

PLANNING COMMITTEE

14TH APRIL 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

**A.1 PLANNING APPLICATION – 25/01066/OUT – LAND TO THE SOUTH OF WEELEY ROAD
GREAT BENTLEY ESSEX**



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Application:	25/01066/OUT	Expiry Date:	16th April 2026
Case Officer:	Alison Newland		
Town/ Parish:	Great Bentley Parish Council		
Applicant:	Taylor Wimpey London		
Address:	Land to The South of Weeley Road Great Bentley Essex		
Development:	Outline Planning Application (Access to be considered) - for up to 80 dwellings, parking, landscaping, drainage and all other associated infrastructure.		
Referral Reason:	Call in by Councillor Keteca. Local Plan departure.		
Recommendation:	Outline approval subject to conditions (and S106 agreement)		

1. Executive Summary

- 1.1 This outline application proposes up to 80 dwellings with only access to be considered at this stage. The site is located outside but abutting the settlement development boundary. The Council's lack of a five-year housing land supply engages the tilted balance in favour of sustainable development. The site is included as a potential housing allocation in the emerging Local Plan. Technical matters including highways, archaeology, drainage, ecology, landscaping and amenity are demonstrated as acceptable or can be mitigated through conditions and a S106 agreement.

2. Status of the Local Plan

Planning Policy Context

- 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.

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. Section 1 of the Local Plan, which establishes the District's annual housing requirement, reached five years old on 26 January 2026.

- 2.3 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 December 2025.
- 2.4 From 26th January 2026, the Council is required to calculate its five-year land supply position against the local housing need determined using the Standard Method set out in Planning Practice Guidance. The housing requirement for Tendring is 1,063 homes a year. The most recent SHLAA demonstrates a 3.22-year supply of deliverable housing sites. 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 NPPF may apply to decisions relating to new housing development and needs to be assessed on an individual basis in respect of the proposal.

Neighbourhood Plans

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

3. Planning Policy

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

National:

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

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

Local:

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

SP 1 Presumption in Favour of Sustainable Development

SP 2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP 3 Spatial Strategy for North Essex

SP 4 Meeting Housing Needs

SP 6 Infrastructure & Connectivity

SP 7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

HP2 Community Facilities

HP3 Green Infrastructure

HP5 Open Space, Sports and Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable Housing

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL7 Archaeology

PPL8 Conservation Areas

PPL9 Listed Buildings
PPL10 Renewable Energy Generation and Energy efficiency Measures
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network
DI1 Infrastructure Delivery and Impact Mitigation

Essex Minerals Local Plan Adopted July 2014

S8 Safeguarding mineral resources and mineral reserves
DM1 Development Management Criteria

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

4. Relevant Planning History

Neighbouring Phase 1 site (Hartford Green)

17/01881/OUT	Outline planning permission for up to 136 dwellings, informal recreation space, a local area of play and associated development.	Refused Allowed at appeal	21.12.2018
20/01176/OUT	Removal of condition 4d for planning application 17/01881/OUT (allowed at appeal APP/P1560/W/19/3231554) as off-site works no longer required.	Approved	30.11.2020
21/00977/DETAIL	Proposed application for approval of all reserved matters including access, layout, scale, appearance and landscaping in relation to outline planning application for up to 136 dwellings, allowed on appeal (ref APP/P1560/W/19/3231554) dated 15/05/2020 as amended by 20/01176/OUT .	Approved	08.08.2022
21/00978/FUL	Proposed engineering operations required in support of application for Reserved Matters submitted on adjacent land (136 dwellings) including attenuation basin, public footpath, access visibility and construction access.	Approved	08.09.2022
21/01257/OUT	Variation of condition 12 of application 17/01881/OUT (allowed on appeal APP/P1560/W/19/3231554) to remove the reference within condition 12 which requires the pedestrian/cycle link between the site and Birch Avenue to be 3 metres in width. Also allowing for this link	Refused	22.12.2021

between the site and Birch Avenue to be a pedestrian link only.

22/01596/VOC	Application under Section 73 of the Town and Country Planning Act, to allow a variation of condition 4 of 20/01176/OUT: 4(a) to change the form of junction specified in the Condition from a priority junction with right turn lane to a simple priority junction. 4(c) to re-word the Condition to specify footway provision and dropped kerb / tactile crossing points on Weeley Road.	Approved	22.05.2023
22/01768/VOC	Application under Section 73 of the Town and Country Planning Act, to allow a variation of conditions 1 (Approved plans and documents), 2 (Clear to ground visibility splay) and 3 (Internal road site access and footway layout) of 21/00977/DETAIL to reflect the latest plan reference.	Approved	17.08.2023
22/01818/FUL	Full planning permission for the erection of 154 dwellings, informal recreation space, a local area of play and associated development.	Approved	11.03.2024
23/00419/DOVU5	Deed of variation, under Town and Country Planning Act 1990 Section 106A, of the terms of the original legal agreement dated 3rd October 2019 (linked to 17/01881/OUT allowed on appeal ref. APP/P1560/W/19/3231554 and subsequent S73 application 20/01176/OUT) and the subsequent Deed of Variation dated 4 August 2022 to allow for an update to, Appendix 1 Land Use Plan 310 Rev. A (replacing drawing 311 Rev. J) and Appendix 2 Non-adoptable Highways Plan drawing number 003 Rev F (replacing drawing 003 Rev E).	Approved	11.05.2023
23/00622/VOC	Application under Section 73 of the Town and Country Planning Act, for the variation of Condition 17 (Landscape Scheme) of 21/00978/FUL to allow for the removal of the landscaping buffer alongside Plots 119 and 136 (alternative planting to be provided within the red line area of the residential portion of the site).	Approved	10.11.2023

5. 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 Dept

23.03.2026

No objection subject to conditions for 1) Construction Management Plan 2) Proposed road junction constructed to a minimum width of 5.5 metres within the site and provided with 2 x 2-metre-wide footways 3) Road junction at its centre line provided with minimum clear to ground visibility splay of 2.4 metres by 25 metres in both directions 4) Parking and turning provision 5) Contribution of up to £100,000 for Passenger Transport improvements for the new bus services between Great Bentley, Brightlingsea, Clacton-on Sea, and/or Colchester. 6) Residential travel plan and £1817.00 annual monitoring fee.

Since the time lapse between Phase 1 and current application an updated trip generation assessment has been calculated to provide a robust analysis. It is predicted that the proposed development could generate up to 62 two-way movements in the AM peak and 49 in the PM peak, based on bespoke trip rates obtained from the existing access. Capacity assessments have been undertaken at the site access, the additional information provided has demonstrated that the proposed access junction would operate satisfactorily at the 2033 Growth Year with the proposed development and potential development at Land North of Weeley Road in place.

Essex County Council Ecology

06.02.2026

No objection subject to conditions for 1) Compliance with mitigation measures in EIA 2) submission of Biodiversity Enhancement Strategy 3) Wildlife Sensitive Lighting Design Scheme

Have reviewed the Preliminary Ecological Appraisal (PEA) and Ecological Impact Assessment (EIA) which provide certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats. With the proposed mitigation measures and conditions secured, the development can be made acceptable.

ECC Schools Service

10.09.2025

Expected to generate the need for up to 7.2 Early Years and Childcare (EY&C) places; 24 Primary School places, and 16 Secondary School places.

Although there is some EY&C capacity in the area (4 spaces), it is likely that the current capacity will be taken up by families already living within the locality. It is thereby proposed that a contribution towards the creation of 7.2 new places is requested totalling £147,240

A contribution towards new primary, secondary and Post 16 education places will not be required for this application.

Seek a Primary School Transport contribution as there are no current safe walking routes from the proposed development to the nearest Primary School (Great Bentley Primary School), totalling £634,569.60

As the closest secondary school (Colne Community School) is over 3 miles away seek a Secondary School Transport contribution totalling £95,152

A contribution of £6,224 is considered necessary to improve, enhance and extend the local library facilities and services provided and to expand the reach of the mobile library and outreach services.

Environmental Protection

12.09.2025

No comments to make during this planning phase.

Tree & Landscape Officer

05.09.2025

Part of the site is in agricultural use and part is used as a construction compound. There are no trees in the main body of the application site but there is relatively strong boundary vegetation on both the eastern and southern boundaries of the site. The Arboricultural Impact Assessment (AIA) and Tree Constraints Plan (TCP) show that all trees will be retained and that there is sufficient separation between built development and the trees to support their retention.

A Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) should be secured by condition to ensure that the Root Protection Areas (RPA's) of the retained trees will be physically protected for the duration of the construction phase.

The site is situated within the Clacton and the Sokens Clay Plateau Landscape Character Area (LCA). The application site is directly adjacent to The Tendring and Wix Clay Plateau LCA to the west. The LCA within which the application site is situated is described as 'gently undulating agricultural plateau drained by The Holland Brook Valley System in the southeast of the district with low gappy hedgerows with occasional hedgerow trees that divide arable fields'

To show the potential impact of the development proposal on the area a Landscape and Visual Impact Assessment (LVIA) has been provided which accurately describes the impact of the proposed development. The LVIA states that: 'The Proposed Development would bring about a change in land use for the Site that would contrast with the prevailing agricultural land use in the surrounding area.' 'There is potential for green infrastructure within the public open space of the parameters plan to mitigate landscape and visual effects. Green infrastructure provision could reinforce and strengthen landscape character within the Site and its immediate context.' The LVIA recognises that there will be harm to both the character and visual qualities of the local landscape but, although permanent and irreversible the harm arising is mainly low and moderate at worst.

