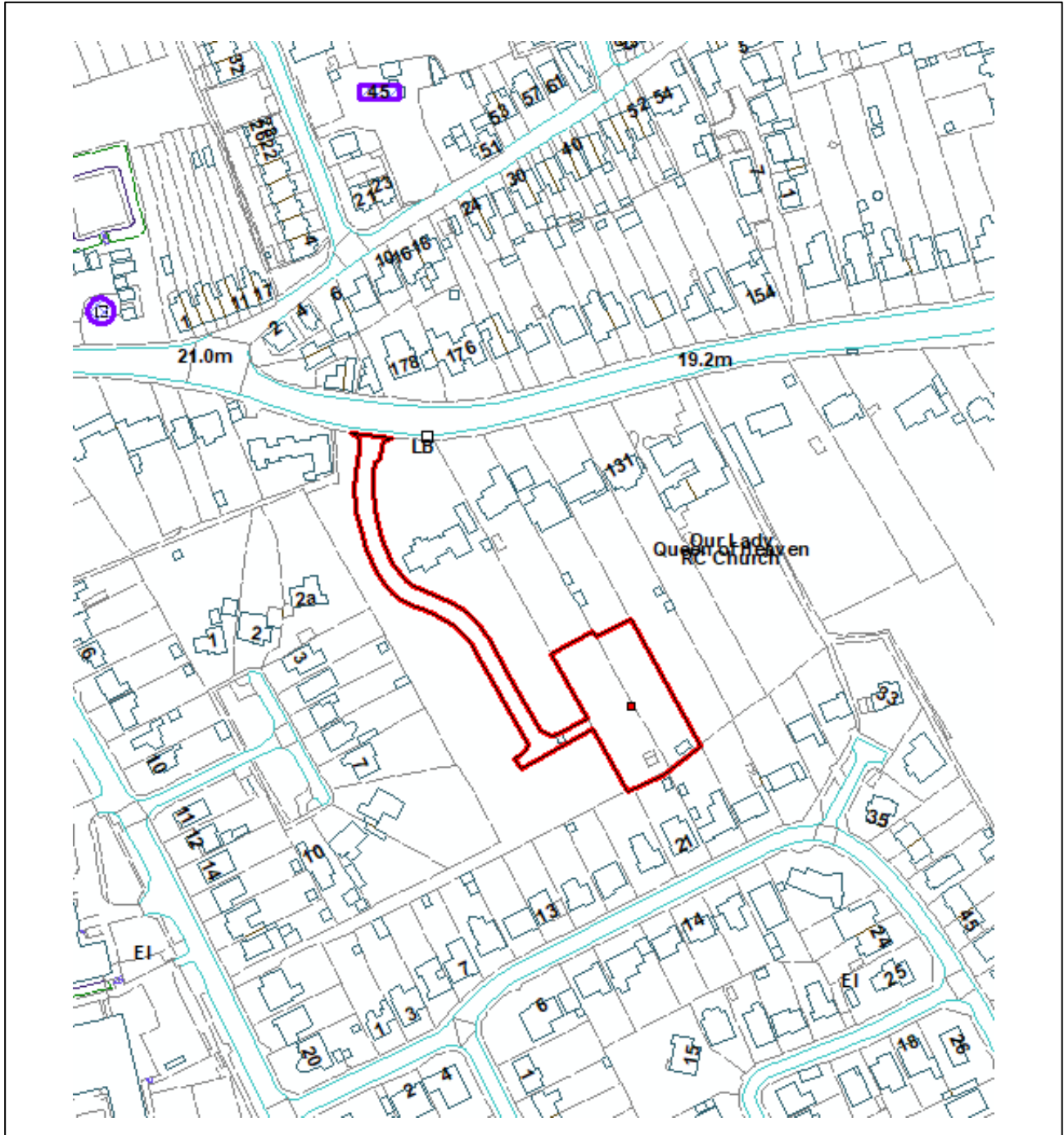


PLANNING COMMITTEE

10 JUNE 2025

REPORT OF THE DIRECTOR OF PLANNING

A.1. PLANNING APPLICATION – 24/01922/VOC – LAND TO REAR OF 135 AND 137 FRONKS ROAD DOVERCOURT CO12 4EF



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Application:	24/01922/VOC	Expiry Date:	18th March 2025
Case Officer:	Michael Pingram		
Town/ Parish:	Harwich Town Council		
Applicant:	Mrs M Olushanu		
Address:	Land to rear of 135 and 137 Fronks Road, Dovercourt, CO12 4EF		
Development:	Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Approved Plans) of application 24/00254/FUL to increase the ground levels across the site		

1. Executive Summary

- 1.1 This application seeks planning permission for the variation of the approved plans within 24/00254/FUL, in order to facilitate alterations to the ground levels across the site in comparison to what was previously approved. The level changes range across the site between -0.6 metres (towards the northern section of the site by Plot A) and 1.5 metres (to the southern section of the site by Plot E). The design, scale and layout of the development otherwise remains unaltered. Officers consider that the changes will not result in a significantly detrimental impact to the street scene or character/appearance of the surrounding area, and on balance the harm to neighbouring amenities is not considered so significant that a refusal reason is justified. This has been called in Councillor Jo Henderson and the recommendation is for approval subject to conditions.

