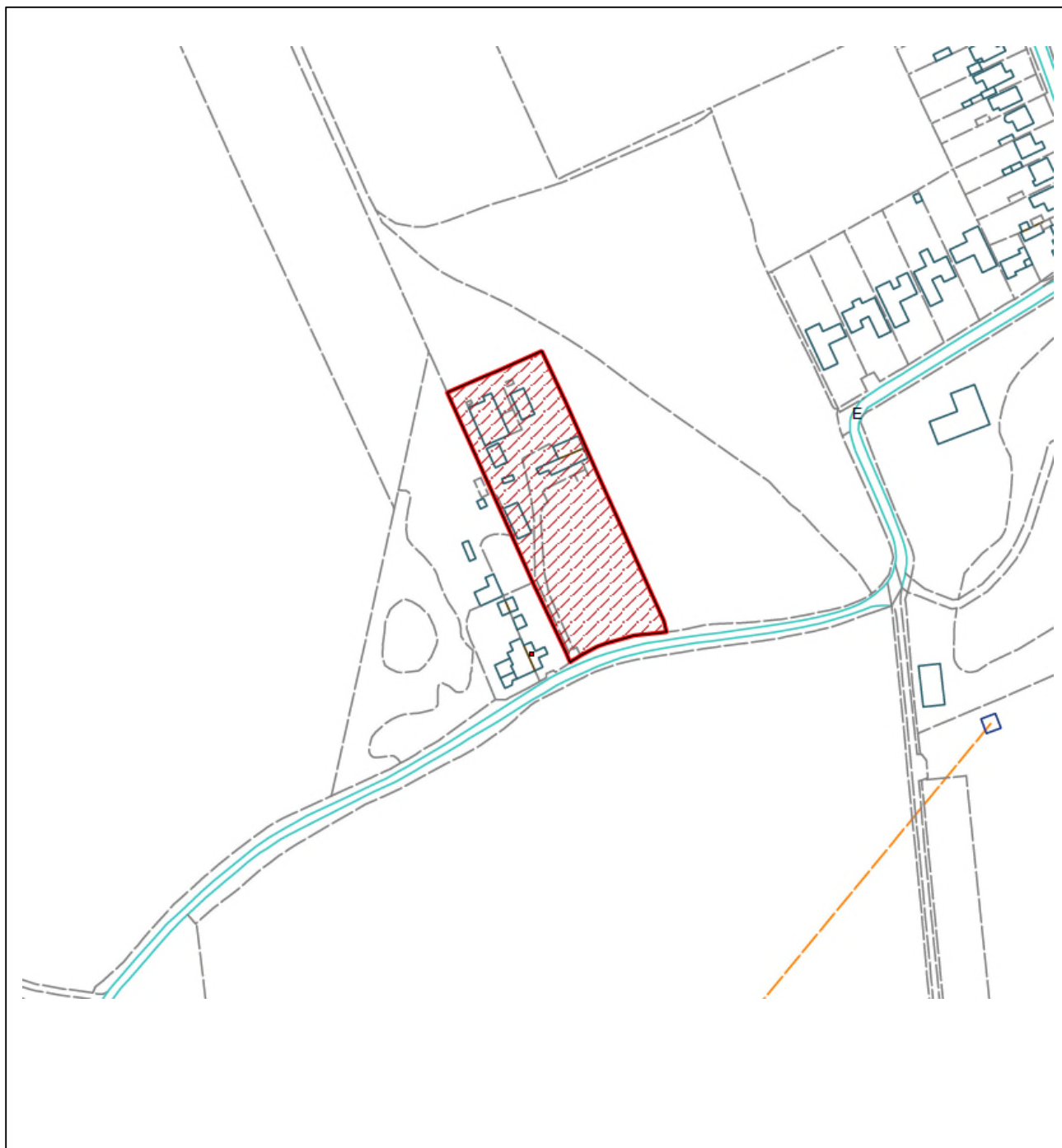


PLANNING COMMITTEE

08 JULY 2025

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.2 - PLANNING APPLICATION – 25/00755/FUL – LAND TO THE NORTH-EAST OF BLOOMFIELD COTTAGE GRANGE ROAD LAWFORD MANNINGTREE



DO NOT SCALE

© Crown Copyright and database right 2025. Ordnance Survey Licence No.100018684.

Application:	25/00755/FUL	Expiry Date:	16th July 2025
Case Officer:	Jacob Jaarsma		
Town/ Parish:	Lawford Parish Council		
Applicant:	Mr Lawrence Symes		
Address:	Land to The North-east of Bloomfield Cottage Grange Road Lawford Manningtree		
Development:	Planning Application - Construction of new single storey dwelling with associated three bay cart lodge, parking and turning area.		
Referral Reason:	Technical Departure from Development Plan and red line site plan differs from most recent 'in lieu of' approval ref 21/01718/FUL.		
Recommendation:	<p>1) That the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 10.1, 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,</p> <p>2) The informative notes as may be deemed necessary.</p>		

1. **Executive Summary**

- 1.1 Planning permission (ref. 21/01718/FUL) was granted on 17 April 2024 for the construction of a two-bedroom bungalow on a smaller site, with a three-year implementation timeframe. This permission remains extant and is considered to carry significant weight in the planning balance, despite the site being located outside any designated Settlement Development Boundary (SDB). The current proposal seeks to replace this with a larger, two-bedroom dwelling on an expanded site, incorporating substantial landscape enhancements. Crucially, the net effect remains a single dwelling in this location. From a general sustainability standpoint, the overall impact is considered comparable to that of the approved two-bedroom bungalow.
- 1.2 Furthermore, the proposed development involves the removal of unsightly existing structures and is regarded as a more effective and visually appropriate use of the land compared to the extant approval. The scheme would have no adverse impact on residential amenity, and the access and highway safety implications remain broadly in line with the extant approval. Subject to conditions, the proposal is also considered to offer landscape and biodiversity benefits that arguably exceed those of the previously approved scheme. Accordingly, the proposal is recommended for approval subject to the conditions set out in section 10 below.

