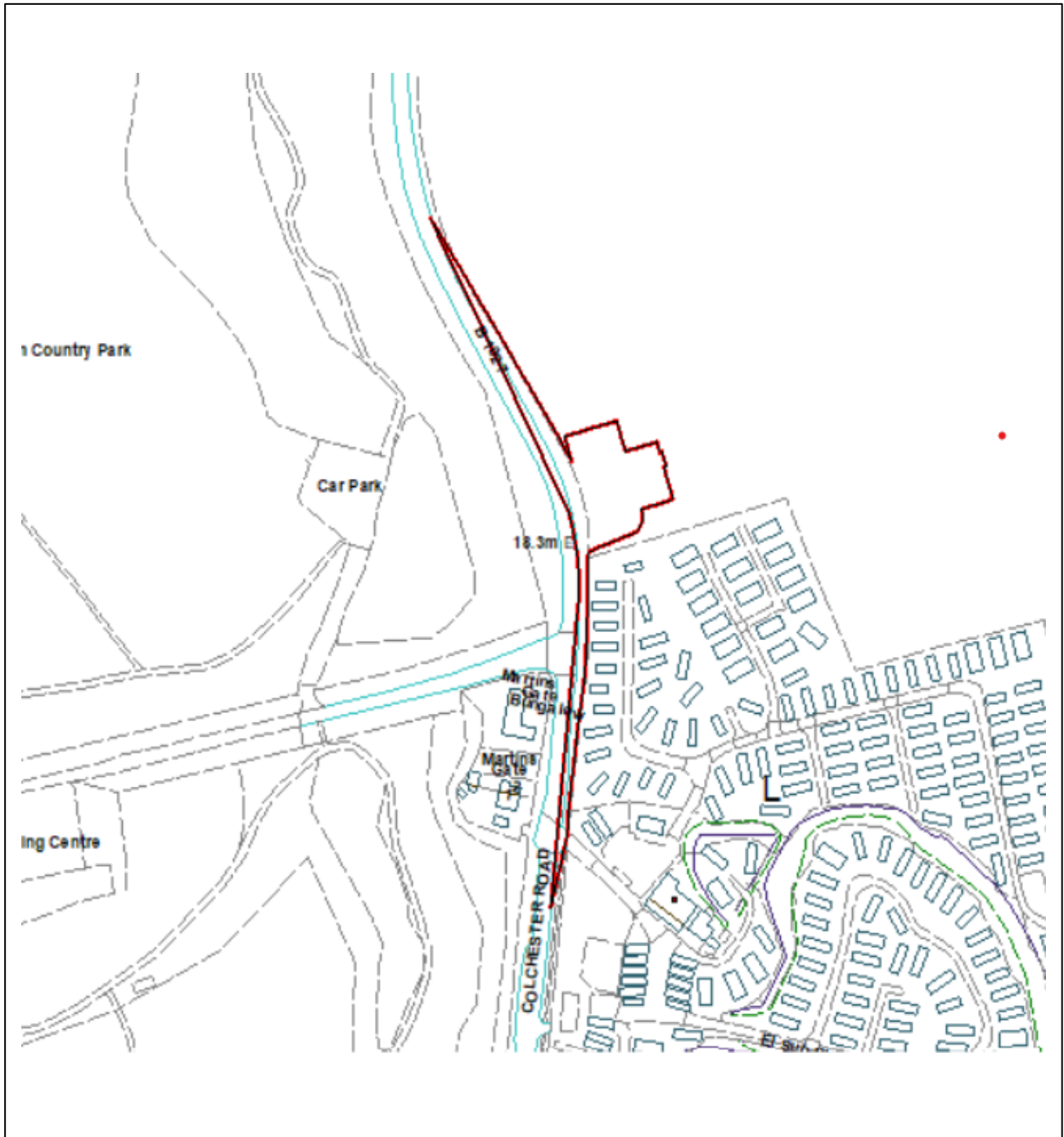


PLANNING COMMITTEE

13 MAY 2025

REPORT OF THE DIRECTOR OF PLANNING

A.1. PLANNING APPLICATION – 25/00029/FUL – OAKLANDS HOLIDAY VILLAGE COLCHESTER
ROAD ST OSYTH CO16 8HW



DO NOT SCALE

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Application:	25/00029/FUL	Decision Target Date:	16 May 2025
Case Officer:	Amy Lang		
Town/ Parish:	St Osyth Parish Council		
Applicant:	Mr Matt Purdom - Park Holidays UK Limited		
Address:	Oaklands Holiday Village Colchester Road St Osyth Essex CO16 8HW		
Development:	Planning Application - Temporary construction access (up to 5 years) to facilitate the construction of the Holiday Park extension.		