On balance and considering existing nearby development adjacent to the application site and further afield, that is visually prominent, it is considered that the development would not be unduly incongruous or cause significant harm to the local landscape character. If details of comprehensive landscaping were to be secured as a reserved matter then any harm will be satisfactorily mitigated. Special attention should be given to the planting of a landscape buffer on the eastern boundary as described in the Conclusions section of the LVIA.

Housing Services

No comments received

Essex County Fire Officer

No comments received

ECC Green Infrastructure

09.09.2025

Do not object. Provide recommendations to enhance the green infrastructure provision for the detailed proposal.

Recommend securing the following as planning conditions: Construction Environmental Management Plan (CEMP) Landscape and Ecological Management Plan (LEMP) and Biodiversity Gain Plan

Anglian Water Services Ltd

11.09.2025

No known assets within the site boundary.

Thorrington Water Recycling Centre can accommodate the wastewater flows from the development.

Object to any connection into our foul network due to capacity constraints and pollution risk. Require the applicant continues to engage Anglian Water in order to define a Sustainable Point of Connection (SPOC). However, if the LPA are minded to approve the application, despite our objection and risk of pollution, we recommend a pre-commencement condition securing a strategic foul water strategy. Prior to occupation, the foul water drainage works must have been carried out in complete accordance with the approved scheme.

Arch. Liaison Off, Essex Police

19.08.2025

Provide crime prevention recommendations in relation to the detailed layout and design.

Police Strategic Planning Consultation

22.08.2025

Essex Police provide recommendations to deliver a safe, secure, and sustainable development.

Environment Agency

17.09.2025

No objection.

Flood Risk Activity Permit information for works in proximity of main rivers.

Network Rail

24.09.2025

No objection in relation to Level Crossing Safety.

Currently in discussions with Great Bentley Primary School to identify measures to improve safety for parents and children around the school and the nearby level crossing. Note that this development is likely to increase pupil numbers and associated pedestrian activity, which will be factored into these ongoing discussions.

The existing railway boundary in this location appears to consist of post-and-wire fencing, which is not considered adequate for a residential development of this scale. Therefore strongly recommends that the applicant upgrades the boundary fencing to a higher standard in order to maintain safety and prevent unauthorised access to the operational railway.

Essex County Council Archaeology

12.09.2025

Recommend conditions for archaeological trial trenching and excavation to understand the potential for, and significance of, archaeological deposits impacted by the proposal.

The proposed development lies to the east of the historic village of Great Bentley on the edge of the former green which is likely to be medieval in origin. Records show linear cropmark features in the north of the site, the nature, date and origin of which is unknown. Further cropmark features and recent excavation in the surrounding area suggest a thriving Late iron Age/early Roman settlement and postmedieval activity.

ECC SuDS Consultee

12.09.2025

No objection subject to conditions for 1) Detailed surface water drainage scheme 2) Scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction 3) Maintenance plan 4) Yearly logs of maintenance

UU Open Spaces

09.12.2025

Current deficit of 1.78 hectares of equipped play in Great Bentley

Adequate formal open space in the area to cope with some future development

Settlement provision: Heckford Road/Forge Lane Play Area LEAP 0.6miles from development

Great Bentley has adequate formal open space, and a large village play area. With additional play space provided on recent new developments.

The village hall is a big part of the community that would benefit from the support of the development to accommodate the additional residents, and requires modernisation

Identified project: Modernisation of the village hall, to ensure that it can continue to function and accommodate a growing community. Please see attached document containing possible project along with costings.

NHS Suffolk & North East Essex Integrated Care Board (ICB)**07.11.2025**

The existing GP practice (Great Bentley Surgery) does not have capacity to accommodate this additional growth of approximately 176 residents and subsequently increase demand upon existing constrained services.

The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

The way health and care is being delivered is evolving, partly due to advances in digital technology and workforce challenges. Infrastructure changes and funds received as a result of this development may incorporate not only extensions, refurbishments, reconfigurations or new buildings but will also look to address workforce issues, allow for future digital innovations and support initiatives that prevent poor health or improve health and wellbeing.

The development would give rise to a need for improvements to capacity, in line with emerging STP Estates Strategy; by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Great Bentley Surgery or through other solutions that address capacity and increased demand. For this a proportion of the cost would need to be met by the developer totalling £46,800.00

East of England Ambulance Service**24.10.2025**

This application could generate another 176 residents and will generate an anticipated additional 40 calls per annum on already constrained ambulance services. This is an increase of 3.8% per annum compared to existing activity, postcode area CO78 indicates 1,063 incidents per annum between 1st April 2024 and 31st March 2025.

This development will affect ambulance Colchester Hub which respond to emergency incidents within the local area as well as impact on the regional call centres. The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £27,200 and are for the impact of this development only and will be used to support: Relocation and expansion of existing Colchester Ambulance Hub including EV charging /power to meet the increased local demand arising from this housing development.

Place Services Heritage**10.09.2025 and 04.12.2025**

Eden's Farmhouse a Grade II Listed Building has a historic functional relationship with the agricultural land that forms the site, given that the 1838 Tithe Map records this land to have been in the same ownership, and the 1910 Lloyd George Domesday Map shows it to still be part of the farm holding. The land makes a positive contribution to the setting of the Listed Building because its agrarian/undeveloped appearance helps to reveal how the Listed Building was a part of an isolated farmstead. This can still be appreciated and experienced despite the encroachment of the modern housing, that has reduced the degree of separation between the Listed Building and the settlement.

As the proposal is considered to cause a low-level 'less than substantial' harm to the significance of Eden's Farmhouse, this harm should be weighed against any public benefits of the proposal whilst accounting for the great weight that Paragraph 212 gives to the conservation of the heritage asset, and the need to provide clear and convincing justification for any harm resulting from the

development within its setting.

The proposal is not considered to have a detrimental impact upon St Mary's Farmhouse (Grade II) located to the southwest of the site. Nor is there any harm to the setting of the Great Bentley Conservation Area and Church of St Mary (Grade I).

Further to the previous heritage comments (10/09/2025), the applicant has submitted a heritage statement which sufficiently describes the significance of the heritage assets affected, including any contribution made by their setting, as per the requirements of paragraph 207 of the NPPF. The heritage statement identified a low level of less than substantial harm to the grade II listed Eden's Farmhouse, which corresponds to our previous heritage comments. This harm should be considered under paragraph 215 of the NPPF.

The proposals will therefore fail to preserve the contribution made by setting to the special interest of the grade II listed Eden's Farmhouse, contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Should the proposals be permitted, I suggest a condition is attached detailing the proposed planting along the eastern and northern boundaries of the site.

6. Representations

6.1 Great Bentley Parish Council – Make observations

Original comments (Proposed Weeley Road access)

The parish council would like to request clarification on how public consultation feedback has been addressed within the proposal as it is not noted. They would like to raise a concern over the lack of safe pedestrian access from the site into the village, as Weeley Road has no pavement and the alternative route is long and indirect, creating a sense of segregation from the main village. There are inconsistencies in the 60mph and 30mph speed limits along Weeley Road and the parish council recommend that, if the application is approved, the village gateway and speed signage be relocated to accommodate the new access before construction begins. Also will the developers consider a different S106 contribution to the village, rather than the a 10% open space provision and an on-site LEAP (Local Equipped Area for Play) that the developer is proposing as part of this application, as the new estate is right next to the 43 acre village green and a very well maintained large play area, the parish council are asking for a contribution to the modernisation required of the village hall and/or a contribution towards getting water to the new allotment site, both of these are worthwhile community projects these are directly related to the application as the increase in residents leads to an increased use on the village hall, and also more allotment holders, there is a waiting list so work to get the new site open will benefit any new residents. The Council would like it noted that at this time the proposed site is outside of the current settlement boundary, but they do note that this may change with the updates to the local plan from January 2026.

Officer comments: A Statement of Community Involvement has been submitted detailing the public consultation undertaken by the applicant and their detailed responses to the comments made.

The proposal is considered to provide the most direct walking route (via Phase 1 and its link onto Birch Avenue) towards the school, village hall and train station to the south west. A slightly more direct route towards the centre/north of the village (e.g. to the doctors surgery and playground) would be via Weeley Road. Phase 1 secured footpaths along the Weeley Road site frontage however pedestrians would then need to cross the road to continue on a footpath for a very short distance before both sides revert to grass verges. These verges are wide and are clearly used informally by pedestrians but would not be suitable for prams or wheelchair users. At appeal for Phase 1 the Inspector acknowledged the new pedestrian and cycle link onto Birch Avenue as bringing the facilities and services in the village within a reasonable walking distance and providing a realistic

alternative to travel by car. This situation remains the case for the current proposal which provides the same satisfactory walking and cycling routes to the village but at a slightly increased distance. The vehicular access onto Weeley Road has now been removed.

The request for a village hall improvement financial contribution in lieu of the play area has now been agreed. This was the preferred option above the allotment improvement works as that is a more limited benefit only available to allotment holders.

Great Bentley Parish Council – No objection

This application was brought back to our full council meeting in December due to the large scale petition raised against the application. It was discussed after the agreement was made on which sites to recommend in the new Local Plan - of which this site is one of those. However the council wished to make a further comment in that improvements need to be made for the provision of a more straight forward walking route into the village - as it is very segregated now. Also, that the 30mph gateway needs to be moved further eastward before any building takes place to make the entrance road way safer for motorists.

Officer comments: The recent inclusion of this site within the emerging local plan is noted. The concern regarding the walking route to the village is addressed above. Regarding extending the 30mph speed limit, the Highway Authority have confirmed this has been temporarily extended for the construction phase of development only. Under Phase 1 it was agreed it could be extended permanently by a maximum of 50 metres. The Safer Speeds Strategy is many months away so any further extension is unknown at this time. However, the vehicular access onto Weeley Road has now been removed from the proposal so once construction is complete there would be no vehicular access from the proposal directly onto Weeley Road.