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, 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

- 2.1 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.

In relation to housing supply:

- 2.2 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.

- 2.3 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.
- 2.4 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>
- 2.5 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

- 3.1 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 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 2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP 3 Spatial Strategy for North Essex

SP 4 Meeting Housing Needs

SP 7 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

HP5 Open Space, Sports and Recreation Facilities

DI1 Infrastructure Delivery and Impact Mitigation

LP1 Housing Supply

LP2 Housing Choice
 LP3 Housing Density and Standards
 LP4 Housing Layout
 LP8 Backland Residential Development
 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

Supplementary Planning Documents

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

Tending Provision of Recreational [Open Space for New Development SPD](#) 2008

[Essex Design Guide](#)

[Technical housing standards](#): nationally described space standard Published 27 March 2015

Local Planning Guidance

[Essex Parking Guidance](#) Part 1: Parking Standards Design and Good Practice 2024

[Essex Parking Guidance](#) Part 2: Garden Communities and Large Scale Developments 2024

5. Relevant Planning History

12/00013/FUL	Extensions, alterations and new detached garage. Alterations to front entrance, parking and turning. Raised rear patio area.	Approved	05.03.2012
23/01511/FUL	Proposed construction of five new bungalows together with parking, garaging, private drive and landscaping, with access on to Orchard Close (under construction).	Approved	08.12.2023
24/00254/FUL	Construction of five new bungalows together with parking, garaging, private drive and landscaping, with access on to Orchard Close (under construction).	Approved	10.05.2024
24/00805/DISCON	Discharge of conditions application for 24/00254/FUL - Condition 4 (Construction Methodology Statement)	Approved	15.07.2024

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>ECC Highways Dept</u>	24.01.2025
<p>It is noted that this application concerns variation of condition 2 of the original planning application 24/00254/FUL to increase the ground levels across the site. The proposal site is off a private drive and the changes don't impact on the off-street parking allocation or turning facility within the shared private driveway, considering these factors:</p> <p>The Highway Authority does not object to the proposals as submitted.</p>	
<u>Environmental Protection</u>	10.01.2025
<p>With reference to the above VOC application; I can advise the EP Team have no comments to make.</p>	
<u>Tree & Landscape Officer</u>	09.01.2025
<p>No comments.</p>	

7. **Representations**

- 7.1 Harwich Town Council have objected to the application on the grounds that, owing to the increased height difference in the grounds levels, there would be a negative impact on the existing neighbouring properties.
- 7.2 There have been a further seven letters of objection received, with the following concerns raised:
- Invasion of privacy to gardens to the rear of the site;
 - Overlooking concerns;
 - Development will appear intrusive and oppressive;
 - Is a breach of the earlier planning conditions; and
 - Boundary treatments are out of scale and character with the area.

8. **Assessment**

Site Context

- 8.1 The application site is land that is located to the rear of Numbers 135 and 137 Fronks Road, and immediately adjacent to the east of Orchard Close, a nine dwelling development granted planning permission (references 20/01153/FUL and 22/01227/VOC) and recently finished construction at the time of the Officer's site visit.
- 8.2 The character of the surrounding area is heavily urbanised, with residential and commercial development located to all sides and further beyond. The site falls within the Settlement Development Boundary for Dovercourt within the adopted Local Plan 2013-2033.

Planning History

- 8.3 Under reference 23/01511/FUL, planning permission was granted in December 2023 for five dwellings sited to the rear of 135 and 137 Fronks Road, in what is a very similar scheme to that currently being applied for. A further application, reference 24/00254/FUL, was then granted planning permission in May 2024 for the construction of five bungalows, with the main differences to the earlier permission being that the overall site area was slightly reduced, which in turn reduced the private amenity areas for Plots B (80sqm to 790sqm) and C (130sqm to 115sqm). Plots A, B and C were to be served by two bedrooms, with Plots D and E served by three bedrooms. This permission has

since been implemented, with construction nearing completion.