1. Executive Summary

- 1.1 The application is before Members at the request of Councillor White due to concerns with highway safety.
- 1.2 The application relates to the Oaklands Holiday Village, Colchester Road, St Osyth, specifically the planned expansion for 138 static holiday caravan and lodge pitches, and recreational space approved under planning application reference 21/02129/FUL.
- 1.3 The application seeks temporary planning permission for up to 5 years, for a new construction access from Colchester Road to facilitate the approved holiday park extension.
- 1.4 The proposed access can provide the necessary visibility splays in both directions and Essex County Council Highway Authority raise no objections, subject to conditions.
- 1.5 The application is recommended for approval.

Recommendation: Approval

- 1) That the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 10.2 (including any additional conditions recommended as part of the consultation with Essex County Council Place Services Ecology), or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 2) The informative notes as may be deemed necessary.

2. Status of the Local Plan

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

3. **Neighbourhood Plans**

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

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

4. **Planning Policy**

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

National:

National Planning Policy Framework 2025 ([NPPF](#))

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

Local:

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

SP 1 Presumption in Favour of Sustainable Development

SP 6 Infrastructure & Connectivity

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

SPL1 Managing Growth

SPL3 Sustainable Design

PP8 Tourism

PP11 Holiday Parks

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

DI1 Infrastructure Delivery and Impact Mitigation

5. **Relevant Planning History**

Existing adjoining Oaklands Holiday Village site:

91/00322/FUL	Change of use of agricultural land to allow planting and screening to the existing caravan park	Approved	28.01.1992
93/01336/FUL	A relaxation of Cond. 4 of TEN/277/50, Cond. 9 of TEN/317/54, Cond. 3 of TEN/22/57, Cond. 4 of TEN/285/57, Cond. 4 of TEN/325/58 to allow occupation between 1 March and 31 October in any year, weekends between	Approved	11.01.1994
96/00006/TELCOM	Telephone kiosk	Determination	18.03.1996

03/02027/FUL	Variation of condition 02 of consent TEN/93/1336 dated 11/01/94 - to allow two caravans to be occupied residentially by park wardens employed in connection with the management of the park	Approved	18.12.2003
04/01826/FUL	Variation of Condition 2 of consent reference TEN/93/1336, dated 11 January 1994, to allow caravans to be occupied between 1st March and 7th January	Approved	11.11.2004
07/01503/FUL	Single storey extension to rear of existing clubhouse building to form new male, female and disabled toilets.	Approved	14.11.2007
12/01122/FUL	Proposed new outdoor swimming pool, adjoining single storey combined plant room & changing room building with pitched roof.	Approved	30.11.2012
12/01212/FUL	Variation of condition 2 of 04/01826/FUL to allow caravans to be used for human habitation between 1st March and 31st January in the following year.	Approved	25.07.2013
13/01327/DISCON	Discharge of condition 03 of planning permission 12/01122/FUL - Contaminated Land Assessment.	Approved	09.12.2013
14/01096/FUL	Variation of Condition 2 of 04/01826/FUL to allow caravans to be occupied between 1st March and 14th February in the following year.	Approved	29.09.2015
20/01755/FUL	Variation of condition 1 of 14/01096/FUL - In any year, caravans shall only be occupied during the period 1st March to 14th February in the following year (inclusive) and between 15th February and the end of February 2021.	Withdrawn	02.03.2021

Expansion site / current application site:

21/02129/FUL	Proposed use of land for the stationing of static holiday caravans and lodges and associated works.	Approved	13.10.2023
23/01749/DISCON	Discharge of condition 19 (Written Scheme of Investigation) of approved application 21/02129/FUL.	Approved	17.01.2024
24/00202/DISCON	Discharge of Conditions application for 21/02129/FUL - Condition 9 (Renewable Energy Generation Plan); Condition 16 (CEMP Biodiversity); Condition 17	Approved	14.03.2024

(Biodiversity Enhancement Strategy);
Condition 18 (Lighting Strategy).