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>
- 3.2 There are no neighbourhood plan(s) in place for this area.

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 Section 2 (adopted January 2022)

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs
SP7 Place Shaping Principles

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

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
LP1 Housing Supply
LP4 Housing Layout
HP5 Open Space, Sports and Recreation Facilities
DI1 Infrastructure Delivery and Impact Mitigation
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL10 Renewable Energy Generation
CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
Tendring Provision of Recreational [Open Space for New Development SPD](#) 2008

[Essex Design Guide](#)

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

Local Planning Guidance

[Essex 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

20/01184/COUNOT	Proposal to convert agricultural buildings into 3 two-bedroom bungalows, with two parking spaces and a private amenity per dwelling.	Determination (Prior approval refused)	18.02.2021
21/00704/COUNOT	Proposed conversion of one agricultural building into one dwelling.	Determination (Prior approval granted)	17.06.2021
21/01718/FUL	Proposed replacement of an agricultural building with a two bed bungalow (in lieu of Prior Approval for 1 No. 2 bed dwelling, subject of application 21/00704/COUNOT).	Approved	17.04.2024
25/00755/FUL	Planning Application - Construction of new single storey dwelling with associated three bay cartlodge, parking and turning area.	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/>.

ECC Highways

Position summary: No highways objection subject to conditions

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material, google maps and previous site visit. The proposal site will be accessed from and along a private road, with alterations/ upgrade to the existing access which serves the previous agricultural buildings from the established vehicular access from Grange Road, classed as a local road within the County's Route Hierarchy. The proposed dwelling will retain adequate off-street parking and turning and when compared with the former agricultural use, it is not considered that the proposed dwelling would give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site, considering these factors:

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

1. As indicated on drawing no. 03H, there should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by the development and retained free of any of obstruction above 600mm and below 2 metres at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety.

2. Prior to first occupation of the dwelling a minimum size 5 vehicular turning facility (8m x 8m), shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

3. Prior to the first occupation of the proposed dwelling, the vehicular access shall be reconstructed at right angles to the highway boundary the proposed private drive shall not be less than 4.5 metres in width and shall be retained at that width for 6 metres within the site and shall be provided with an appropriate vehicular crossing.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

5. As indicated on drawing no. 03H, any gates retained at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway / or where no provision of footway is present, the carriageway.

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

6. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been surfaced, sealed and if required marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form

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

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

7. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

8. Prior to commencement of the development, the 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.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

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

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.

Officer Comment: *The majority of the recommended conditions are considered to meet the NPPF tests for planning conditions. Should the application be approved, these conditions will be imposed accordingly. However, Conditions 7 and 8 are considered not to meet the NPPF tests of necessity and reasonableness—Condition 7 is addressed through other recommended highways conditions, and the requirements of Condition 8 are deemed duplicative, as they would be adequately covered by the Construction Management Plan condition to be imposed upon approval.*

Environmental Protection

Position summary: No objection subject to conditions and informatives.

Asbestos: The EP team are requesting the undertaking of a formal asbestos survey of the building / structures in question, the results and proposed removal measures of which are to be submitted to the LPA for approval prior to the commencement of any approved proposal.

Contaminated Land: Given the sites proximity to historic contaminated land, and the potential for asbestos materials to be on site, the EP Team are requesting that, a Tier 1 Risk Assessment shall be carried out to establish whether the site is contaminated in any way. Such investigations shall be carried out in accordance with a scheme which shall first be agreed in writing with the Local Planning Authority. If the investigations reveal contamination of the site, a further scheme shall be agreed in writing by the Local Planning Authority, setting out measures to ensure that the entire area of the site, in relation to soil conditions resulting from such contamination, will not be harmful or detrimental to human health, animal health, normal plant health or growth, to buildings, building surfaces or amenities. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

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

Demolition / Construction Activities: In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following hours and actions be adhered to, should the application be approved;

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.
- No materials produced as a result of the site development or clearance shall be burned on site.

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

REASON: to protect the amenity of nearby residential premises

***INFORMATIVE Foul Drainage:** The submitted application form confirms the proposed foul drainage system; should a Sewerage Treatment Plant will be utilised as a way of disposing of foul waste; we would request, should the application be approved, that the Applicant / Agent, ensure the installation is fully compliant with the Environment Agency's Binding Rules and any other relevant Government guidance and British standards, in respect of these systems. Information on this can be found at: Septic tanks and treatment plants: permits and general binding rules: The general binding rules - GOV.UK (www.gov.uk). It is strongly recommended these rules are complied with, as they will minimise any potential nuisance to nearby residential

dwellings, assist in preventing a potential Public Health nuisance, and minimise the potential for adverse incidents, of which may result in formal enforcement action.