The statutory reconsultation for the proposed access into Phase 1 has now finished however further comments are expected from the Parish Council following their next meeting and will be provided on the Update sheet.

6.2 Member call-in

Councillor Keteca has called the application in for determination at Planning Committee for the following reasons:

- Archaeology evidence of Pre Roman settlement on the site
- Flood Risk (near river)
- Railway line safety (open to railway track)
- Overdevelopment of the village

Officer comment: These points are all addressed in the report.

6.3 Neighbour / Local Representations

Originally proposed Weeley Road access

A total of 13 objections have been received raising the following summarised concerns (with officer response in italics where not addressed within the report);

- 80 dwellings in addition to recent developments will overload local services, roads, school, water, sewage and infrastructure
- Access point on a blind bend with inadequate visibility splays. *This Weeley Road access point has been removed from the proposal.*
- Existing drainage system will not be able to cope
- Will exacerbate the congestion and parking pressure in village centre.
- Loss of arable farmland

- Would destroy one of the most attractive approaches to the village
- Effect on natural environment and wildlife
- Outside settlement development boundary and not part of current local plan for development
- No safe walking route to school or shops
- Turning onto the A133 is very dangerous. *This has not been raised as a concern by the Highway Authority and there are alternative connection points towards Colchester and Clacton.*

Three petitions of approximately 453, 246 and 36 (total 735) signatures have been received objecting to the proposal: In particular due to the potential increase in traffic this will generate in the centre of the village and around the primary school.

Proposed Phase 1 access reconsultation

Two objections have been received raising the following summarised concerns which have been addressed within the report;

- Concerns regarding distance to the centre of the village are unchanged and will result in reliance on private cars exacerbating traffic and parking problems.
- In Highways earlier objection they state the site is not considered to be in walking distance of the railway station referring to DfT Document, Building Sustainable Transport with New Developments (2008) which states that people will walk up to 800 metres to get to a railway station. The applicant's consultant confirms the centre of the site is around 1000 metres walking distance from the station. The southeast corner of the site will therefore certainly exceed this. We fail to see how ECC Highways concerns seem now not to apply as the change of vehicular access does not change their original point concerning travel to the railway station.

7. Assessment

Site Context

- 7.1 The site is located on the eastern edge of Great Bentley outside but abutting the settlement development boundary to its full western edge. Part of the site contains the permanent surface water attenuation basin and the temporary construction compound for the abutting Phase 1 development. To the southern boundary is the railway line with countryside beyond. To the eastern boundary is Weeley Brook with countryside and the Grade II listed Edens Farmhouse beyond. To the northern boundary is Weeley Road with countryside opposite subject to pending application 25/01633/OUT for up to 120 dwellings and cricket pitch/pavilion. There is also a public right of way opposite the north east corner of the site. The abutting Phase 1 development comprises two storey detached and semi-detached houses which face the application site, with the exception of the two northern most plots which are side on.
- 7.2 The northern and eastern edges of the site lie within flood zones 2 and 3. Part of the northern edge of the site lies within the minerals safeguarding area however it is significantly below the 5 hectare threshold for consultation with ECC Minerals.

Planning History

- 7.3 There is no relevant history on the application site. However, the proposal forms Phase 2 of the abutting Phase 1 Hartford Green development of 154 dwellings which is currently under construction.
- 7.4 Phase 1 for 136 dwellings was initially refused under 17/01881/OUT but subsequently allowed at appeal. It was then subject to numerous variations with the implemented consent being a full planning permission (22/01818/FUL) for 154 dwellings. That site is at an advanced stage of construction and is partly occupied.
- 7.5 The appeal for the 136 dwelling proposal on 15/05/2020 was determined at a time when the housing

supply policies were out of date and only a 4 year housing supply could be demonstrated. The Inspector acknowledged a new pedestrian and cycle link onto Birch Avenue as bringing the facilities and services in the village within a reasonable walking distance and providing a realistic alternative to travel by car. The Inspector concluded: “The development conflicts with the Council’s spatial strategy regarding the location of new housing. However, the shortfall in the 5YHLS is significant. When considered in terms of the size of the development, providing up to 136 market and affordable homes, relative to the modest harm (bearing in mind that the development strategy is out of date), the collective harm, including the loss of BMVL [Best and Most Versatile agricultural Land] does not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Proposal

- 7.6 The proposal seeks outline planning permission for up to 80 dwellings with only access to be considered at this stage (appearance, landscaping, layout and scale are reserved). Originally a new vehicular access was proposed to the north eastern site boundary onto Weeley Road. However, this attracted an objection from the Highway Authority and vehicular access is now proposed to the western site boundary directly into the Phase 1 development and sharing that existing junction onto Weeley Road. Full neighbour reconsultation has been undertaken, including an additional site notice at the new access point, this consultation has now expired.
- 7.7 A pedestrian access is proposed to the north eastern site boundary onto Weeley Road opposite the Public Right of Way, and onto the western site boundary with Phase 1. This maintains a general connection through the application site to the PROW which was secured as part of the Phase 1 development.
- 7.8 There are no detailed plans for appearance, landscaping, layout and scale as these matters are reserved for later consideration. However, parameter plans indicate how the site could be developed and show public open space to the north and south, landscaping buffer to the east and the central area of the site divided into five residential areas. The indicative density of development is lower to the outer eastern boundary, increasing to medium in the centre and higher density adjacent to Phase 1.
- 7.9 56 market dwellings and 24 affordable homes (30%) are proposed. No housing mix is specified at this stage so forms a recommended condition.
- 7.10 The proposal has been screened under the Environmental Impact Assessment regulations and concluded that the project is not likely to lead to any significant environmental effects either in isolation, or cumulatively and an Environmental Impact Assessment is not required.

Principle of Development

- 7.11 The development plan for Tendring comprises Section 1 of the Tendring District Local Plan 2013–2033 (adopted 26 January 2021) and Section 2 of the Tendring District Local Plan 2013–2033 and Beyond (adopted 25 January 2022).
- 7.12 Policy SP3 of Section 1 establishes the spatial strategy for North Essex, directing the majority of growth to existing settlements according to their scale, sustainability and established roles. The policy supports development within or adjoining settlements and seeks to protect the wider countryside, supporting only the diversification of the rural economy and the conservation and enhancement of the natural environment.
- 7.13 Policy SP3 relies on Section 2 of the Local Plan to set out the Tendring settlement hierarchy and guide the distribution of new development. Policies SPL1 and SPL2 fulfil this function by defining Settlement Development Boundaries (SDBs) and establishing the approach to development outside those boundaries. The site lies outside but abutting the adopted SDB for Great Bentley. Great

Bentley is identified as a Rural Service Centre within the Local Plan, reflecting its relative level of services, facilities and employment opportunities and acknowledging that Rural Service Centres may accommodate small-scale, proportionate growth over the plan period. Such development should be sustainable, achievable and reflective of the settlement's size, character, service provision and any physical, environmental or infrastructure constraints. Growth in these locations is intended to support local housing needs, the village economy and the district-wide housing requirement.

- 7.14 The location therefore constitutes development in the countryside for the purposes of the Local Plan. The scheme is therefore in conflict with Local Plan Policies SPL1 and SPL2, which seek to direct new housing growth to within defined settlement boundaries. However, the housing policies post 26/01/2026 are now out of date and the 3.22 year supply represents a significant shortfall against the minimum five year requirement.
- 7.15 Given the Council's housing land supply deficit, paragraph 11(d) of the National Planning Policy Framework, known as the "tilted balance", is engaged. In such circumstances, planning permission should be granted unless; (i) policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusal (which is not the case here), or (ii) the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. The application therefore must be considered with regard to the NPPF's overarching objectives, including directing development to sustainable locations, making efficient use of land, securing well-designed places, and supporting the delivery of needed homes.

Status of Emerging Local Plan Preferred Options Draft

- 7.16 The site is identified as a potential strategic housing allocation in the Council's Emerging Local Plan Preferred Options Draft under proposed Policy MSA10 for 80 dwellings. This document has recently been out for public consultation (ending 23.03.2026).
- 7.17 Although this stage of plan-making carries very limited weight because it has not been tested through examination and remains subject to change, its inclusion indicates that the site has been considered as part of the Council's emerging spatial strategy and as a sustainable site. The Preferred Options draft seeks to accommodate increased housing requirements by directing growth to sustainable settlement edges such as Great Bentley, reflecting its rail connections and existing services. While this provides an indication of the likely direction of future plan-making, it cannot be relied upon as a determinative factor in support of the proposal at this time. Nevertheless, this indicates that development at this location is broadly aligned with the direction of future plan-making and is not inconsistent with longer-term spatial objectives.

Three Strands of Sustainable Development

- 7.18 In applying the tilted balance, Paragraph 8 of the NPPF confirms: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) an economic objective, b) a social objective, and c) an environmental objective. The proposal is assessed below against these objectives (with further detail elsewhere within this report):

Economic Role

- 7.19 The development would generate short-term economic benefits through construction activity and would support local suppliers and employment. Longer term benefits include increased expenditure in the village and wider district, assisting the vitality of local services including the new bus service. These economic benefits attract moderate weight.
- 7.20 The permanent loss of Grade 2 (very good) agricultural land represents an economic disbenefit. However, this large field (5.5 hectares) is already dissected by the footpath approved under Phase

1 and contains the Phase 1 attenuation basin reducing the area and ease of cultivation. It is therefore considered that the economic benefits associated with up to 80 new dwellings would outweigh this loss of very good agricultural land.