24/00464/DISCON	Discharge of conditions application for 21/02129/FUL - Condition 22 (water drainage details); Condition 23 (water drainage details for construction); Condition 24 (water drainage maintenance).	Approved	15.08.2024
24/01280/DISCON	Discharge of conditions application for 21/02129/FUL - Condition 8 (Construction Management) and Condition 25 (Site Waste Management Plan).	Refused	07.11.2024
24/01302/VOC	Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Plans and Drawings); Condition 6 (Holiday Occupation); Condition 12 (Highway Works Completion); Condition 13 (Highways Provision of Parking and Turning) of application 21/02129/FUL to amend the restrictive holiday occupation period, and to amend the Phasing Plan to reflect the proposed new construction access to be utilised.	Current	
24/01066/DISCON	Discharge of conditions application for 21/02129/FUL - Condition 20 (Archaeology Evaluation).	Current	

6. Consultations

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

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

<u>Environmental Protection</u> 22.01.2025	NO OBJECTION
The Environmental Protection team have reviewed the application and raise no objection subject to conditions securing: <ul style="list-style-type: none"> • Compliance with the accompanying Construction Management Plan. • Further approval of any proposed external lighting. • A contaminated land watching brief (due to known historic contaminated land use (historic landfill sites nearby the site)). 	

<u>Tree & Landscape Officer</u> 16.01.2025	NO OBJECTION
The Council's Tree and Landscape Officer raises no objection subject to conditions:	

- Compliance with accompanying Arboricultural Impact Assessment (AIA) - any works close to the retained tree shall be hand excavation only.
- Compliance with accompanying Arboricultural Method Statement (AMS) - Root Protection Areas (RPA) to have protective fencing erected to physically protect tree roots.

ECC Highways Dept
10.02.2025

NO OBJECTION

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

1. Road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 4.5 metres by 160 metres in both directions.
2. Approval of vehicular turning facility - indicated on drawing no. E5097-3PD-001.
3. Access layout shall be provided in accordance with drawing no. E5097-4PD-102 Rev. A. General Arrangement drawing.
4. No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.
5. Upon completion of the development, the temporary construction vehicular access shall be suitably and permanently closed as indicated on drawing no. E5097-3PD-002.
6. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway at all times.
7. Prior to commencement – updated Construction Management Plan shall be provided incorporating a Traffic Management Plan including all HGV movements, deliveries avoiding AM and PM peak periods, and deliveries strategy/ schedule to avoid deliveries overlapping.

Notes:

- 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.
- Supporting information will need to include a Stage 1 RSA for the proposed access 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

ECC Highways Dept
26.03.2025

ADDITIONAL INFORMATION

I have obtained the collision data for the area, there is nothing in the vicinity of the proposed temporary construction access, which is proposed just north of Martins Gate Bungalow. The two fatalities occurred in 2020 and 2022 either side of Frowick Lane junction with the B1027.

Proposals underway to formally advertise a proposal to extend the 40-mph speed limit southwards from Flag Hill to include the junction of Frowick Lane within the speed limit.

I have discussed the proposed temporary access with the Development Management team, they have confirmed, given that the visibility splays (4.5m x 160m in both directions) can be achieved with vegetation clearance, they don't think any other measures are necessary (albeit standard temporary signage on each approach). As with any application and prior to the applicant carrying out any works within the highway they will be required to enter into an agreement with the Highway Authority under Section 278 of the Highway Act or Minor works Authorisation. At this time, the developer will submit detailed design drawings to the Highway Authority for further review and road safety audit, prior to technical approval being considered.

ECC Place Services Ecology

AWAITING COMMENTS – to form part of the Update Papers.

7. Representations

7.1 St Osyth Parish Council Comments (in full)

The Parish Council strongly object to this application on the grounds that the proposed entrance is to be situated on a stretch of road, along which there have been 4 fatalities over the 9 years.