Officer comment: *The issue of asbestos falls under separate legislation and is therefore not controlled through the planning system. However, the developer will be made aware of their responsibilities regarding the lawful and compliant removal and disposal of any asbestos via an informative. The most recent extant planning approval for a single dwelling on this site did not include a condition requiring a Tier 1 Contaminated Land Risk Assessment, and it is therefore considered potentially unreasonable to impose such a condition at this stage. Instead, the developer will be reminded, also through an informative, of their responsibility to ensure the safe development of the site, including undertaking any necessary land contamination investigations and remediation. Should planning permission be granted, a condition requiring the submission of a Construction Management Plan could be imposed, which would also include confirmation of construction working hours.*

Essex County Council Ecology

Position summary: No ecological objection subject to conditions

We have reviewed The Ecological Report (MHE Consulting, May 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures. We have also reviewed the information submitted relating to mandatory biodiversity net gains. We are satisfied that there is sufficient ecological information available to support determination of this application.

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

The mitigation measures identified in The Ecological Report (MHE Consulting, May 2025) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

We support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

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

Please note we do not provide comments on Biodiversity Net Gain as we have been instructed to leave comments on this matter to the LPA.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation measures and/or works shall be carried out in accordance with the details contained in The Ecological Report (MHE Consulting, May 2025) as already submitted with the

planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

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

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

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

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”

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

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

“Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of The Ecological Report (MHE Consulting, May 2025), shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following: a) Purpose and conservation objectives for the proposed enhancement measures; b) detailed designs or product descriptions to achieve stated objectives; c) locations of proposed enhancement measures by appropriate maps and plans (where relevant); d) persons responsible for implementing the enhancement measures; and e) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.”

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

“Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of The Ecological Report (MHE Consulting, May 2025), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.”

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

4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

Officer Comment: *The recommended conditions are considered to satisfy the NPPF tests for planning conditions. If the application is approved, they will be imposed accordingly—except for Condition 2, the requirements of which are already largely addressed within the Construction Management Plan condition that would also be applied upon approval.*

Tree & Landscape Officer

Position summary: No landscape objection subject to minor layout changes and conditions

The main body of the application site is overgrown with rank and ruderal vegetation with a few small trees becoming established.

The boundary with the highway, Grange Road, is demarcated with vegetation that comprises of decorative conifers and a few indigenous species. The vegetation is overgrown with Ivy.

The removal and replacement of this vegetation with a new hedgerow of comprising of the species shown on The Proposed Site Layout Plan will not have an adverse impact on the local landscape character. There are two or three Field Maples, set back from the boundary ditch, that could be retained.

The eastern boundary of the site is planted primarily with conifers and Blackthorn hedging. It

contains two large conifers along with small indigenous trees. It currently provides a good level of screening from the Public Right of Way (PRoW) further to the east.

The Proposed Site Layout Plan shows the retention of two large conifers on this boundary and replanting with a new native hedge. Whilst the conifers are prominent in their setting, they are incongruous features in the landscape. The new hedge will provide a pleasant boundary screen however rather than retaining the two large conifers it would be desirable for them to be removed and the smaller native trees such as Hawthorn and Field Maple to be retained.

The provision and implementation of a good landscaping scheme has the potential to improve the appearance of the land by way of the removal of non-native species and the introduction of boundaries hedges and trees comprising indigenous species

Should planning permission be likely to be granted then details of the soft landscaping shown on the Proposed Site Layout Plan should be secured by a planning condition.

7. Representations

7.1 Parish / Town Council

Lawford Parish Council comments that this application looks like it is outside the settlement area and there should be a check on whether this land is for agricultural use.

7.2 Neighbour / Local Representations

No third-party comments or objections were received.

8. Assessment

Site Context

8.1 The application site is located on the northern side of Grange Road with access to the highway located alongside the boundary with No. 30 Grange Road. The site is located outside of, but close to (some 115m to the west of) the defined settlement development boundary of Lawford. The site is therefore considered to be in a countryside location. In terms of the 'red line' site location plan as submitted with the application, the site is extensive and encompass all the land and buildings in depth and up to a point where the existing mixture of trees and hedgerow along the northern boundary encloses the site. The eastern boundary of the site is made up of a mixture of trees and hedgerow offering a very good level of screening of the existing structures on site. The western boundary of the site is also made up of hedgerow and trees and is shared by No. 30 Grange Road which is the neighbouring semi-detached cottage immediately to the west of the site. applicant owns a large.

8.2 To the north and east the site is bordered by best and most versatile agricultural land (according to the agricultural land classification for the East of England region the land around the site is grade 1 and 2 agricultural land). Further to the east is the settlement of Lawford. The site is within Flood Zone 1 which has a low risk of flooding and there are no listed buildings near the site.

Proposal

8.3 Planning permission is sought for the construction of a new two-bedroom, single-storey dwelling with an associated cart lodge, replacing the previously approved two-bedroom dwelling under planning reference 21/01718/FUL.

8.4 The dwelling approved under application 21/01718/FUL features a relatively simple design on a smaller site, with a rectangular footprint measuring 12.5m x 7.4m. It incorporates a dual-pitched roof,

with an eaves height of approximately 2.5m and a ridge height of around 5m. The approved dwelling has a gross internal area of approximately 81sqm, which is 18sqm larger than the existing agricultural building on-site. This agricultural building had previously gained prior approval for conversion into a dwelling, followed by the aforementioned planning consent.