Social Role

- 7.21 The proposal will provide up to 80 dwellings including 30% affordable housing and significantly exceeds the policy requirement for public open space. The proposal also contributes towards improvements to the local village hall, libraries and local bus service provision which represent significant social benefits for future occupiers of the development and existing residents in the locality. The proposal would mitigate its impacts upon education, healthcare, and habitats sites through the associated legal agreement.
- 7.22 Concern is raised by local residents that the proposal will exacerbate the congestion and parking pressure in the village centre. However, the site is considered to be within reasonable walking distance of the shops, train station, primary school, doctors surgery, and bus stops within the village therefore offering a reasonable alternative to private transport. The financial contribution to extend the new bus service linking Great Bentley with Clacton and Brightlingsea also increases the accessibility of services and facilities in these two other larger settlements.
- 7.23 Given the district's significant housing shortfall and the scheme's sustainable location with good access to services and public transport, the social benefits of the development are considered to carry substantial weight.

Environmental Role

- 7.24 The development would extend the built form into the countryside and therefore results in some landscape impact and loss of very good agricultural land. However, the technical assessments confirm that impacts on landscape, highways, ecology, trees, drainage, archaeology, flood risk and amenity can be mitigated through design and/or planning conditions. Biodiversity Net Gain is demonstrated, with mitigation to protect habitats and species. A low level less than substantial harm would result to the significance and setting of the Grade II listed Eden's Farmhouse however this harm would be outweighed by the public benefits of the proposal and the tilted balance is therefore still engaged. Environmental effects are therefore limited and capable of being satisfactorily managed and mitigated.

Overall Balance and Conclusion on Principle

- 7.25 Although the proposal conflicts with the adopted Local Plan's spatial strategy, being located outside the Settlement Development Boundary, the Council's inability to demonstrate a five-year housing land supply renders the relevant housing policies out-of-date and engages the tilted balance under paragraph 11(d) of the NPPF. In this context, significant weight is afforded to the delivery of housing, alongside the scheme's economic and social benefits and the capacity to mitigate environmental impacts through design and conditions.
- 7.26 The identification of the site within the Local Plan Preferred Options Draft, while carrying limited weight at this stage, provides support that this location aligns with the Council's emerging long-term settlement strategy.
- 7.27 When assessed against the NPPF as a whole, the adverse impacts, principally the landscape impact of extending built form into the countryside and the less than substantial harm to the setting of the Grade II listed Eden's Farmhouse, do not significantly or demonstrably outweigh the benefits, meaning the proposal is acceptable in principle under the presumption in favour of sustainable development. Therefore, the principle of development is accepted, subject to the detailed considerations set out below.

Loss of agricultural land

- 7.28 The Glossary to the NPPF defines best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification (ALC). Paragraph 180 b) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land”.
- 7.29 The application site is indicated in the ALC map as Grade 2 (very good). This is on a scale of 1-5 where Grade 1 is ‘excellent’ and Grade 5 is ‘very poor’. Natural England’s guide to assessing development proposals on agricultural land states that Grade 2 ‘very good’ quality agricultural land is: “Land with minor limitations that affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown. On some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops, such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than grade 1.”
- 7.30 The site comprises 5.5 hectares but this large field is already dissected by the footpath approved under Phase 1 and contains the Phase 1 attenuation basin reducing the area and ease of cultivation. The proposal, will result in the loss of very good agricultural land and there is therefore assessed in respect of Paragraph 180 b) of the NPPF. This position will be weighed with the benefits of the scheme as part of the ultimate planning balance.

Scale, Layout & Appearance

- 7.31 Paragraph 131 of the NPPF expects new development to be well designed, visually attractive and respectful of local character. Local Plan Policy SP7 also seeks good quality urban and architectural design, while Policies SPL3 and LP4 require layouts that relate well to their surroundings and help create a sense of place.
- 7.32 There are no detailed plans for appearance, landscaping, layout and scale as these matters are reserved for later consideration. However, parameter plans indicate how the site could be developed and show public open space to the north and south, landscaping buffer to the east and the central area of the site divided into five residential areas. The indicative density of development is lower to the outer eastern boundary, increasing to medium in the centre and higher density adjacent to Phase 1.
- 7.33 Given the low density of development (around 14.5 dwellings per hectare) a detailed layout could easily ensure compliance with back to back separation distances and also provide ample private amenity space and off street parking to meet the needs of up to 80 dwellings on this site.
- 7.34 No concerns are therefore raised at this stage that these matters could not be satisfactorily addressed at reserved matters stage.

Heritage Assets

- 7.35 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. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 7.36 Paragraph 205 of the NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s

conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 7.37 Local Plan Policy PPL8 states new development will only be permitted where it has regard to the desirability of preserving and enhancing the special character and appearance of the conservation area. Local Plan Policy PPL9 states proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal will cause harm to a listed building, the relevant paragraphs of the NPPF should be applied.
- 7.38 The Grade II listed Eden's Farmhouse is located around 255 metres to the east. The Grade II listed St Mary's Farmhouse is located around 405 metres to the south. The Grade I Church of St Mary is located around 1043 metres to the west. The Great Bentley Conservation Area is located around 235 metres to the west.
- 7.39 Place Services Heritage confirm the proposal would not have a detrimental impact upon the setting or significance of St Mary's Farmhouse, Church of St Mary or the Great Bentley Conservation Area due to the distance and no known historic relationship. Their initial comments confirmed the lack of a Heritage Assessment and raised concern in relation to the impact upon the significance and setting of Eden's Farmhouse. A Heritage Statement was then submitted.
- 7.40 Eden's Farmhouse has a historic functional relationship with the agricultural land that forms the site as the 1838 Tithe Map records them to have been in the same ownership, and the 1910 Map shows it to still be part of the farm holding. The land makes a positive contribution to the setting of the Listed Building because its agrarian/undeveloped appearance helps to reveal how the Listed Building was part of an isolated farmstead. The Phase 1 proposal preserves the wider setting of Edens Farmhouse due to the retention of the current application site as agricultural land.
- 7.41 The Heritage Statement confirms the proposed development forms part of the wider rural setting of Eden's Farmhouse however the contribution that the wider setting makes to the significance of the asset is considered to be limited as the asset's significance is most perceivable/appreciable from within its immediate setting and the farm complex will continue to be appreciated as isolated from the nearby built up area and surrounded by farmland. The principal elevation of the farmhouse is orientated away from the site, facing the fields to the southeast at Weeley Road. They claim that through considered design elements such as additional tree planting, inclusion of the new footpath and open space within the southern extent of the site, these levels of less than substantial harm can be confined to the lowest levels possible.
- 7.42 Place Services Heritage confirm that the heritage statement sufficiently describes the significance of the heritage assets affected, including any contribution made by their setting. It identifies a low level less than substantial harm to Eden's Farmhouse which should be considered under paragraph 215 of the NPPF. The proposals will therefore fail to preserve the contribution made by setting to the special interest of the grade II listed Eden's Farmhouse, contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Place Services add should the proposals be permitted, they suggest a condition is attached detailing the proposed planting along the eastern and northern boundaries of the site.
- 7.43 Paragraph 215 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.44 In this case significant public benefits will arise in the form of 30% affordable housing; public open space in excess of the policy requirement; minimum 10% Biodiversity Net Gain; financial contributions towards village hall improvements, libraries and the longevity of a new bus service; construction jobs; and increased local expenditure by new residents. These public benefits are

considered to outweigh the low level less than substantial harm to the significance and setting of Eden's Farmhouse. Landscaping is a reserved matter and the detail of the proposed planting along the eastern and northern boundaries of the site will be secured at that stage to ensure appropriate screening to the listed building. As harm to heritage assets would not provide a clear reason for refusal the tilted balance is still engaged.

Archaeology

- 7.45 The NPPF explains that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation (Paragraph 207). Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (Paragraph 208).
- 7.46 Local Plan Section 2 Policy PPL7 states that, proposals for new development affecting a heritage asset of archaeological importance or its setting will only be permitted where it will protect or where appropriate enhance the significance of the asset. Where a proposal will cause harm to the asset, the relevant paragraphs of the NPPF should be applied dependent on the level of the harm caused.
- 7.47 ECC Archaeology confirm the existence of cropmarks and recent excavation in the local area indicating likely archaeological activity on the site. They therefore request pre-commencement conditions for trial trenching and excavation to understand the potential for, and significance of, archaeological deposits impacted by the proposal. ECC Archaeology are satisfied that this matter can be addressed by pre-commencement conditions and do not request additional information prior to determination in this case. Furthermore, the fact that the proposal is for up to 80 dwellings means there is flexibility at reserved matters stage should this number need to be reduced in order to preserve any below ground archaeological assets in situ. These conditions are included in the recommendation.

Highway Safety/Parking

- 7.48 Paragraph 114 of the NPPF requires that development provides safe and suitable access for all users, that parking and transport design accords with national guidance, and that any significant impacts on the transport network or highway safety are capable of being mitigated to an acceptable level. Paragraph 115 further clarifies that development should only be refused on highways grounds where it would result in an unacceptable impact on highway safety or where the residual cumulative impacts would be severe.
- 7.49 Local Plan Policy SPL3 Part B seeks to ensure that new development is served by a safe and practicable access, that the highway network can accommodate the traffic generated, and that adequate vehicle and cycle parking is provided. The Essex Parking Standards set out the relevant minimum requirements for parking and turning.
- 7.50 The proposal seeks outline planning permission for up to 80 dwellings with only access to be considered at this stage. Originally a new vehicular access was proposed to the north eastern site boundary onto Weeley Road. However, this attracted an objection from the Highway Authority and vehicular access is now proposed to the western site boundary directly into the Phase 1 development and sharing that existing junction onto Weeley Road. Full neighbour reconsultation has been undertaken, including an additional site notice at the new access point, this consultation has now expired.
- 7.51 Detailed access plans are provided which show that three visitor parking bays in Phase 1 will have to be repositioned to allow for the new vehicular access, this will be addressed at reserved matters

stage for Layout. A Transport Assessment and an Addendum were also provided to demonstrate the acceptability of the new access.