The decision of the Highways Authority to deem this application as being acceptable is appalling. Once again, the Parish Council would question as to whether Essex Highways are looking at the bigger picture when making such decisions, or are, as it would seem, looking at applications in isolation.

The lowering of the speed limit no more than 400 metres from the proposed entrance has already resulted in the intervention of the County Coroner, whose investigation into the most recent fatality, in 2022, has delayed the works further so as to take into consideration whether the reduction of the speed limit should in fact be extended.

With regard to access to the site approved by way of planning application 21/02129/FUL, the Parish Council would suggest that this be by way of Frowick Lane or by utilising the Highways layby, the centre of which is pinpointed using what3words as being cosmetic.grumbling.upwardly.

Whilst it is appreciated that both of these suggestions would require the cooperation of the landowner or Essex Highways respectively, both would be in an area where, prior to any recommendation of the Coroner being implemented, the speed limit along the B1027 is already set to be reduced to 40 mph.

Furthermore, and albeit, that it would impact on the traffic entering or exiting the holiday park, there is also no reason whatsoever, other than the aesthetic setting of the entrance itself and inconvenience to 'guests' why the construction traffic could not use the existing entrance to the holiday park.

7.2 Committee Referral – Cllr White Comments (in full)

The application is referred to Planning Committee by Councillor White due to the highways impact and/or other traffic issues.

The speed limit on this road varies constantly between 30-40-& 60 within the last mile. But at the suggested entrance it is 60 mph.

If the entrance were approved, it would be the third entrance within 100 yds. The first one to the East being the original camp entrance for its cars and caravans. The second opposite to the Country Park and Wellwick Sand & Gravel pit with its heavy-duty sand & gravel lorries entering & leaving the site all day long. If approved the third one would be the entrance for all the heavy construction site vehicles.

Finally, we have the terrible safety record of the road between the Creek (ex Flag) inn to Lamb Farm, 1 fatality in 2022, 2 fatalities, in 2020, then numerous accidents further down the road. Actual list can be obtained on <https://www.crashmap.co.uk.co.uk/search>

7.3 Neighbour / Local Representations

No third-party representations or objections received.

8. Assessment

Site Context

- 8.1 The application relates to Oaklands Holiday Park (Oaklands) located on the eastern side of the B1027 Colchester Road, between St Osyth and Great Bentley. The existing Oaklands site currently extends approximately 7.16 hectares in size and is an established caravan park of 295 pitches containing a range of static holiday caravans and ancillary facilities.
- 8.2 Oaklands lies within the Parish of St. Osyth but lies outside of the Settlement Development Boundary as defined within the adopted Tendring District Local Plan 2013-2033 and Beyond (TDLP). The TDLP also defines the existing Oaklands Holiday Village as a Safeguarded Holiday Park.
- 8.3 The land to the north benefits from full planning permission (application reference 21/02129/FUL) for the change of use of the land to facilitate the extension of the existing holiday village site northwards to accommodate 138 static holiday caravan and lodge pitches (a mix of lodge style static holiday caravans along with traditional static holiday caravans) and associated recreational space.
- 8.4 The current application site comprises a small parcel of the expansion site to the north and a section of the boundary vegetation and highway verge in both directions, measuring approximately 0.67 hectares in size (inclusive of the land required to deliver access visibility splays).

Planning History & Related Current Applications

- 8.5 As explained above, the application relates to the existing Oaklands Holiday Park and the approved expansion to the north.
- 8.6 Application 21/02129/FUL was approved subject to several conditions and a legal agreement securing the RAMS contribution and £10,000 (index linked) toward highway improvements (including footpath extensions, crossing and bus stop improvements to the front of the site). All pre-commencement conditions have been discharged, except for Condition 8 Construction Management Plan and Condition 25 Waste Management Plan. The consented scheme planned to access the site, including construction traffic, through the existing site access for the Holiday Park from Colchester Road.
- 8.7 There is a live S73 variation application relating to the original permission (current application reference 24/01302/VOC) seeking to vary Condition 6 in relation to the duration of holiday occupancy onsite, and Conditions 12 and 13 in relation to the construction phasing plan. The determination of this application is on hold whilst the planning obligations are settled.