8.5 The approved scheme includes two bedrooms, a bathroom, and an open-plan kitchen, dining, and lounge area, with proposed external materials comprising black weatherboard and red pantiles.

8.6 The scheme subject to this application is significantly larger, featuring a T-shaped footprint that extends beyond the previously approved dwelling, increasing the spread of built form. The proposal includes:

- A large open-plan kitchen/living/dining area
- Improved circulation space
- Two generously sized bedrooms, both with en-suite bathrooms
- A substantial home office measuring 4.3m x 4m
- A separate snug area/TV room

8.7 As a result, the proposed dwelling will have a gross internal floor area of 201.8 sqm, which is 120 sqm larger than the dwelling approved under application 21/01718/FUL.

8.8 The building will be set on a low-level facing brick plinth, with elevations finished in stained weatherboarding and a roof clad in handmade plain clay tiles. Contemporary design elements are incorporated through the use of colour-coated aluminium-framed glazing and oak verandahs finished with pre-weathered zinc coverings. Photo-voltaic (PV) panels will be discreetly integrated into the roof slopes. Rainwater goods will comprise circular-section gutters and half-round downpipes, both in colour-coated aluminium to complement the overall aesthetic.

Principle of Development

8.9 Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the 1990 Town and Country Planning Act and section 38(6) of the Planning and Compulsory Purchase Act 2004). The development plan for Tendring Council comprises of the adopted Tendring District Local Plan 2013-2033 and Beyond Sections 1 and 2.

8.10 Policy SP3 of Section 1 of the 2013-2033 Local Plan sets out the spatial strategy for North Essex and directs growth towards existing settlements. The site lies outside of the defined settlement boundary of Lawford in the adopted 2013-2033 Local Plan. The proposed development would therefore extend outside the area planned to provide growth for this settlement. In view of the housing land supply position, in the first instance the Council does not need to look beyond identified settlements to meet its housing requirement.

8.11 Policy SPL2 supports new development within defined SDBs which would encourage sustainable patterns of growth and carefully control urban sprawl. Within a defined SDB, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies and any approved Neighbourhood Plans. Under Policy SPL1 Lawford (along with Manningtree and Mistley) is classified as a Smaller Urban Settlement, which benefits from a range of existing infrastructure and facilities and are able to support larger scale growth, within the SDB.

8.12 Although the proposal for a new dwelling in this location is not explicitly supported by the Local Plan policies referenced above—given its position outside the defined Settlement Development Boundary (SDB)—the Plan nonetheless acknowledges that the Council will assess planning applications with regard to the pattern and scale of growth set out in the Settlement Hierarchy under Policy SPL1. In addition, proposals will be considered in the context of other relevant policies within the Plan and any other material planning considerations, as set out below.

'Fallback Position' Assessment

- 8.13 A Prior Approval exists for the conversion of an agricultural building into a dwelling, which establishes a lawful fallback position under Class Q. Although the proposed dwelling is significantly larger and the red line site area broader than that of the prior approvals (including extant permission 21/01718/FUL), the fallback principle is still applicable.
- 8.14 Case law (notably *R v Secretary of State for the Environment and Havering BC* and *Mansell v Tonbridge & Malling BC*) confirms that fallback positions may be considered material when: (1) a lawful fallback exists, (2) there is a real prospect of it being implemented, and (3) a meaningful comparison is made with the new proposal.
- 8.15 While the current proposal differs in scale and design, the fact that a dwelling could still realistically come forward under the extant approval lends weight to the principle of development. The benefits of replacing unsightly structures and improving landscaping must be weighed against any harm from the increased scale – these elements will be covered in the sections below. Despite differences, the fallback position supports the acceptability of development in this location.

Agricultural Land

- 8.16 Although the site exceeds the size of the most recent extant approval, it is not currently in agricultural use and it very unlikely to return to agricultural use due to the extant approval and the reasonable prospect of that permission being implemented regardless of the outcome of this application. The land comprises dilapidated buildings and is predominantly overgrown. While the surrounding arable land is classified as Best and Most Versatile (BMV) agricultural land, the proposed development is fully contained within the red line boundary and will not encroach upon these areas. Consequently, the proposal will not result in the loss of any BMV land.

Scale, Layout & Appearance

- 8.17 Paragraph 135 of the National Planning Policy Framework (NPPF) 2024 outlines that new developments should function well, contribute positively to the overall quality of the area, be visually attractive through high-quality architecture, layout, and effective landscaping, and demonstrate sensitivity to local character and history. They should also maintain a strong sense of place while creating environments that are safe, inclusive, and accessible.
- 8.18 In line with this, Section 1 Policy SP7 of the 2013–2033 Local Plan requires high standards of urban and architectural design that respond positively to their local context. Likewise, Section 2 Policies SPL3 and LP4 emphasise the importance of high-quality design and thoughtful site layout in creating distinctive and locally appropriate places.
- 8.19 The proposed dwelling is considered appropriate in appearance for its rural, edge-of-settlement location. Its design integrates vertical timber cladding, a distinctive verandah, and a modest single-storey height with a defined pitched roof, all of which contribute to a characterful and locally responsive scheme. Though incorporating some subtle modern features—including larger areas of glazing and roof lights—these do not detract from the area's character. In fact, they are seen as a positive evolution compared to the previous approval, contributing to the building's practicality and architectural interest.
- 8.20 While the materials differ from those approved previously, they remain of high quality and can be secured through planning conditions. The combination of the site's generous size, set back from Grange Road, low building height, and refined design—together with enhanced landscaping—ensures that the proposal will sit comfortably within its surroundings.
- 8.21 Although the scheme departs from the design of the previously approved dwelling, these changes

are considered enhancements that improve the overall appearance and use of the site.