- 7.52 A pedestrian access is proposed to the north eastern site boundary onto Weeley Road opposite the Public Right of Way (PROW 11), and onto the western site boundary with Phase 1. This maintains a general connection through the application site to the PROW which was secured as part of the Phase 1 development.
- 7.53 Given the low density of development Officers are satisfied that ample car, cycle and visitor parking can be provided in accordance with the Essex Parking Guidance.
- 7.54 The Highway Authority confirm an updated trip generation assessment has been calculated to provide a robust analysis. It is predicted that the proposed development could generate up to 62 two-way movements in the AM peak and 49 in the PM peak, based on bespoke trip rates obtained from the existing access. Capacity assessments have been undertaken at the site access, the additional information provided has demonstrated that the proposed access junction would operate satisfactorily. That assessment also includes the potential development (pending application 25/01633/OUT) at Land North of Weeley Road for up to 120 dwellings and cricket pitch/pavilion.
- 7.55 The Highway Authority confirms no objection subject to conditions for 1) Construction Management Plan 2) Proposed road junction constructed to a minimum width of 5.5 metres within the site and provided with 2 x 2-metre-wide footways 3) Road junction at its centre line provided with minimum clear to ground visibility splay of 2.4 metres by 25 metres in both directions 4) Parking and turning provision 5) Contribution of up to £100,000 for Passenger Transport improvements for the new bus services between Great Bentley, Brightlingsea, Clacton-on Sea, and/or Colchester. 6) Residential travel plan and £1817.00 annual monitoring fee.
- 7.56 Requested condition 4) Parking and turning provision is not imposed at this stage as this will be addressed under the reserved matters application for Layout. The bus service contribution is secured under the S106 as detailed further below. The residential travel plan condition is imposed, adding reference to the requirement for Residential Travel Packs. However, the residential travel plan monitoring fee is not secured as explained under the Planning Obligations section further below.
- 7.57 Concerns are raised locally that the site is too distant to be walkable to the train station, being around 1000 metres from the centre of the site. Whilst greater than a preferred distance of 800 metres, the applicant's transport consultant states it is not considered that this will put many people off as this still represents a short walk or cycle. Linked trips (e.g. as a car passenger) are also a potential method of travel. Given the short increase in distance to local services in comparison to the approved Phase 1 development, the site is considered to be suitably located in terms of pedestrian and cycle access.

Landscaping and Trees

- 7.58 Paragraph 136 of the NPPF sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible.
- 7.59 Local Plan Policy LP4 seeks high-quality design and states that new residential development should make a positive contribution to the District's sense of place by incorporating and maximising green infrastructure, including verges, trees and other planting.
- 7.60 The application is accompanied by an Arboricultural Impact Assessment (AIA) and Tree Constraints Report which confirm there are 57 individual trees around the site boundaries which will all be retained in the proposed layout with no incursion into their root protection areas. Conditions secure a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) to ensure physical

protection during construction. The proposed layout also shows retention of the boundary hedgerows which provide good screening and habitat around the northern, eastern and southern site boundaries. A small section will need to be removed to allow the pedestrian access to the PROW however this was already approved under the Phase 1 development.

- 7.61 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which recognises that there will be harm to both the character and visual qualities of the local landscape but, although permanent and irreversible, the harm arising is mainly low and moderate at worst. There is potential for green infrastructure to mitigate landscape and visual effects as it matures. Visual effects would be limited in their scale and extent for most receptor groups in the surrounding landscape due to the screening effects of boundary vegetation in the wider landscape.
- 7.62 The proposal would have no effect on important views from within the Great Bentley Conservation Area. Public Right of Way users would have notable views southwards from footpath 11 which meets Weeley Road directly opposite the site. The change in point of access since the LVIA was produced mean that the temporary construction access will no longer remain permanently open and this can be replanted to reduce views from the north. On balance and considering existing nearby development adjacent to the application site and further afield, that is visually prominent, it is considered that the development would not be unduly incongruous or cause significant harm to the local landscape character. Comprehensive landscaping will be assessed and secured at reserved matters stage to satisfactorily mitigate landscape harm from the proposal. Special attention should be given to the planting of a 12 metre landscape buffer on the eastern boundary as described in the LVIA, this would serve the dual purpose of reducing the impact upon the setting of the Grade II listed Eden's Farmhouse which lies around 255 metres to the east.
- 7.63 The indicative plans show public open space to the north and south of the site significantly exceeding the 10% Local Plan requirement. The proposal originally included a small equipped play area in the northern area of open space but this has now been removed in favour of a village hall improvement contribution as discussed in the Planning Obligations paragraph below. The southern area of public open space contains the existing attenuation basin for the Phase 1 development, and the proposed attenuation basin for the current proposal. This indicative layout maximises the retention and potential enhancement of existing vegetation to the northern boundary with Weeley Road, eastern boundary with the countryside and the southern boundary with the railway line.
- 7.64 The Council's Tree and Landscape Officer and ECC Green Infrastructure Team raise no objection to the proposal providing recommendations for the reserved matters application for layout and landscaping. The Green Infrastructure Team request conditions however these are satisfactorily addressed by the recommended conditions for BNG, Habitat Management and Monitoring Plan (HMMP), tree protection, SuDS, ecology and the reserved matters for Landscaping and Layout.

Impact on Residential Amenity

- 7.65 Paragraph 135 of the NPPF requires that planning decisions 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.
- 7.66 Local Plan Section 1 Policy SP7 seeks to ensure that the amenity of existing and future residents is protected. Local Plan Section 2 Policy SPL3 Part C requires that development does not result in material harm to the privacy, daylight or general amenity of neighbouring occupiers, while Part B requires new development to be designed and orientated to provide adequate daylight, outlook and privacy. Policy LP4 further requires that new dwellings provide appropriately sized and configured private amenity space in keeping with local character.
- 7.67 The existing Phase 1 development is still under construction and comprises detached and semi-detached two storey dwellings to the west of the application site. There are nine Phase 1 dwellings that face onto the site (other dwellings further south face the existing attenuation basin) and two

dwelling which are oriented side on to the site. All of these dwellings will experience a loss of outlook, which under the Phase 1 approval would be across agricultural land. The proposal will significantly change that outlook replacing it with up to 80 dwellings. However, these properties except the northern most dwelling (1 Gordon Lord Close) are still under construction/not occupied. They are also separated from the application site by their access road and soft landscaping strip ensuring two storey development on the application site would not result in any material loss of light or privacy due to the separation distance. It is considered that this harm to their outlook could be adequately mitigated at reserved matters stage for layout given the low density of the development and the capacity to secure soft landscaping in this area. Significant harm to outlook amounting to grounds for refusal would not therefore result.

- 7.68 The relocation of the vehicular access via Phase 1 will increase the traffic and associated disturbance for Phase 1 properties (along Marvin Way, Middletown Road and Gordon Lord Close) and the properties opposite the existing access on Weeley Road as the proposed residents access the main junction out onto Weeley Road. Pedestrian and cycle traffic from the proposal would also likely travel through Phase 1 to the link onto Birch Avenue to more directly access the centre of the village. However, given the significant number of Phase 1 properties which will already use these routes this increase in traffic would not amount to significant harm to amenity.
- 7.69 There are no detailed plans for appearance, layout and scale as these matters are reserved for later consideration. However, given the low density of development (around 14.5 dwellings per hectare) a detailed layout could easily ensure compliance with back to back separation distances to preserve privacy and to provide ample private amenity space and internal space standards to meet the needs of up to 80 dwellings on this site. Public open space is shown to the south ensuring sufficient separation from the railway noise can be achieved for future occupiers.
- 7.70 Construction phase noise, dust and traffic impacts can be effectively managed by the proposed Construction Management Plan condition. Any future lighting scheme can be controlled by condition at reserved matters stage to prevent unacceptable light spill and maintain the amenity of neighbouring occupiers in line with Policy SPL3.

Flood Risk, Surface Water Drainage and Foul Sewage Disposal

- 7.71 Paragraphs 181 and 182 of the NPPF require that development does not increase flood risk elsewhere and that proposals incorporate sustainable drainage systems (SuDS) designed with input from the Lead Local Flood Authority and supported by robust long term maintenance arrangements. Paragraphs 187(e) and 198 of the NPPF require that development prevents unacceptable water pollution and is appropriate to its location with regard to potential environmental impacts.
- 7.72 Local Plan Policy PPL5 requires all new development to make adequate provision for drainage and sewerage, including the integration of SuDS, while Policy SPL3(B)(g) requires development to reduce flood risk and embed sustainable drainage within site design. Local Plan Policy PPL5 confirms that connection to the mains sewer is the preferred option, in line with the drainage hierarchy and building regulations.
- 7.73 Weeley Brook (a Main River) runs along the Eastern site boundary flowing south easterly. The majority of the site is located in Flood Zone 1 at low risk of flooding. However, the northern and eastern edges of the site lie within flood zones 2 and 3 at medium/high risk of flooding. The majority of the site is at very low risk of surface water flooding with areas of medium/high risk along the eastern boundary attributable to the Brook.
- 7.74 The application is accompanied by a Preliminary Flood Risk Assessment and Drainage Strategy which confirms that the areas surrounding the Brook will remain as greenspace with all residential development located outside of flood zones 2 and 3.
- 7.75 A proposed attenuation basin is located in the southern area of open space to the south east, which

also contains the existing Phase 1 attenuation basin to the south west. A foul water pumping station is also indicated in this area to raise the flows from the development. Swales (shallow channels) are indicated along the outer roads. The vehicular and pedestrian/cycle access points to the west of the site are also wholly outside of flood zones 2 and 3.