Proposal

- 8.8 The application seeks temporary planning permission for up to 5 years, for a new access from Colchester Road to be used for all construction traffic, deliveries and construction staff to facilitate the approved holiday park extension.
- 8.9 The access and site will provide the construction compound area serving the development of the approved park extension, accommodating contractor parking spaces, materials storage, a site office, refuelling area and wheel washing facilities (all forming part of the accompanying Construction Management Plan and Waste Audit Statement).
- 8.10 The physical works to facilitate the access will include (as shown on drawing number E5097-3PD-002):

- Removal of approximately 7.5 metres of existing hedgerow to the northern side of the access point;
- Removal of approximately 12 metres x 10 metres (122m²) of greenery to the site frontage; and,
- Installation of 12 metres x 10 metres (122m²) hard surfacing to create the bell mouth of the access.

8.11 All physical alterations will be fully reinstated at the end of the temporary permission or once construction works have been completed, whichever is sooner.

Visual Impact and Landscaping

8.12 TDLP1 Policy SP7 seeks high standards of urban and architectural design which respond positively to local character and context. TDLP2 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.

8.13 Paragraph 136 of the NPPF 2025 sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible.

8.14 The proposed development requires temporary physical alterations to the site. These works will materially alter the appearance of this section of Colchester Road from the removal of approximately 7.5 metres of existing hedgerow to the northern side of the access point, from the loss of vegetation on the existing highway verge and the installation of approximately 122m² of hard surfacing to create the bell mouth of the access leading to the construction road and compounds.

8.15 However, these changes to the visual appearance of the site are temporary. The hardstanding will be removed and the vegetation and hedgerow reinstated. Due to BNG requirements (covered in more detail below), the planting will be increased in line with the 10% net gain required.

8.16 The temporary access sought will alter the appearance of the site and the immediate locality for approximately 5 years. However, these changes will be seen in association with the park expansion as it progresses and will not appear as an isolated, or harmful change to the landscape or semi-rural character of the area.

Highway Safety and Accessibility

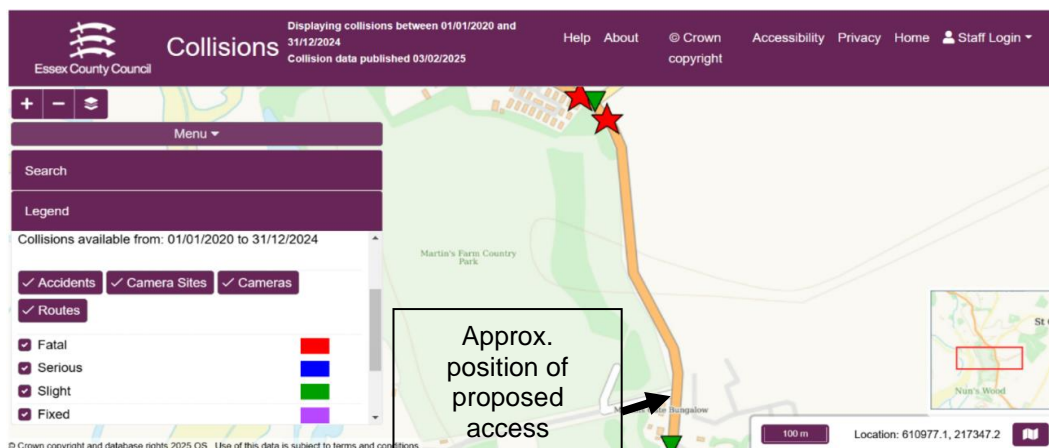
8.17 Paragraph 115 of the NPPF 2025 requires Councils to ensure safe and suitable access to a site can be achieved for all users and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be effectively mitigated to an acceptable degree.

8.18 Paragraph 116 goes on to say, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

8.19 TDLP Section 2 Policy CP2 (Improving the Transport Network) states that proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

8.20 TDLP Section 2 Policy SPL3 (Sustainable Design Part B: Practical Requirements) states that new development (including changes of use) must meet practical requirements. Access to the site must be practicable and the highway network must, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to severe traffic impact.