- 8.22 Accordingly, with reference to national and local design policies, the proposal is considered compliant in terms of its scale, layout, and visual impact. It represents a more efficient and contextually sensitive use of land, and would not harm the character or appearance of the area, thereby aligning with the overarching aims of Policies SP7, SPL3 and LP4 of the Local Plan.

Heritage Assets

- 8.23 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. There are no statutory listed buildings near the site and the site is also not located in or close to a conservation area, as such the proposal raises no heritage concerns.

Highway Safety/Parking

- 8.24 Paragraph 115 of the NPPF 2024 requires local planning authorities to ensure that:
- appropriate opportunities to promote sustainable transport modes are taken, relative to the development type and location;
 - safe and suitable access to the site can be achieved for all users; and
 - any significant transport network impacts (capacity, congestion, or highway safety) can be mitigated to an acceptable degree in a cost-effective manner.
- 8.25 Paragraph 116 further states that development should only be refused on highway grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe—even after mitigation and consideration of all reasonable future scenarios.
- 8.26 In addition, Paragraph 109 highlights the need for streets, parking, and transport considerations to be integral to scheme design, contributing positively to the creation of high-quality places.
- 8.27 Within the Tendring District Local Plan 2013–2033 Part 2, Policy CP1 confirms that development proposals will only be supported where the additional vehicular movements can be accommodated within the capacity of the existing or improved highway network, without causing an unacceptable increase in congestion. Policy SPL3 (Part B) also requires that access to new development sites is practicable and that the surrounding network can safely absorb any increase in traffic.
- 8.28 Parking provision must also meet the requirements of the most recent Essex Parking Standards.
- 8.29 The application provides a satisfactory level of technical detail, including the specification of surfacing materials and access design. The proposed layout shows an access width of at least 4.5m where it meets Grange Road, with a bound surface extending 6.0m from the highway edge. The scheme proposes to reuse the existing access (albeit with improvements), which is deemed acceptable. The new driveway incorporates gentle curves to avoid a linear route and to retain, where possible, existing established trees. It will terminate between the proposed dwelling and a three-bay cart lodge, where three open-air parking spaces will be provided in addition to those within the cart lodge—exceeding the minimum policy requirement.
- 8.30 Following consultation, Essex County Council's Highway Authority raised no objection to the proposal in terms of highway safety, parking provision, or access, subject to compliance with the conditions outlined in the consultation response. These can be secured via planning conditions and are considered consistent with the relevant NPPF tests.

Impact on Residential Amenity

- 8.31 The NPPF includes that planning decisions should ensure developments 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.
- 8.32 Local Plan Policy SPL3, Part B requires that buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents. Furthermore, Part B states that, new development must meet practical requirements, including provision for adequate private amenity space, waste storage and recycling facilities, vehicle and cycle parking.
- 8.33 Policy LP4 j. states that the design and layout of new residential will be expected to provide for private amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of dwelling and the character of the area. The rear garden area to serve the dwelling is considered to meet these policy requirements.
- 8.34 In terms of future residents, the new dwelling in terms of the internal floorspace will exceed Nationally prescribed floorspace standards for a 2-bedroom dwelling is therefore acceptable. It is also considered that the internal layout is appropriate, with all habitable rooms having adequate natural light. The amenity area proposed is considered to meet the needs and expectations of future residents and is commensurate to the size of dwelling.
- 8.35 In terms of the proposal's impact on existing nearby residential occupiers, the application site is located within a rural location, with residential dwellings some distance away fronting Grange Road. The nearest residential property (to the application site) is to the west but is set a sufficient distance away to ensure that the proposal would not impact on the residential amenities of the neighbouring occupiers in any regard.
- 8.36 As with the last planning approval on site, given the quiet rural location, it is considered necessary and reasonable to include a planning condition seeking details of a Construction Management Plan for a small scale development of this nature to include measures to minimise potential nuisance to nearby existing residents caused by the construction works, having regard to vehicle movements, working hours, storage of materials, on-site parking, site security, wheel washing facilities and basic noise control measures. Moreover, due to the location of the site and its previous agricultural use, an informative could be included (in the event of an approval) in relation to land contamination in the form of a Watching Brief.

Bin Storage and Waste Collection

- 8.37 Policy SPL3 (Part C) of the Tendring District Local Plan (TDLP) requires all new development to meet practical requirements, including the provision of adequate waste and recycling storage facilities.
- 8.38 In accordance with this, a dedicated refuse storage area for residual, recyclable, and green waste bins is proposed in an accessible location between the proposed dwelling and the three-bay cart lodge. On collection days, bins will be wheeled to a purpose-designed bin collection point located just south of the main access gates onto Grange Road.
- 8.39 While the distance between the dwelling and the collection point exceeds 140 metres, this arrangement mirrors that of the extant planning permission. Although this distance is not ideal, it reflects the unique characteristics and constraints of the site. Prospective occupants will be aware of this arrangement prior to constructing the development (in the event of planning approval) or purchase (if the development is sold on the open market), making it a clear "buyer-beware" scenario.
- 8.40 Given the site's planning history and the fact that a similar arrangement has already been deemed acceptable under the extant approval, a refusal based solely on the waste collection distance would, in officers' opinion, be unreasonable and difficult to defend at appeal.