- 7.76 The Environment Agency confirm no objection and provide advice relating to the permit required for works within 8 metres of Weeley Brook. This is added as an informative.
- 7.77 ECC SuDS originally objected to the proposal requesting additional surface water drainage information. This was provided and SuDS confirm no objection subject to conditions securing 1) Detailed surface water drainage scheme 2) Scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction 3) Maintenance plan and 4) Yearly logs of maintenance. These conditions are included within the recommendation.
- 7.78 The proposal is to connect to the main foul sewer in accordance with Policy PPL5 and the NPPF. Anglian Water confirm sufficient wastewater treatment capacity for the development. However, they object to connection to their foul sewer due to capacity constraints and pollution risk. Conversations with Anglian Water and the applicant are ongoing to agree a Sustainable Point of Connection.
- 7.79 Although applicants have a statutory right to connect to the public sewer under Section 45 of the Water Industry Act 1991, this right does not remove the ability of the planning system to manage development where infrastructure constraints exist. Nevertheless, water companies cannot refuse a connection on capacity grounds, and the regulatory framework, through environmental permitting and the Water (Special Measures) Act 2025, already governs pollution control and compliance.
- 7.80 Anglian Water state if we are minded to approve the application a pre-commencement condition requiring approval of a strategic foul water strategy identifying a Sustainable Point of Connection to the public foul network should be imposed. The foul water drainage condition that has been included within our recommendation secures details prior to the beginning of any above ground works to the dwellings it would serve are commenced. This is considered a reasonable alternative that will still secure details of the sustainable point of connection to the public foul network, in consultation with Anglian Water, but will give the applicant more time to agree this i.e. not prior to commencement of any works on site. This will still prevent pollution and ensure water quality is protected but will enable the applicant to commence site groundworks while this is still being negotiated if necessary.

Railway line

- 7.81 The southern site boundary is adjacent to the railway line but there is no crossing point in this location. Network Rail confirm a minimal effect on crossing safety but highlight that the existing railway boundary is post and wire fencing. They strongly recommend the applicant upgrades the boundary fencing to maintain safety and a condition is imposed to secure this in consultation with Network Rail.

Planning Obligations

- 7.82 Paragraph 56 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. A legal agreement securing the below will be completed prior to determination;

Affordable Housing

- 7.83 Paragraph 64 of the NPPF states: Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site... Paragraph 66 of the NPPF states: Where major development involving the provision of housing is proposed,

planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.

- 7.84 The proposal includes up to 24 affordable homes, equating to 30% of the total development, in accordance with the requirement in TDLP Policy LP5 that major residential schemes of 11+ homes provide 30% affordable units for acquisition by the Council or its nominated partners at a discounted value. The size and type of affordable housing will be specified by the Council on a case-by-case basis having regard to the latest Strategic Housing Market Assessment (SHMA) and housing needs register and will be the subject of negotiation between the Council and the developer or applicant as required by the S106 agreement.

Public Open Space

- 7.85 Policy HP5 requires major new residential development to provide a minimum 10% of the gross site area as open space. The indicative plans show the development would provide for in excess of the 10% requirement and it is the developer's intention to transfer this area onto a management company to maintain once implemented. The S106 therefore includes a clause to secure the details and timings of implementation and transfer of the public open alongside associated maintenance responsibilities thereafter.
- 7.86 There is a deficit of 1.78 hectares of equipped play in Great Bentley. However, comments from the Open Space Team confirm that there is a large village play area with additional play space provided on recent new developments. This includes a play area (Local Area of Play) within the Phase 1 development only around 150 metres from the proposed vehicular access to the site. The Parish Council have therefore identified the village hall modernisation project to ensure that it can continue to function and accommodate a growing community.
- 7.87 The proposal originally included a play area in the northern area of open space but this has now been removed in favour of a village hall improvement contribution. Given the existing play provision within close proximity of the site, the absence of an on site play area is not considered unacceptable in this case given the alternative village hall contribution.

Village Hall Improvement Contribution

- 7.88 Local Plan Policy HP2 states the Council will work with the development industry and key partners to deliver and maintain a range of new community facilities. New development should support and enhance community facilities where appropriate by: a. providing on site, where necessary, or contributing towards new or enhanced community facilities to meet needs arising from the proposed development or growth and where possible, encourage co-location.
- 7.89 Great Bentley Village Hall was built in 1987 and is in need of substantial modernisation. The Parish Council have provided a detailed list of works which include new flooring, new kitchen, and toilet and entrance lobby upgrades totalling £104,500 plus VAT. The applicant will secure this and it would result in an enhanced community facility for the proposed occupiers of the development and the wider community. As confirmed above there is sufficient local equipped play provision in the vicinity and the village hall contribution is therefore considered a preferable alternative which is considered reasonable and necessary to make the development acceptable and is to be secured by the S106 agreement.

Recreational Disturbance Mitigation (RAMS)

- 7.90 A financial contribution of £175.55 per dwelling is also required towards the Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS) to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with TDLP Policies SP2 and PPL4 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Education

- 7.91 Local Plan Policy PP12 states: Planning permission will not be granted for new residential development unless the individual or cumulative impacts of development on education provision can be addressed, at the developer's cost, either on-site or through financial contributions towards off-site improvements.
- 7.92 ECC Schools confirm the proposal will generate the need for up to 7.2 Early Years and Childcare (EY&C) places; 24 Primary School places, and 16 Secondary School places. A contribution towards new primary, secondary and Post 16 education places will not be required.
- 7.93 A contribution of £147,240 is requested for EY&C. As the closest secondary school (Colne Community School) is over 3 miles away they seek a Secondary School Transport contribution of £95,152. A contribution of £6,224 is considered necessary to improve, enhance and extend the local library facilities and services provided and to expand the reach of the mobile library and outreach services. These contributions are all considered reasonable and necessary to make the development acceptable and are to be secured by the S106 agreement.
- 7.94 ECC Schools also seek a Primary School Transport contribution stating there are no current safe walking routes from the development to Great Bentley Primary School. However, the development will link directly into Phase 1 which has footpath connections to the Primary School which is approximately 0.65 miles away and was deemed acceptable for Phase 1. Only the last section through New Cut does not have footpaths. This is the same situation for children/adults travelling from existing dwellings from this direction and this part of New Cut is a straight road of approximately 68 metres in length. The requested contribution of £634,569.60 cannot be justified in this case as the school has capacity (no contribution being requested for primary school places) and is located within the statutory walking distance of 2 miles as set out within the Essex County Council Developers' Guide to Infrastructure Contributions November 2025 (as defined by S 444(5) of the Education Act 2006).

Health

- 7.95 TDLP Policy HP 1 states that the Council will work to improve the health and wellbeing of residents in Tendring by seeking mitigation towards new or enhanced health facilities from developers where new housing development would result in a shortfall or worsening of health provision.
- 7.96 The NHS CCG have commented to confirm a developer contribution will be required to mitigate the impacts of this proposal upon the capacity of Great Bentley GP Surgery. They calculate the level of contribution to be £46,800, which is to be secured via the legal agreement.
- 7.97 The East of England Ambulance Service has requested a contribution of £27,200 towards a future purpose-built ambulance hub in Colchester. However, this request fails the tests as it would not be directly related to the impacts of this development, not necessary to make the proposal acceptable in planning terms, and no site-specific evidence has been provided to demonstrate a link between the scheme and the need for the Colchester hub. Consequently, the request is not reasonable, has no policy basis, cannot be justified under the Local Plan or NPPF, and therefore cannot lawfully be secured.

Highways

- 7.98 Local Plan Policy CP1 states proposals for new development must be sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport. In order to reduce dependence upon private car transport, improve the quality of life for local residents, facilitate business and improve the experience for visitors, all such applications should include proposals for

walking and cycling routes and new or improved bus-stops/services.

- 7.99 A new bus service linking Great Bentley with Brightlingsea and Clacton has recently been introduced with a two hourly service Monday to Saturday. The initial funding is for two years and an up to £100,000 contribution is therefore requested by the Highway Authority to extend the initial contractual period and help assure the longevity of the new service which improves sustainable access to and from the village and train station. The provision of such will be secured via the legal agreement.
- 7.100 The Highway Authority has also requested that the travel plan be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation, accompanied by an annual monitoring fee of £1,817.00 (index linked). However, there is no specific policy basis in the Local Plan, NPPF or any adopted Supplementary Planning Document that supports requiring such a payment for a development of this nature. Furthermore, they have not provided any evidence to show that the fee is necessary to make the development acceptable, or that the monitoring cost is directly and proportionately related to the impacts of the proposal. As a result, the request fails all three statutory CIL Regulation 122 tests and therefore is not secured through the Section 106 agreement.

Biodiversity Net Gain (BNG) Monitoring

- 7.101 All created and enhanced habitats will be secured for a minimum 30-year management period through a Habitat Management and Monitoring Plan (HMMP) secured by condition, with delivery governed through the statutory Biodiversity Gain Plan process. This ensures that habitat quality is maintained and improved over time, supported by ongoing monitoring requirements with the monitoring fee secured through the S106.