- 8.21 The proposed access is to be located approximately 135 metres to the north of the existing park access. The proposed access and construction road will be formed at 6 metres in width and provided with 4.5 metres x 160 metres visibility splays in both directions, facilitated by the removal of 7.5 metres of boundary hedgerow and highway verge greenery.
- 8.22 The proposed access is broadly in the same position as an existing field access. This has become overgrown and appears to be unused. Nevertheless, the proposed access will significantly alter the existing field access in terms of width, engineering and the removal of vegetation to facilitate the required bell mouth and visibility splays. As such, regardless of the current state or status of the existing access, the presence of an existing access has only been given very limited weight in the assessment of the application.
- 8.23 As explained above, the applicant planned to construct the consented scheme via the existing site access. However, the applicant now seeks permission for a separate access to allow for construction traffic, associated deliveries and construction staff to be kept separate from the visitors using the main park access to avoid potential conflict between construction traffic and visitors.
- 8.24 The access can be re-constructed and provided with appropriate visibility splays in accordance with highway standards. Essex County Council Highway Authority raise no objection subject to conditions as summarised above. Such conditions include the submission and approval of an updated Construction Management Plan incorporating a Traffic Management Plan. The Traffic Management Plan will be required to include a strategy and schedule for all HGV movements and deliveries to avoid peak AM and PM periods and to avoid any delivery overlaps. The agreed schedule will also mitigate any potential conflicts with the access road opposite.
- 8.25 Furthermore, prior to any works taking place in the highway, the developer will be required to enter into an S278 agreement with the Highway Authority under the Highways Act 1980 or a Minor Works Authorisation, as appropriate, to regulate the construction of the highway works. The submission of a Stage 1 Road Safety Audit will be an essential supporting document for the highway works application.
- 8.26 Strong objections have been raised in relation to highway safety concerns, especially due to fatal collisions in the locality.
- 8.27 Officers have engaged further with the Highway Authority to substantiate the collision data and reaffirm their position.
- 8.28 As demonstrated by the Highways Information Map extract below, there have been no serious or fatal incidents in the immediate vicinity of the proposed temporary construction access. The two fatalities highlighted within representations occurred in 2020 and 2022 either side of Frowick Lane junction with the B1027.



- 8.29 By providing a separate temporary construction access, potential conflict between construction traffic and large vehicles with visitors to Oaklands can be avoided. The access can be provided with appropriate visibility splays in both directions. An amended Construction Management Plan and Traffic Management Plan will secure an appropriate schedule and strategy for use of the access.
- 8.30 Proposals are underway to formally advertise a proposal to extend the 40-mph speed limit southwards from Flag Hill to include the junction of Frowick Lane within the speed limit, thus being an extended version than that currently proposed.

Impact on Residential Amenities

- 8.31 Paragraph 135 of the NPPF 2025 includes that planning decisions should ensure developments create places that are safe with a high standard of amenity for existing and future users.
- 8.32 Section 1 Policy SP7 of the Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 Part C states that new development (including changes of use) should be compatible with surrounding uses and minimise any adverse environmental impacts. The development shall not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties, including unacceptable noise disturbance or nuisance.
- 8.33 In this instance, the only neighbouring dwellings in the locality of the application site are the existing houses opposite the existing main park entrance. The proposed temporary access would be positioned over 130 metres to the north of the existing park access, being approximately 60 metres from the closest neighbouring dwelling. The creation of a temporary access provides the opportunity to lessen the impact on neighbouring amenities, by moving construction traffic and any associated noise and disturbance away from the existing main park access. Any impacts are temporary with the use of the access restricted to 5 years, or upon completion of the park extension, whichever is sooner.
- 8.34 For these reasons, there would be no material harm to neighbouring amenities from the proposed temporary access.

Habitats, Protected Species and Biodiversity Enhancement

Ecology and Biodiversity

- 8.35 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

- 8.36 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.
- 8.37 This development is subject to the general duty outlined above. The following features underscore how the proposal positively impacts biodiversity, offsetting requirements necessary for the development to take place.