Description of Proposal

- 8.4 This application seeks planning permission for the variation of Condition 2 (approved plans) of 24/00254/FUL in order to facilitate alterations to the ground levels across the site in comparison to what was previously approved. The level changes range across the site between -0.6 metres (towards the northern section of the site by Plot A) and 1.5 metres (to the southern section of the site by Plot E). The design, layout and scale of the development remains as previously approved.
- 8.5 Officers and the agent for the application have discussed whether planning permission would be required, however on the basis that the increase in ground levels represents operational development, permission is required.

Principle of Development

- 8.6 The site is located within the Settlement Development Boundary (SDB) for Dovercourt, as established in the Adopted Local Plan. 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. Furthermore, Officers acknowledge that under reference 24/00254/FUL permission has previously been granted for five dwellings on this site, and this permission has since been implemented and will remain extant indefinitely. The principle of development is therefore accepted.

Scale, Layout & Appearance

- 8.7 Paragraph 135 of the National Planning Policy Framework 2025 (NPPF) 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.
- 8.8 Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 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 that relates well to its site and surroundings, create a unique sense of place.
- 8.9 The proposal involves the alteration of the ground levels across the site, which range from a reduction of 0.6 metres to the northern section through to an increase of approximately 1.5 metres to the southern section. The submitted drawings demonstrate that the larger ground level increases are to the rear of Plots D and E, with the front of these plots being only very slightly increased. Furthermore, the scale and design of the dwellings remains as approved. As such, the impact to the street scene will be minimal in comparison to that previously approved, and Officers therefore raise no objections in this regard.

Impact on Residential Amenities

- 8.10 Paragraph 135 of the National Planning Policy Framework (2025) 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.
- 8.11 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.
- 8.12 There are a number of residential properties potentially impacted by the proposed amendments,

most notably the plot on the adjacent development to the west, and the properties to the rear (Numbers 19, 21 and 23 Gordon Road in particular).

- 8.13 In respect of the adjacent property to the west approved under reference 22/01227/VOC as part of a larger nine dwelling scheme, Officers raise some concerns that the increased height of Plot E has the potential to be harmful to the amenities of occupants. However, the neighbouring property is not currently occupied (and any future occupants would therefore be aware of the situation beforehand), there is an approximate 2 metres separation, two of the three impacted windows serve a kitchen door and en-suite (not main habitable rooms), and there is an existing hedgerow in between the two plots that will screen large elements of the development. Therefore, whilst the proposal will result in some level of oppression, for the reasons detailed above Officers consider the harm of this, on balance, is not sufficient to justify recommending a reason for refusal.
- 8.14 The neighbouring properties sited to the rear of the site, notably 19, 21 and 23 Gordon Road, also have the potential to be impacted by the increase in ground levels. Officers acknowledge that the three dwellings (and boundary fencing) to this southern boundary will be higher and therefore more prominent, and in this context there will inevitably be a degree of harm associated with this. However, it is also acknowledged that these neighbouring properties have long gardens (approximately 16 metres between the dwellings and rear boundaries). Furthermore, the separation distance between the dwellings themselves is greater still at approximately 27 metres, which exceeds the minimum 25 metre back-to-back distances recommended within the Essex Design Guide.
- 8.15 Upon undertaking a site visit, Officers do not consider that the increase in ground levels has resulted in the new dwellings overlooking into these private garden areas, with the boundary fencing preventing this. In addition, it is noted that under permitted development rights, it would be possible to erect fencing along this rear boundary up to 2 metres, and therefore whilst the 1.8 metre high fencing will appear oppressive to some extent, Officers are only able to assess the impacts of the additional height above 2 metres, which would be approximately 1.3 metres higher to what was previously approved (due to an increase in ground level of 1.5 metres at this section of the site). On this basis, given the separation distances, on balance the harm of this fencing being approximately 1.5 metres taller than what was previously approved is not so harmful that it justifies recommending a reason for refusal.

Highway Safety

- 8.16 Paragraph 114 of the National Planning Policy Framework (2025) 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.
- 8.17 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.
- 8.18 Essex Highways Authority have been consulted, and have confirmed that from a highway and transportation perspective the proposal is acceptable, and do not recommend any additional planning conditions.
- 8.19 The Essex Parking Standards (2024) state that for dwellings with two or more bedrooms, a minimum of two parking spaces are required. Parking spaces should measure 5.5m x 2.9m and garages, if being relied on to provide a parking space, should measure 7m x 3m internally. The submission does not seek to amend the previously approved design, and therefore the plans continue to show that

two properties have a garage and one additional space, with the other three dwellings (Plots A, B and C) having two parking spaces to the front of the site. These are in accordance with the above measurements, and therefore no objections are raised in this regard.

