

**TENDRING DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE**

**13<sup>th</sup> May 2025**

**Item No. A.1**

**25/00029/FUL - Oaklands Holiday Village Colchester Road St Osyth Essex CO16 8HW**

**Planning Application - Temporary construction access (up to 5 years) to facilitate the construction of the Holiday Park extension.**

- Essex County Council Place Services Ecology comments received 13.05.2025. Comments provided in full below:

***Holding objection due to insufficient ecological information on protected species (out of date report)***

***Summary***

*We have assessed the Preliminary Ecological Appraisal (The Ecology Consultancy, February 2021), submitted by the applicant, relating to the likely impacts of development on designated sites, protected and Priority species & habitats.*

*We are not satisfied that there is sufficient ecological information on protected species available for determination. This is because the Preliminary Ecological Appraisal (The Ecology Consultancy, February 2021) is out of date to support this application, in line with CIEEM Guidance<sup>1</sup>*

*1 CIEEM (2019) Advice note on the Lifespan of Ecological Reports and Surveys - <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf> and paragraph 6.2.1 of British Standard (BS) BS42020 'Biodiversity – Code of practice for planning and development 2013'. This is because the initial site walkover was undertaken in 2020.*

*As a result, we recommend that the applicant's ecologist provides an ecological addendum or an updated ecological report to support this application, which should require an additional site visit and may require updated desk study information. The ecologist will be required to provide appropriate justification, on:*

- *The validity of the initial report;*
- *Which, if any, of the surveys need to be updated; and*
- *The appropriate scope, timing and methods for the update survey(s).*

*If additional impacts to protected species are identified as a result of the additional ecological assessment, then any necessary further surveys for protected species should also be provided prior to determination. This is necessary as the Government Circular 06/2005 identifies that the presence of a protected species is a material consideration*

*when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted.*

*Therefore, this further information is required to provide the LPA with certainty of impacts on protected and priority species and enable it to demonstrate compliance with its statutory duties, as well as its biodiversity duty under s.40 NERC Act 2006 (as amended).*

### **Biodiversity Net Gain**

*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.*

### **Additional comments – bespoke species enhancements:**

*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.*

*We look forward to working with the LPA and the applicant to receive the additional information required to overcome our holding objection.*

- Amended recommendation to allow for the submission of an addendum to the ecology report, and receipt of no objection from Essex County Council Place Services Ecology:

#### **Recommendation:** Approval

- 1) That the Head of Planning and Building Control be authorised to grant full planning permission subject to the submission and assessment of an acceptable addendum to the Ecology Report following a 'walk-over site survey', and receipt of 'no objection' from Essex County Council Place Services Ecology;
- 2) 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 following consultation on the ecology report addendum) 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 requirements referred to in Resolution (1) above not being secured within 12 months of the date of the committee, that the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion.

- Amended Post Construction Access Arrangement Revision A received showing an increased length of hedge reinstatement / new planting, fully closing off the access and former field access.
- Amended Condition 2 to account for the Post Construction Access Arrangement Revision A plan received:

## 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 A 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 & Arboricultural Method Statement (including appendices) 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.

- Correction to Condition 3 relating to the temporary nature of the permission:

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 application, **or within 5 years from the date of this permission, whichever is sooner**, 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.

- Addition of tree related conditions (in addition to the approved plans and documents condition), for completeness and the avoidance of doubt:

11. COMPLIANCE: IN ACCORDANCE WITH AIA

CONDITION: The development shall be carried out in accordance with the approved Arboricultural Impact Assessment & Arboricultural Method Statement (including appendices) CA Ref: CA19/085-12 dated 20.11.2024. This shall include tree works being undertaken by a professional and specialist Arboricultural contractor, who carries the appropriate experience, qualifications and insurance cover. In order to protect retained trees from root damage caused by storage of materials, vehicular movement or construction parking, the approved protection barriers set out within Appendix 2: Tree Protection Plan drawing no. 19/085/011 shall be erected to exclude trees from the construction site. Once installed the Barriers will form a construction exclusion zone (CEZ) to be maintained and observed until completion of the development.

No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

REASON: To ensure existing trees, shrubs and hedges that are identified as being retained are not removed and are protected appropriately during the development, as they are considered essential to maintain the character, in the interests of visual amenity.

12. COMPLIANCE: TREE WORKS HAND EXCAVATION ONLY

CONDITION: All hard surface areas or development within the root protection area of the retained trees, as identified within the approved Arboricultural Impact Assessment shall be carried out in accordance with the tree protection methods,

construction techniques and working practices set out within the approved Arboricultural Method Statement CA Ref: CA19/085-12 dated 20.11.2024. Where approved excavation/re-grading is required within the RPA of any retained tree this will be completed under the supervision of the project Arboriculturalist. Where it is safe to do so the excavation will be completed by hand digging or airspade to the required depth of excavation.

No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

REASON: To ensure the longevity of the retained and protected trees, in the interests of visual amenity.

### **Item No. A.2**

#### **24/00280/FUL - Red House High Street Great Oakley Harwich Essex CO12 5AQ**

**Demolition of Red House to allow construction of two conventional arrangement dwellings comprising one 2-bedroom dwelling and one 3-bedroom dwelling, and an infill extension between Red House and The Maybush Inn to form a further one-bedroom flat incorporating a multi-use community facility to the Public House at ground level.**

- Update to the second paragraph of refusal reason one to make reference to Paragraph 216 of the NPPF, and to read as follows:

Paragraph 215 of the NPPF 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. **Paragraph 216 adds that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.**

- Update paragraph 8.42 to read as follows:

In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. The proposal is for a replacement building and infill extension to provide for three flats and a multi-use community facility. Whilst the existing building would be demolished, the site is within a heavily urbanised location with no connectivity to bat foraging routes, and the building itself is of solid construction, and it is therefore considered that the proposal is unlikely to adversely impact upon protected species or habitats.

### **Item No. A.3**

#### **25/00451/FUL - 3 Orchard View Wivenhoe Road Alresford Colchester Essex CO7 8BD**

**Planning Application - Change of use of land to garden.**

- No updates.

**Item No. A.4**

**25/00324/FULHH – 61 Colchester Road Holland On Sea Essex CO15 5DG**

**Householder Planning Application - Rear extension with flat roof.**

- No updates.