Drainage, Flood Risk and SuDS

- 8.41 Paragraph 170 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 180 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.
- 8.42 Adopted Policy PPL5 of Section 2 of the Adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Connection to the mains is the preferred option having regard to the drainage hierarchy and building regulations requirements. However, where this is not possible, an application will need to confirm how foul sewage disposal will be dealt with in compliance with the building regulations and Environment Agency drainage hierarchy.
- 8.43 In this instance, the dwelling would be served by a Package Treatment Plant. Details of the proposed Package Treatment Plant have not been provided with the application. A condition is therefore included within the recommendation to secure these details.
- 8.44 The site lies within Flood Zone 1, indicating a low risk of flooding, and therefore passes the sequential test. The proposal would result in a reduction in the overall building footprint when compared to the existing situation, taking into account all structures proposed for demolition. In addition, the scheme includes the creation of a new wildlife pond in the southern area of the site, rainwater harvesting tub(s) and a driveway constructed from permeable materials—all of which can be secured by condition.
- 8.45 Subject to conditions requiring the removal of all identified buildings and structures prior to first occupation, as well as the implementation of the proposed pond and rainwater harvesting features, it is considered that the development will offer an overall improvement in surface water drainage relative to the current baseline. As such, no conflict with national or local policy on flood risk and drainage has been identified.

Habitats, Protected Species and Biodiversity Enhancement

Ecology and Biodiversity

- 8.46 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

- 8.47 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.
- 8.48 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.

- Tree Planting: Introduction of 27 broadleaf trees, including species such as birch,

- hornbeam, field maple, and cherry.
- Native Hedgerows: Establishment of mixed native hedging featuring species like dogwood, blackthorn, hawthorn, spindle, hazel, and beech.
- Stag Beetle Loggeries: Installation of log piles in the south-western corner of the site to support stag beetle habitat, following guidance by the People's Trust for Endangered Species.
- Wildflower Lawn: Sowing of a flowering lawn using a traditional 80/20 meadow seed mix (grasses to wildflowers) sourced locally, tailored to site soil conditions.
- Heritage Orchard: Planting of a fruit orchard using locally sourced Suffolk heritage varieties to promote genetic diversity and traditional species.
- Wildlife Pond: Creation of a pond west of the dwelling, designed with varied depths and gentle slopes to attract and support invertebrate life.

8.49 Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, and subject to conditions, has the potential to conserve and enhance biodiversity interests in accordance with the relevant local plan policies and NPPF paragraphs.

Biodiversity net gain

8.50 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 Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow).

8.51 The statutory framework for BNG applies to this proposal. This involves the imposition (automatically applied as a deemed condition) of a planning condition on approvals to ensure the objective of at least 10% net gain over 30 years. The determination of the Biodiversity Gain Plan (BGP) under this planning condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Development may not be begun until the BGP, via planning condition discharge, is approved.

8.52 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 Designated Habitats

8.53 The site falls within the recreational Zone of Influence (ZOI) of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

8.54 The application scheme proposes a residential on a site that lies within the Zone of Influence (ZOI) of the Stour and Orwell Estuaries RAMSAR and SPA. New housing development within the ZOI would be likely to increase the number of recreational visitors to these sites and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

8.55 A planning condition is recommended to secure this via a future legal obligation. This will ensure that

the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Protected Species

- 8.56 In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species.
- 8.57 The submitted details—particularly the Ecology Report (MHE Consulting, May 2025) and accompanying environmental information—provide the Local Planning Authority (LPA) with sufficient certainty regarding the likely impacts on protected and Priority species and habitats. Subject to the securing of appropriate mitigation measures via planning condition, the development is considered acceptable in ecological terms.
- 8.58 The mitigation measures identified within the Ecology Report can be fully secured through condition and are deemed compliant with the relevant NPPF tests. These measures are necessary to conserve and enhance the ecological value of the site, particularly for species known to occur locally.
- 8.59 The LPA also supports the proposed biodiversity enhancements, which are considered reasonable and proportionate for protected, Priority, and threatened species. These enhancements are recommended in line with the objective of delivering measurable net gains for biodiversity, as outlined in Paragraphs 187(d) and 193(d) of the National Planning Policy Framework (December 2024).
- 8.60 It is therefore recommended that a separate Biodiversity Enhancement Strategy be submitted and secured by condition. This approach is both reasonable and necessary to ensure the proposed development complies with national policy and delivers tangible ecological benefit.

Conclusion

- 8.61 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. Planning Balance and Conclusion

- 9.1 The proposal is not positively supported by Local Plan policy in terms of the overarching spatial strategy, which seeks to direct growth primarily to the main urban areas. As such, by virtue of its location alone, the proposal is not supported by Policies SP1, SP3, SPL1 and SPL2 of the adopted Local Plan.
- 9.2 Nevertheless, material consideration has been given to the fallback position established through the most recent planning approval for a two-bedroom dwelling. As outlined above, the current proposal differs substantially in form and scale, meaning it does not meet the third limb of the fallback test (comparability) as set out in relevant case law. That said, the planning balance must be considered in its entirety, and there are site-specific benefits that should be assessed on their individual merits.
- 9.3 All other relevant material considerations identified in the main body of this report are either in accordance with policy or can be made policy-compliant through the imposition of reasonable and necessary planning conditions.
- 9.4 It is considered that the proposal represents a well-designed, policy-compliant scheme from a layout,

access, design, and landscaping perspective—both in its own right and when considered against the extant approval for a two-bedroom dwelling on a smaller site.