Ecology and Biodiversity

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.

- 7.102 General duty on all authorities

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.

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.

The application includes a Preliminary Ecological Appraisal (PEA) with mitigation measures and conditions also recommended securing submission of a Biodiversity Enhancement Strategy and Wildlife Sensitive Lighting Design Scheme. Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

- 7.103 Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a

measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals.

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

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.

The application is accompanied by the BNG Metric. The Green Infrastructure Team provide comments on the Metric however these are satisfactorily addressed by the conditions for BNG and Habitat Management and Monitoring Plan (HMMP), and the reserved matter for Landscaping.

7.104 Protected Designated Habitats

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.

A Habitat Regulations Assessment has been completed for the proposal. The new development would be likely to increase the number of recreational visitors to the designated area and, in combination with other developments, it is likely that the proposal would have significant effects on the designated site. The S106 Legal Agreement will include the necessary financial contributions for RAMS to 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.

7.105 Protected Species

In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. The site comprises mainly modified grassland, hedgerows, and ditches, with potential to support protected species such as bats, birds, reptiles, badgers, and hedgehogs. A Preliminary Ecological Appraisal (PEA) has been provided which recommends additional surveys for bats, breeding birds and reptiles. ECC Ecology therefore initially issued a holding objection requesting these additional surveys. An Ecological Impact Assessment (EIA) was then provided and ECC Ecology confirmed sufficient ecological information is provided to enable determination of the application subject to three conditions securing compliance with the mitigation specified in the EIA, submission of a Biodiversity Enhancement Strategy and Wildlife Sensitive Lighting Design Scheme.

The northern part of the site is the construction compound for the abutting Phase 1 development and the southern boundary is the railway line. The remainder of the site is predominantly modified grassland with native hedgerows and trees to the boundaries and Weeley Brook to the East. The PEA details precautionary measures during construction and habitat enhancement features - the

details of which would be secured by the Biodiversity Enhancement Strategy condition.

The EIA has been produced following reptile presence/likely absence surveys, bat activity transect and static deployment surveys, and breeding bird surveys. A low population of slow worm (3 individuals) were detected across the seven surveys. Mitigation and enhancement is proposed for badgers, bats, breeding birds, reptiles and hedgehogs to ensure any significant negative ecological impacts from the proposal are mitigated including bat and bird boxes, appropriate planting, reptile hibernacula and hedgehog highways. Native hedgerows, important for foraging and commuting bats and breeding birds, are retained in full except for a small section to enable pedestrian access onto Weeley Road to connect to the Public Right of Way opposite.

In compliance with relevant wildlife legislation and planning policies, the development will adhere to best practices to protect and enhance the habitat for these protected species.

7.106 Ecology conclusion

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.

Sustainable Construction & Energy Efficiency

7.107 TDL P Section 2 Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

7.108 The use of electric vehicle charging points, green/brown roofs, PV panels, water-butts, recycling facilities (during construction and to serve the development), air-source heat pumps and / or SuDS to aid the sustainability of the development should be an integral part of the design. These matters can be satisfactorily addressed through the detailed design stage as part of the reserved matters application.

8. Planning Balance and Conclusion

8.1 The Council cannot currently demonstrate a five-year housing land supply, and therefore the presumption in favour of sustainable development (the “tilted balance”) applies. In this context, planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

8.2 While the proposal lies outside the settlement development boundary and therefore conflicts with Policies SPL1 and SPL2 landscape impact is contained and can be mitigated effectively through reserved matters design, landscaping and layout. It would deliver up to 80 homes including 30% affordable housing. The scheme would generate economic benefits during construction and through additional local expenditure. It provides extensive public open space in excess of the policy requirement, Biodiversity Net Gain, and improvements to the village hall, libraries and bus service. These public benefits are considered to outweigh the low level less than substantial harm to the Grade II listed Eden’s Farmhouse and the loss of very good agricultural land.

8.3 Technical assessments confirm that matters relating to highways, drainage, flood risk, ecology, residential amenity and archaeology can all be satisfactorily addressed through conditions or planning obligations. No statutory consultee objects to the proposal, subject to appropriate

mitigation. When considered against the economic, social and environmental objectives of the NPPF, the scheme delivers significant benefits that clearly outweigh the limited and manageable harms. The adverse impacts do not significantly and demonstrably outweigh the benefits, and the development therefore constitutes sustainable development in accordance with paragraph 11(d) of the NPPF.

9. **Recommendation**

9.1 Approval (inc. S106 requirements)

Recommendation: Outline Approval subject to:

1. On appropriate terms below and those as may be deemed necessary to the satisfaction of the Head of Planning and Building Control to secure the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 dealing with the matters as summarised at paragraph 9.2:
2. That the Head of Planning and Building Control be authorised to grant outline planning permission subject to the agreed section 106 agreement and conditions as stated at paragraph 9.3, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
3. The informative notes as may be deemed necessary.

Or;

4. That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 12 months that the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion.

9.2 Planning Obligations - Heads of Terms

CATEGORY	TERMS
Affordable Housing	30% on site provision through an Affordable Housing Scheme
NHS financial contribution	£46,800 for Great Bentley Surgery or other solutions that address increased capacity and demand
Education financial contribution	Early Years and Childcare £147,240. Secondary school transport £95,152
Libraries financial contribution	£6,224
RAMS financial contribution	£175.55 per dwelling
Open Space provision	Provision of on-site Open Space and Maintenance Responsibilities.
Village Hall Improvement Contribution	£104,000 plus VAT
Highways	Up to £100,000 bus service contribution
Biodiversity Net Gain Monitoring fee	Securing a financial contribution towards the 30-year monitoring of the Biodiversity Net Gain Plan and implemented scheme.

9.3 Conditions and Reasons

1 COMPLIANCE REQUIRED: TIME LIMIT FOR RESERVED MATTERS APPLICATION

CONDITION: An application for the approval of all outstanding and the final reserved matters for any phase of the development must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters for the relevant phase or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The reserved matters need to be received by the Local Planning Authority within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If there is no phasing plan, this condition is considered to apply to the whole site as a single phase. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVAL OF RESERVED MATTERS

CONDITION: No development shall commence on a phase until approval of the details of:-

- Appearance of the building(s) and place,
- Scale of the building(s),
- Layout of the building(s) and site,
- Landscaping

(hereinafter called "the reserved matters") for that phase have been submitted to and approved in writing by the Local Planning Authority for that phase. The development shall be carried out in accordance with the approved details.

REASON: To enable the Local Planning Authority to secure an orderly and well-designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan.

NOTE/S FOR CONDITION:

This condition requires approval of all reserved matters for that dwelling and its plot as may be listed to be agreed in writing prior to any commencement of the approved development for that dwelling and its plot. Failure to comply with this condition may result in the permission becoming lapsed and unable to be carried out.

The reserved matters that may be listed above are further defined under government guidance as follows:-

APPEARANCE: The aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

SCALE: The height, width and length of each building proposed within the development in relation to its surroundings.

LAYOUT: The way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

LANDSCAPING: The treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features. If plots are individually submitted the Landscaping for the area between that plot and the site frontage to that plot shall also be included.

3 COMPLIANCE: APPROVED PLANS & 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 received 02.03.26
- Proposed Site Access Drawing Number 2502590_B-ACE-XX-00-DR-C-0502 A
- Arboricultural Impact Assessment received 18.07.25
- Tree Constraints Report received 18.07.25
- BNG Metric Calculator received 18.07.25
- Landscape and Visual Impact Assessment received 18.07.25
- Flood Risk Assessment and Drainage Strategy received 18.07.25
- Preliminary Drainage Strategy Drawing Number 2502590-ACE-XX-00-DR-C-0001 received 18.07.25
- Additional drainage information in email sent 04 September 2025 15:41
- Preliminary Ecological Appraisal received 18.07.25
- Statement of Community Involvement received 18.07.25
- Transport Assessment received 18.07.25
- Transport Assessment Addendum received 27.01.26
- Heritage Statement received 14.11.25
- Great Bentley Village Hall S106 list received 09.12.25
- Ecological Impact Assessment received 22.12.25

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

NOTE/S FOR CONDITION:

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

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development

is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

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

4 FURTHER APPROVAL - CONSTRUCTION MANAGEMENT TO BE AGREED (PRE COMMENCEMENT)

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

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed. This shall include the intended routing of HGV traffic on the surrounding road network, programme of restoration works to soft highway verges, and any directional signs to be installed and where.
- d) Details of any protection measures for footpaths and trees surrounding the site.
- e) Details of all access points to be used to access the site during construction only and any staging of provision.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portalooos.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Site waste management plan (that shall include reuse and recycling of materials)
- k) Scheme for sustainable construction management to ensure effective water and energy use.
- l) Scheme of review of complaints from neighbours.
- m) Registration and details of a Considerate Constructors Scheme to be joined prior to the commencement of development, and confirmation of registration to be provided in writing to the LPA before the start of works, or similar scheme for which full details shall be provided and complied with
- n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).
- o) Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developers expense when caused by the developer.

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, and to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety. This condition is required to be agreed prior to the commencement of any development as any construction

process, including site preparation, by reason of the location and scale of development may result in adverse harm on amenity.

NOTE/S FOR CONDITION:

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

5 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.

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:

- i. Enhancement and restoring biodiversity on-site (within the red line boundary of a development site).
- ii. 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.
- iii. 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.