Ecology and Biodiversity

- 8.20 Paragraph 186 of the NPPF states that, when making planning decisions local planning authorities need to assess whether significant harm to biodiversity could result from the development. The NPPF goes on to state the hierarchy that should be applied to mitigate any harm to ecology that is identified. Paragraph 180 of the NPPF requires that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value. TDLP Policy PPL4 states that proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.
- 8.21 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

- 8.22 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.
- 8.23 This development is subject to the general duty outlined above. The proposal is for five dwellings on a site with an extant permission for five dwellings under permissions 23/01511/FUL and 24/00254/FUL. On this occasion, following comments received from the Council's Tree and Landscape Officer, it is not considered necessary or reasonable to include a condition to secure soft landscaping details, however an informative recommending the applicant is strongly encouraged to improve the biodiversity of the site through appropriate additional planting and wildlife friendly features is included. In addition, to mirror the conditions imposed on 23/01511/FUL and 24/00254/FUL, it is recommended to include conditions to secure biodiversity mitigation/enhancement measures as well as the submission of a Biodiversity Enhancement Strategy.
- 8.24 Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

Biodiversity Net Gain

- 8.25 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 application was submitted prior to the introduction of this requirement and is not therefore applicable for Biodiversity Net Gain.

Protected Species

- 8.26 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 includes for five dwellings on a site with an extant planning permission for five dwellings. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats

Conclusion

- 8.27 In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Other Considerations

- 8.28 A unilateral undertaking was previously prepared to secure a legal obligation for RAMS within the earlier planning permission on the site for five dwellings (reference 23/01511/FUL). The financial contribution towards this has since been paid, and this current application does not represent an alteration in terms of the number of dwellings. Therefore, Officers do not consider that it is necessary to secure a legal agreement.

9. Conclusion

- 9.1 The proposal will result in an alteration to the ground levels following the earlier planning permission 24/00254/FUL, which will range between -0.6 metres and 1.5 metres. Given that the changes largely impact to the rear of the properties, the street scene remains relatively unaltered, whilst the design, scale and layout remain as approved. Whilst some degree of impact has been identified to the neighbouring properties to the south and west, on balance this harm is not considered to be to such an extent that it warrants recommending a reason for refusal. In addition, ECC Highways have raised no objections, and there continues to be sufficient parking provision. Accordingly, the application is considered to comply with local and national planning policies, and is therefore recommended for approval.

10. Recommendation

- 10.1 Approval (no S106 requirements)

Recommendation: Approval

- 3) That the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 10.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 4) The informative notes as may be deemed necessary.

10.2 Conditions and Reasons

- 1 **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.

24/00254/FUL:

Drawing Numbers 988/LOC C, 988/01 B, 988/02 A, 988/03 A, 988/04 A, 988/05 A, 988/06 A,

and the documents titled 'Arboricultural Impact Assessment and Method Statements', 'Energy Statement', and 'Preliminary Ecological Appraisal/Low Impact EcIA'.

24/01922/VOC:

Drawing Numbers PRI_0112_A_PLAN_100 Revision P1, PRI_0112_A_PLAN_001 Revision P2, 62743-SK01, 0010 Revision P2, and 0011 Revision P1.

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

- 2 **CONDITION:** If during construction/demolition works evidence of potential contamination is encountered, works shall cease, and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build, then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

REASON - To ensure that any risks from land contamination to the future users of the land and neighbouring land are minimised.

- 3 **CONDITION:** The details of the construction methodology and timetable shall be in full accordance with those approved under reference 24/00805/DISCON. This shall be implemented in its entirety and shall operate as may be approved at all times during construction.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

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

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

- 5 CONDITION: Prior to first occupation 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.

- 6 CONDITION: Any new boundary planting shall be planted a minimum of 1 metre back from the carriageway and any visibility splay and retained free of obstruction above 600mm at all times.

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.

- 7 CONDITION: Prior to the first occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be retained thereafter and remain free of obstruction except for the purpose of loading/unloading/reception and storage of materials and manoeuvring and used for no other purpose. Any other area within the site outlined in red not identified shall not be used as loading/unloading/reception and storage of materials and manoeuvring areas.

REASON: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety.

- 8 CONDITION: Prior to the first occupation 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/Low Impact EclA (Hybrid Ecology, July 2023) submitted within 24/00254/FUL.

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 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.

10.3 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 shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

ii) On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

iii) 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.

iv) 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

- 12.1 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/>.