Accordingly, the application is recommended for approval, subject to appropriate conditions.

10. **Recommendation**

Approval

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 10.1, 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.

10.1 **Conditions and Reasons**

1. COMPLIANCE: TIME LIMIT

CONDITION: The development hereby permitted shall be begun before 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 the Planning and Compulsory Purchase Act 2004.

2. COMPLIANCE: APPROVED PLANS AND 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.

- Site Location Plan at scale 1:1250
- Drawing Number 03 H - Proposed Site Layout/Cartlodge Floor Plan/Roof Plan/Elevation
- Drawing Number 01 F - Proposed Floor Plans, Elevations, Schematic Section
- Ecology Report dated May 2025 by MHE Consulting
- Email dated 23 May 2025 confirming that the development will benefit from a super fast Broadband connection on completion

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

3. COMPLIANCE: PERMEABLE SURFACING & NO UNBOUND SURFACE MATERIALS

CONDITION: All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site area.

REASON: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety, and in the interests of sustainable development to minimise the risk of surface water

flooding.

4. FURTHER APPROVAL: MITIGATION TO BE AGREED - RAMS

MITIGATION TO BE AGREED: RAMS

CONDITION: Prior to any works slab level, detailed proposals addressing the mitigation of the development's impact on protected Essex Habitats Sites have been submitted to and received written approval from the Local Planning Authority. Such proposals must provide and secure mitigation in accordance with the joint Habitats Regulations Assessment Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) or demonstrate mitigation measures of an equivalent effectiveness to the satisfaction of the Local Planning Authority. For any on site mitigation proposals approved, it shall be carried out in full prior to first occupation, and thereafter shall be maintained as approved.

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

NOTE/S FOR CONDITION:

This condition establishes the necessity to ensure the implementation of appropriate mitigation measures due to the impact of the approved development. Such mitigation may be required on-site, off-site, or a combination of both.

Typically, a contribution towards visitor management measures at the protected Habitats Site(s) may be the preferred and simplest approach to fulfil the requirements of this condition. To fulfil this requirement, you can contribute funds towards a range of mitigation projects in the protected areas. It is essential to secure this provision through a legal agreement between the District Council, Developer/Applicant, and site owners prior to commencement of development. You are strongly advised to finalise the legal agreement with the District Council before submitting any request to discharge this condition. Failure to conclude the agreement within the discharge of condition application timeframe may lead to the refusal to discharge the condition. Please note if there are other obligations needed for this development, for example to secure monitoring and maintenance of a Biodiversity Net Gain Plan, you may wish to combine these together as one agreement. Furthermore, please also note a legal agreement will include legal fees and may require obligations to secure monitoring and associated fees.

5. FURTHER APPROVAL: CONSTRUCTION MANAGEMENT TO BE AGREED

CONDITION: Prior to the commencement of development details of the construction methodology and timetable shall be submitted to and approved, in writing, by the Local Planning Authority. This shall incorporate the following information:-

- a) Confirmation of the hours of operation on the site. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed. This shall include routing of all traffic and any directional signs to be installed and where.
- d) Details of wheel and underbody washing facilities to be provided and used at the site.
- e) Details of any protection measures for footpaths and trees surrounding the site.
- f) Details of any means of access to the site during construction.
- g) Details of the scheduled timing/phasing of development for the overall construction period.

- h) 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.
- i) Details of the siting of any on site compounds and portalooos.
- j) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- k) Site waste management plan (that shall include reuse and recycling of materials) and the prohibition of the burning of materials on the site.
- l) Scheme for sustainable construction management to ensure effective water and energy use.
- m) A scheme to control noise and vibration during the construction phase, including details of any piling operations. If piling is to be carried out on the site a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents shall be provided.
- n) Scheme of review of complaints from neighbours.
- o) Registration and details of a Considerate Constructors Scheme.

The said methodology as may be approved shall be implemented in its entirety and shall operate as may be approved at all times during construction.

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

6. COMPLIANCE: IMPLEMENTATION OF LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved Drawing Number 03 H (containing details of hard and soft landscaping) 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 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 is implemented in accordance with the approved scheme and has sufficient time to establish, in the interests of visual amenity and the quality of the development.

7. FURTHER APPROVAL: SUSTAINABILITY & ENERGY EFFICIENCY

CONDITION: No development shall commence above slab level until full details of the sustainability and energy efficiency measures to be used in the development shall be submitted to and approved in writing by The Local Planning Authority. The detailed scheme shall include as a minimum:-

- An electric car charging point scheme
- Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use for the new dwelling
- Agreement of a scheme to achieve as far as possible a water consumption rate of not more than 110 litres, per person, per day for the new dwelling
- Agreement of heating for the new dwelling
- Agreement of scheme for waste reduction
- In line with the accompanying Broadband Statement, the provision of a fibre optic broadband

connection to the best possible speed installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing. (If the applicant is unable to achieve this standard of connection and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 30mbps) wireless service will be considered.)