Biodiversity net gain

- 8.38 Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals, excluding applications which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sqm of habitat, or 5 metres of linear habitats such as hedgerow.
- 8.39 The statutory framework for BNG applies to this development as the development requires the removal of approximately 7.5 metres of linear habitat (more than the 5-metre threshold set out within the BNG exemptions). This requires 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.
- 8.40 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.

Protected Species

- 8.41 Local Plan Policy PPL4 requires that sites designated for their international, European and national importance to nature conservation will be protected from development likely to have an adverse effect on their integrity. The policy states that as a minimum there should be no significant impacts upon any protected species. The preamble to Policy PPL4 states that where a development might harm biodiversity, an ecological appraisal will be required to be undertaken, and the potential for harm should be considered and addressed in any application.
- 8.42 Policy SPL3, Part A criterion d), requires that the design and layout of development maintains or enhances site features, including ecological value.
- 8.43 In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species.
- 8.44 The original planning application under reference 21/02129/FUL was accompanied by a Preliminary Ecological Appraisal (The Ecology Consultancy, February 2021) (PEA) and a Wintering Bird Survey Report 2021/2022 draft v.4 (BiOME, April 2022). These reports encompass this application site and the affected vegetation. The reports accurately reflect the habitats present, their biodiversity values and the potential of the site to support protected, notable and invasive species and have been provided as part of this current application for the avoidance of doubt.
- 8.45 As concluded within the PEA, none of the habitats on site are of significant value in their own right owing largely to the prescriptive management often associated with agricultural land (original use prior to the granting of planning application reference 21/02129/FUL). The boundary features retain a degree of value which is emphasised by the presence of BoCC red listed birds and nationally scarce and protected mammals in and around these habitats.
- 8.46 Any vegetation removal must be carried out outside of the main breeding season (March to September inclusive). If this is not possible, then a suitably qualified ecologist should check any areas of vegetation to be removed within 24 hours prior to removal. If any nests are found, they will be cordoned off with a suitable buffer zone until the young have fledged the nest.

- 8.47 The proposals require minimal de-vegetation works. Any habitats to be removed are to be reinstated (as shown on drawing number E5097-3PD-002). For these reasons, subject to conditions controlling the timing of vegetation clearance and securing a replacement landscaping scheme, it is considered that the proposal is unlikely to adversely impact upon protected species or habitats.
- 8.48 The consultation response from Essex County Council Place Services Ecology and any recommended conditions (in addition to those already included within the recommendation) will be reported to Members at the meeting as part of the Update Papers.

Conclusion

- 8.49 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.

9. Conclusion

- 9.1 The creation and use of a temporary access will avoid potential conflict between construction traffic and deliveries with visitors to Oaklands and lessen the impact upon the residential amenities of the occupants of the houses located opposite the existing park access.
- 9.2 The access can be provided with appropriate visibility splays in both directions and ECC Highways raise no objection.
- 9.3 Subject to appropriate conditions, the comings and goings of construction deliveries and traffic can be carefully managed to minimise highway impacts and related noise and disturbance to neighbouring amenities and the tourists staying at Oaklands.
- 9.4 The application demonstrates that the proposed works will not adversely affect the character or appearance of the local landscape and that no important trees or other significant vegetation will be adversely affected by the proposed development.
- 9.5 Once the construction access is no longer needed, or the 5 years temporary permission expires, whichever is the earliest, the hardstanding will be removed and all vegetation and boundary planting will be reinstated, in full, including 10% BNG requirements.

10. Recommendation

- 10.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

10.2 Conditions and Reasons

1. COMPLIANCE: TIME LIMIT FOR COMMENCEMENT

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

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

NOTE/S FOR CONDITION:

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

2. COMPLIANCE: PLANS AND SUPPORTING DOCUMENTS

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

- SHF201254-ENZ-XX-XX-DR-T-0001 P01 Site Plan
- SHF201254-ENZ-XX-XX-DR-T-0002 P01 Block Plan
- E5097-3PD-001 Construction Compound (in relation to vehicular turning facility only)
- E5097-3PD-002 Post-Construction Access Arrangement
- E5097-4PD-101 A Proposed Construction Access Visibility
- E5097-4PD-102 A Proposed Construction Access General Arrangement
- E5097-4PD-108 A Proposed Construction Access Standard Details
- Arboricultural Impact Assessment & Method Statement CA Ref: CA19/085-12 dated 20.11.2024