6 FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN MANAGEMENT & MONITORING PLAN

CONDITION: No development shall commence until a 30-year Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan under Condition 5 has been submitted to and approved in writing by the local planning authority and shall contain the following:

- a) description and evaluation of the planned habitat works for the creation and/or enhancement of the onsite habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- b) the management measures to maintain the onsite habitat creation and/or enhancement works for a period of at least 30 years from the completion (defined for this purpose as first use and/or occupation unless agreed in writing by the LPA) of the development including:
 - i) ecological trends and constraints on site that may influence management;
 - ii) aims, objectives and targets for management e.g. links with local and national species and habitat action plans;
 - iii) a description of the management operations necessary to achieving aims and

- objectives;
 - iv) prescriptions for management actions;
 - v) preparation of a works schedule, including annual works schedule;
 - vi) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets;
- c) details of the monitoring methodology, to measure the effectiveness of the management of the onsite habitat creation and/or enhancement works together with the timetable for each element of the monitoring programme including when first implemented with provision for monitoring reports to be provided to the local planning authority in writing on year 1, 2, 3, 5, 7, 10, 15, 20, 25 and 30, with biodiversity reconciliation calculations at each stage; and
- d) details of the roles and responsibilities of the people or organisation(s) delivering the HMMP including implementation and monitoring;

The approved HMMP shall be strictly adhered to at all times and implemented in full for its duration no later than the first use/occupation of the development.

REASON: To enhance biodiversity in accordance with the National Planning Policy Framework and to achieve the Biodiversity Net Gain objectives set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended).

7 FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 1

CONDITION: No development or preliminary groundworks shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The evaluation shall be carried out in its entirety as may be agreed.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage as there is an unacceptable risk of loss and damage to archaeological and historic assets.

8 FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 2

CONDITION: No development or preliminary groundworks shall take place until a written report on the results of the archaeology evaluation of the site identified in the WSI has been submitted to the Local Planning Authority and that confirmation by the Local Planning Authority has been provided that no further investigation work is required in writing.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure features of archaeological importance are identified, preserved and secured to avoid damage or loss resulting from the development and/or its construction. If agreement was sought at any later stage, there is an unacceptable risk of loss and damage to archaeological and historic assets.

9 FURTHER APPROVAL: ARCHAEOLOGICAL WORKS 3

CONDITION: No building shall be occupied until the archaeology evaluation and Written

Scheme of Investigation have been completed, submitted to and approved, in writing, by the Local Planning Authority. Furthermore, no building shall be occupied until analysis, publication and dissemination of results and archive deposition from the archaeology investigations as agreed under the Written Scheme of Investigation has taken place, unless an alternative agreed timetable or phasing for the provision of results is agreed in writing by the Local Planning Authority.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

10 FURTHER APPROVAL: SUDS WATER DRAINAGE SCHEME

CONDITION: No development except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 7.3l/s for the 1 in 2 year event, 19.9l/s for the 1 in 30 year event and 26.4l/s for the 1 in 100 year event including 45% climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

Unless a timetable is agreed as part of the surface water management scheme submitted, no part of the development shall be first occupied or brought into use until the scheme is fully installed and is functionally available for use, unless alternative timing for installation is otherwise agreed in writing by the Local Planning Authority. The drainage scheme shall thereafter be maintained as approved.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

11 FURTHER APPROVAL - SUDS WATER DRAINAGE DETAILS (FOR CONSTRUCTION)

CONDITION: No development shall commence until details of a construction surface water management plan, including timetable, detailing how surface water and storm water will be managed on the site during construction, are submitted to and agreed in writing by the local planning authority. No part of the development shall be commenced and/or developed except as may be agreed and in accord with the approved timetable. The drainage scheme shall thereafter be maintained as approved or as be agreed to be retained by the local planning authority in writing.

REASON: To safeguard the ground water environment and minimise the risk of flooding. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm by reason of flood risk.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to the commencement of development. 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. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

12 FURTHER APPROVAL - SUDS WATER DRAINAGE MAINTENANCE DETAILS

CONDITION: Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

13 FURTHER APPROVAL - SUDS WATER DRAINAGE MAINTENANCE LOG DETAILS

CONDITION: The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

14 FURTHER APPROVAL – FOUL WATER DRAINAGE DETAILS

CONDITION: Full details of foul water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority prior to the beginning of any above ground works to the

dwelling it would serve are commenced. This strategy will identify a sustainable point of connection to the public foul network. No dwelling shall be first occupied until the agreed method of foul water drainage has been fully installed and is functionally available for use. The foul water drainage scheme shall thereafter be maintained as approved.

REASON: To protect water quality, prevent pollution and secure sustainable development.

15 COMPLIANCE: ECOLOGICAL APPRAISAL RECOMMENDATIONS

CONDITION: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Ecological Impact Assessment 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 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 REQUIRED – BIODIVERSITY ENHANCEMENTS

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 to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) 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 & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (as amended).

17 FURTHER APPROVAL – WILDLIFE SENSITIVE LIGHTING SCHEME

CONDITION: Prior to occupation 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 crepuscular and nocturnal species 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 show how and where external lighting will be installed (through the provision of appropriate lighting 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).

18 HIGHWAYS PROVISION OF JUNCTION AND FOOTWAYS

CONDITION: Prior to the commencement of any above ground works details of the proposed access and footways, as indicated on drawing no. 2502590_B-ACE-XX-00-DR-C-0502 A, shall be submitted to and approved, in writing, by the Local Planning Authority. The proposed road junction shall be constructed to a minimum width of 5.5 metres within the site and shall be provided with 2 x 2-metre wide footways. Prior to first occupation of the development, the approved access and footways shall be laid out and constructed in their entirety and shall then be retained in this approved form.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, and to provide appropriate infrastructure for the new pedestrians, in the interests of highway safety.

19 HIGHWAYS PROVISION OF VISIBILITY SPLAYS

CONDITION: Prior to first occupation of the development, the road junction at its centre line shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 25 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

20 FURTHER APPROVAL – RESIDENTIAL TRAVEL PLAN

CONDITION: Prior to the first occupation of the development, a residential travel plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include a Residential Travel Information Pack including as a minimum, six one-day travel vouchers for use with a local public transport operator which shall be provided to the first occupiers of each dwelling prior to its first occupation. Such approved travel plan shall then be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation.

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

21 FURTHER APPROVAL: TREE PROTECTION

CONDITION: No development, including any groundworks, tree works, or site clearance, shall commence until a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure existing trees, shrubs and hedges that are identified as being retained are not removed and are protected appropriately during the development, as they are considered

essential to enhance the character of the development and contribute positively to the appearance of the area.

22 FURTHER APPROVAL: RAILWAY FENCING

CONDITION: Prior to first occupation of the development, a strategy to ensure that there is a boundary fence between the proposed development and the railway line which conforms to Network Rail design standards, shall be submitted to and approved in writing by the Local Planning Authority. The strategy will include full details of the location, construction and condition of the current boundary fence on the railway boundary and in the event that the part or all the existing fence does not conform to current Network Rail standards, details of how an appropriate boundary fence will be provided. Any works specified in the approved strategy shall be carried out in accordance with the approved strategy prior to the first occupation of the development.

REASON: To ensure that the increase in public activity resulting from the development does not result in an increase in trespass or anti-social behaviour on the railway line that would be detrimental to the safety of members of the public and railway users.

23 AGREEMENT OF LOCAL RECRUITMENT STRATEGY

CONDITION: No above ground works shall commence until a Local Recruitment Strategy has been submitted to and approved in writing by the Local Planning Authority. The Local Recruitment Strategy shall include details of how the applicant/ developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site, for the construction of the development. The approved Local Recruitment Strategy shall be adhered to thereafter.

REASON: To promote and encourage the recruitment of employees and other staff in the locality of the application site.

NOTES FOR CONDITION:

Locality of the application site is taken to refer to the administrative boundaries of Tendring District Council unless otherwise specified and agreed in writing by the Local Recruitment Strategy.

24 AGREEMENT OF HOUSING MIX

CONDITION: Concurrent with the first reserved matter, the housing mix both in terms of house type and number of bedrooms for both market and affordable housing shall be submitted, in writing, for approval by the Local Planning Authority and carried out entirely as may be approved. The size of bedrooms shall comply entirely with the nationally adopted "Technical housing standards – nationally described space standard".

REASON: To ensure 1) a mix of dwelling sizes to reflect the overarching vision for growth within the District and the evidence of housing need contained in the latest Strategic Housing Market Assessment 2) to allow for consideration of the development's impact on local highways.

NOTES FOR CONDITION:

The housing mix shall broadly reflect the housing need identified in the latest Strategic Housing Market Assessment unless there are specific housing mix requirements for a particular site, as set out in site-specific policies in the Local Plan, or genuine physical or economic viability reasons why this mix cannot be achieved.

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.

Flood Risk Activity Permit

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Anyone carrying out these activities without a permit where one is required, is breaking the law. FRAP applications for activities should be sent to: flood.permitting@environment@agency.gov.uk

SUDS

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

Highways

- Prior to any works taking place in the highway, the developer should enter into an S278 agreement or Minor Works Authorisation with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
- All highway related details should be agreed with the Highway Authority.
- The internal layout shall be designed and subject to a 20mph Zone.
- Minimum centre line radius of 13.6m for the internal access road.
- Forward visibility distances of 25-metres within 20mph zones.
- All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- 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
- 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.

- 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.

10. **Additional Considerations**

Equality Impact Assessment

- 10.1 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.
- 10.2 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.
- 10.3 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

- 10.4 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.
- 10.5 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).
- 10.6 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

- 10.7 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.
- 10.8 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.

11. Declaration of Interest

- 11.1 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.

12. Background Papers

- 12.1 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/>.