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

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

NOTES FOR CONDITION:

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

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

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

8. COMPLIANCE: ACCESS DETAILS AND WIDTH

CONDITION: Prior to the occupation of the development, the vehicular access shall be constructed perpendicular to the highway boundary and the existing carriageway. The access shall be surfaced in a bound material for a minimum width of 4.5 metres at its junction with the highway and shall be maintained at this width for at least 6 metres into the site.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

9. VISIBILITY SPLAY

CONDITION: As indicated on drawing no. 03H, there should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by the development and retained free of any of obstruction above 600mm and below 2 metres at all times.

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

10. TURNING FACILITY ON SITE

CONDITION: Prior to first occupation of the dwelling a minimum size 5 vehicular turning facility (8m x 8m), shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

11. PARKING AREAS PROVIDED

CONDITION: The hereby approved development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been surfaced, sealed and if required marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

12. REMOVAL OF PERMITTED DEVELOPMENT: FENCING & ENCLOSURES

CONDITION: Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that order with or without modification), other than the fencing shown on the approved drawings, there shall be no other gates/fence and/or other means of enclosure erected at the point of access or anywhere on or within the site, unless details are first agreed, in writing, by the local planning authority. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge the carriageway.

REASON: To allow the local planning authority additional control over the erection of fencing and enclosures, in the interests of proper planning of the development, in the interests of highway safety and in the interests of visual amenity and the rural character and appearance of the area.

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

13. REMOVAL OF PERMITTED DEVELOPMENT: NO EXTENSIONS OR OUTBUILDINGS

CONDITION: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), Classes A, B, C and E no extensions or alterations to the dwelling or its roof shall be undertaken, nor shall any sheds or amenity/utility buildings, or other buildings or structures, other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of proper planning of the development, in the interests of visual amenity and the rural character and appearance of the area.

14. FURTHER APPROVAL: DRAINAGE DETAILS

CONDITION: Full details of surface and foul water drainage shall be submitted to and approved, in writing, by the local planning authority prior to the commencement of any works to the building/s it

would serve. No part of the building/s shall be first occupied or brought into use until the agreed method of surface and foul water drainage has been fully installed and is functionally available for use for that building/s. The surface and foul water drainage scheme shall thereafter be maintained as approved.

REASON: To safeguard the ground water environment from harm and minimise the risk of flooding as insufficient information has been provided with the application.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to the commencement of works to the building/s approved. This condition is imposed to ensure the potential impact on a sensitive area is considered and harm avoided that may be detrimental to amenity and the environment.

15. COMPLIANCE: ECOLOGICAL APPRAISAL RECOMMENDATIONS

CONDITION: All mitigation measures and/or works shall be carried out in accordance with the details contained in the hereby approved Ecological Report by MHE Consulting, dated May 2025.

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

16. FURTHER APPROVAL: BIODIVERSITY ENHANCEMENT STRATEGY

CONDITION: Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To enhance protected and Priority species and habitats.

17. FURTHER APPROVAL: EXTERNAL LIGHTING

CONDITION: Prior to the installation of any external lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

18. 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>

19. ALL OUTBUILDINGS TO BE DEMOLISHED AND MATERIALS REMOVED FROM SITE

CONDITION: Prior to first occupation of the hereby approved dwelling the existing outbuildings as shown to be demolished on drawing number Drawing Number 03 H (Proposed Site Layout/Carlodge Floor Plan/Roof Plan/Elevation) shall be completely removed and all materials resulting therefrom shall be cleared from the site.

REASON: In the interests of good planning and safeguarding the visual amenity of the area, with particular regard given to the positive contribution made by the removal of unsightly outbuildings as part of the hereby approved development.

10.2 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 Informative

Highway Works Coordination: All works affecting the highway must be agreed in advance with the Highway Authority. Developers should contact the Essex Highways Development Management Team before starting.

Restoration Post-Development: On completion, any public or shared infrastructure affected—such as roads, footways, verges, trees, and street furniture—must be restored to the satisfaction of the relevant authority.

Developer Liabilities: The Highway Authority accepts no liability for developer improvements. Developers may be required to provide a cash deposit or bond to cover potential compensation claims under the Land Compensation Act 1973.

Environmental Informative

Climate Responsibility: Developers are encouraged to align with Essex County Council's climate goals, including signing the Essex Developers' Climate Charter and referring to the Essex Design Guide for sustainability advice.

Foul Drainage Compliance: If a sewage treatment plant is proposed, it must comply with the Environment Agency's General Binding Rules and other relevant standards. Compliance is strongly advised to avoid environmental or public health issues.

Unexpected Contamination Protocol and Asbestos Removal:

- If unforeseen ground contamination is encountered during construction, work at the affected location must stop immediately. The Local Planning Authority (LPA) and Environmental Health must be informed without delay.
- This may have to be followed by Assessment and Testing: A qualified geo-environmental engineer should assess the contamination. Material should be tested and either safely retained, stockpiled, treated, or removed—depending on test results and guidance from the LPA.
- Containment Measures: Any material suspected to be contaminated must be handled to prevent environmental impact, including appropriate covering, surface preparation, and dust control measures.
- Documentation: A photographic record and Verification Report must be completed, with all findings and decisions recorded in consultation with the LPA.
- Developer's Responsibility: The developer remains fully responsible for ensuring the site is safely developed, including appropriate responses to contamination.
- Asbestos Removal: If asbestos-containing materials are identified, they must be safely removed by a licensed contractor, with proper waste transfer documentation maintained.

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/>.