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

NOTE/S FOR CONDITION:

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

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

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

3. COMPLIANCE: TIME LIMIT OF TEMPORARY PERMISSION

CONDITION: Prior to first occupation of Phase 3 of the development approved under planning application reference 21/02129/FUL and any subsequent s73 and s96A applications, the temporary construction access hereby approved shall be suitably and permanently closed as

indicated on drawing no. E5097-3PD-002 Post-Construction Access Arrangement and in accordance with planting details approved under Condition 4 of this planning permission, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To remove unnecessary points of vehicular access, in the interests of visual amenity and highway safety.

4. FURTHER APPROVAL: REPLANTING SCHEDULE & IMPLEMENTATION

CONDITION: Following the closure of the temporary access, as required by Condition 3, the planting as indicated on approved drawing no. E5097-3PD-002 Post-Construction Access Arrangement, shall be carried out in full during the first planting and seeding season (October - March inclusive) in accordance with species and spacing details which have been previously approved in writing with the Local Planning Authority.

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 5 years of being planted, or in the case of existing planting within a period of 5 years following the closure of the temporary access, 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 replacement landscaping scheme is implemented and has sufficient time to establish, in the interests of visual amenity and biodiversity, as insufficient information is provided with the application.

5. COMPLIANCE: TIMING OF VEGETATION REMOVAL

CONDITION: Any vegetation removal must be carried out outside of the main breeding season (March to September inclusive). If this is not possible, then a suitably qualified ecologist must check any areas of vegetation to be removed within 24 hours prior to removal. If any nests are found, they shall be cordoned off with a suitable buffer zone until the young have fledged the nest.

REASON: In the interests of ecology and biodiversity.

6. FURTHER APPROVAL: CONSTRUCTION MANAGEMENT & TRAFFIC MANAGEMENT PLAN

CONDITION: Notwithstanding the submitted details, 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 how construction and worker traffic and parking shall be managed.
- b. Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c. Storage of plant and materials used in the construction of the development.
- d. 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.
- e. 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
- f. Traffic Management Plan to include HGV movements and deliveries avoiding AM and PM peak periods, and a deliveries strategy/schedule to avoid deliveries overlapping.

The said methodology as may be approved shall be implemented in its entirety on commencement of development 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.

NOTE/S FOR CONDITION:

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

7. COMPLIANCE: HIGHWAYS PROVISION OF VISIBILITY SPLAYS

CONDITION: Before the temporary construction access hereby approved is first brought into use, the road junction / access at its centre line shall be provided with clear to ground visibility splays with dimensions of 4.5 metres by 160 metres in both directions, in accordance with approved drawing no. E5097-4PD-101 A Proposed Construction Access Visibility. The approved visibility shall be maintained in that area for the duration of the use of access.

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 using 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 to take avoiding action.

NOTE/S FOR CONDITION:

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

8. COMPLIANCE: HIGHWAYS PROVISION OF TURNING AREA

CONDITION: Before the temporary construction access hereby approved is first brought into use, the vehicular turning facility shown on approved drawing no. E5097-3PD-001 shall be provided and made functionally available. The area shall then be retained and remain free of obstruction thereafter until permanent closure of the temporary access, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety, to ensure the provision of adequate on-site space for the manoeuvring of vehicles where on-street manoeuvring would otherwise be detrimental to highway safety.

9. COMPLIANCE: NO UNBOUND MATERIAL

CONDITION: No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

REASON: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

10. FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN

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

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

NOTE - CONTEXT AND APPLICATION:

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

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

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

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

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

BIODIVERSITY GAIN PLAN REQUIREMENTS:

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

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

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

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

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

Ways to achieve 10% BNG may include:

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

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

CONDITIONS AND LEGAL AGREEMENT:

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

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

Additional Conditions:

And any other conditions recommended by Essex County Council Place Services Ecology within their consultation response.

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.

Highways Informatives

- Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway at all times.
- 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.
- Supporting information will need to include a Stage 1 RSA for the proposed access 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

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

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

13. Background Papers

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